



# Wood County Health Department

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## Employee Handbook

### Employment#[employ](#)

Fair Employment Policy

Affirmative Action Policy

Classified and Unclassified Employees

Job Postings

Employee Selection

Probation

Promotions and Transfers

Separation

Absence without Leave (Voluntary Separation)

Disability Separation

Layoff Procedures

Unemployment Compensation

Prior Service

### Pay Practices#[PAY](#)

Hours of Work

Fair Labor Standards Act (FLSA) Status

Overtime

Compensatory Time

Payroll

Change of Employee Information

### Absences from Work#[ABS](#)

Sick Leave

COPY

Bereavement Leave  
Family and Medical Leave Act  
Ohio Family Military Leave Act  
Military Leave Policy  
Volunteer Fire and Emergency Personnel  
Nursing Mothers  
Court Leave With Pay  
Court Leave Without Pay  
Personal Leave Of Absence

**Employee Benefits#[BENEFITS](#)**

Lunch Period  
Holidays  
Vacations  
Ohio Public Employees Retirement System  
Deferred Compensation Programs  
Health Insurance and Wellness Benefits  
Optional Insurance Program  
Employee Assistance Program  
Workers' Compensation

Transitional Work Program Policy and Procedures

**Personal Conduct#[CONDUCT](#)**

Personal Conduct of Health Department Employees  
State of Ohio Fraud Contact Information  
Use of Health Department Property  
Additional Employment and Compatible Positions  
Political Activity  
Conflicts of Interest  
Public Records Policy  
E-mail Retention Policy  
Internet and Email (Internal/External) Use Policy and Procedures  
Smoke/Tobacco Free Policy

COPY

Drug Free Workplace Policy

Americans With Disabilities Act

Unlawful Discrimination

Investigations and Discipline

Grievance Procedures

Performance Reviews

**Safety Procedures**[#SAFETY](#)

Risk Reduction Policy

Work Safety in the Workplace

Violence in the Workplace Policy

Emergency Closing Policy and Procedure

Building Evacuation for Bomb Threat or Fire

Tornado Watch/Warning Procedure

**Travel and Motor Vehicles**[#TRAVEL](#)

Travel Reimbursement Policy

Motor Vehicle Policy

**Appendix**[#APPEND](#)

1. Ohio Ethics Law
2. Recommended Guidelines and Best Practices for Managing Public Record E-Mails

## Introduction

The Wood County Board of Health is the appointing authority for the Wood County Health Department. The Board appoints the Health Commissioner and all other employees as are necessary to carry out the statutory duties of the Health Department. The Health Commissioner oversees the day-to-day operations of the Health Department and manages the programs, staff and services.

The Board of Health has adopted this handbook to assist employees in knowing their rights, responsibilities, and benefits as employees of the Health Department. It describes many of the Health Department's policies, procedures and practices. Employees should familiarize themselves with the content of this handbook as it will answer many common questions about employment with the Health Department.

This handbook does not constitute a contract of employment between the Board of Health and employees. The Board of Health retains the right to modify these policies, procedures and benefits and reserves the right to adopt new policies, procedures and benefits. This handbook may also be amended as a result of changes to state and/or federal laws, rules and regulations. Nothing in this handbook is intended to expand or diminish legal rights or responsibilities otherwise provided by law.

All employees shall be given a copy of this handbook. An electronic copy will be provided to all staff members who have access to a health Department computer. A paper copy shall be provided to staff members who do

not have access to a health Department computer. This handbook shall also be made available on the Health Department's website. Additionally, employees shall be provided copies of any revisions, updates or alterations to this handbook.

This handbook, and the policies herein, shall apply to all employees unless a policy specifically states otherwise.

# Employment

## Fair Employment Policy

29 CFR Part 1614; ORC 4112

The Health Department is an Equal Opportunity Employer and shall comply with federal and state equal employment opportunity principles and other related laws. All employees shall be treated in a fair and equitable manner based solely upon merit, fitness and such other occupational qualifications as each individual might possess.

The Health Department will not discriminate against applicants or employees on the basis of race, color, religion, sex, pregnancy, age, sexual orientation, national origin, ancestry, disability, veteran status, military status, genetic information, or other unlawful reason except when such a factor constitutes a bona fide occupational qualification.

The employment decisions below will be based solely on the individual's qualifications and the requirements of the position:

- recruitment/hiring;
- compensation/rates of pay;
- fringe benefits;
- terms and conditions of employment;
- job training;
- performance evaluations;
- job assignment;
- classification;
- promotions/demotions;
- disciplinary actions/discharge;
- references;
- layoffs/returns from layoffs; and
- reasonable accommodations due to disability.

Employees shall not discriminate against co-workers or members of the public based on race, color, religion, sex, pregnancy, age, sexual orientation, national origin, ancestry, disability, veteran status, military status, genetic testing or other unlawful reason.

Wood County will not retaliate against any person because that person has opposed any unlawful discriminatory practice or because that person has made a complaint of unlawful discrimination, testified, assisted, or participated in any investigation, proceeding or hearing.

### **Affirmative Action Policy**

ORC 4112.02

BOH 6-11-15

Consistent with the Health Department's commitment to Equal Employment Opportunity, the Health Department shall comply with the provisions of the Wood County Affirmative Action Policy. The Health

Department will not consider race, color, religion, sex, pregnancy, age, sexual orientation, national origin, ancestry, disability, veteran status, military status, or genetic testing in employment, as well as services provided to the public or contracting decisions. The Health Department conducts periodic reviews of all employment practices to ensure the Health Department's commitment to equal employment opportunity.

### **Classified and Unclassified Employees**

ORC 124.01, 124.11, 124.30, 124.34

Health Department employees are by law either "classified" or "unclassified".

Employees in the classified service have many protections under Ohio's Civil Service laws. Classified employees may continue employment in their positions during good behavior and efficient service.

Classified employees cannot be suspended, reduced in pay or position, or terminated except for the causes set forth in ORC 124.34. See Employee Discipline Procedures in this handbook.

Unclassified employees are those persons exempted from classified service by statute; and/or persons employed by and directly responsible to elected county officials who hold a fiduciary or administrative relationship to such elected county officials. Unclassified employees serve at the pleasure of their Appointing Authority, i.e., are employees at will.

Employees with temporary or intermittent appointments are unclassified. Temporary appointments cannot exceed 120 days unless necessary to fill a vacancy created by the sickness, disability, or other approved leave of absence of a regular employee. Intermittent appointments cannot exceed 1,000 hours annually.

Probationary employees are also unclassified.

Classified employees who are convicted of a felony forfeit their classified status and are moved to the unclassified service.

### **Job Postings**

Job postings are recommended for all vacant positions. However, only classified positions require formal job postings and employment selection procedures.

Current job vacancies may be posted on the Health Department break room bulletin board, on the County Courthouse Annex bulletin board, on the internet at [www.woodcountyhealth.org/jobs.html](http://www.woodcountyhealth.org/jobs.html) or [www.co.wood.oh.us](http://www.co.wood.oh.us), in local newspapers or other appropriate locations.

### **Employee Selection**

ORC 124.23(D), 3709.16.

The Board of Health shall appoint the necessary employees for the Health Department and set their compensation.

Applicants for classified positions may be evaluated based on education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness.

An examination may consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skill, and abilities, and any other acceptable testing methods. If minimum or maximum requirements are established for any experience, they shall be specified in the examination announcement.

All prospective new employees are required to successfully complete a criminal background check prior to the start of employment.

### **Probation**

ORC 124.27

OAC 123:1-19-01; 123:1-19-04

The probationary period for all classified employees is fixed at 180 calendar days. A longer period, not in excess of one year, may be established for specific job classifications upon approval of the Board of

## Health.

Time spent on leave of absence without pay shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of days the employee spent in no-pay status. The Board of Health may, with the written consent of the employee extend an employee's probationary period for up to 60 days to allow additional time to review the employee's performance. Extensions must be approved prior to the end of the employee's original probationary period and the total probationary time shall not exceed one year.

Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as full-time employees. Employees who work an irregular schedule or who work less than the normal number of working days per week shall have their probationary period determined on the basis of time actually worked. A standard 180-day probationary period is equivalent to 1,000 hours worked.

The probationary period allows new employees to become accustomed to the duties of their new position and to demonstrate their capabilities to perform those tasks. The performance of the employee during this initial "testing" period is an important factor in the decision to retain the services of the employee during or after the probationary period.

No appointment is final until the appointee has satisfactorily completed a probationary period. If the service of a probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period. Employees terminated during their probationary period do not have appeal rights.

## **Promotions and Transfers**

ORC 124.32

Vacancies in positions in the classified service shall be filled insofar as practicable by promotions following the employee selection portion of this handbook. Employees shall serve a probationary period following each promotion. No promotion is final until the appointee has satisfactorily completed a probationary period. If the employee's services are found unsatisfactory, the employee may be removed, or reduced, at any time during the probationary period.

## **Separation**

ORC 124.06, 124.32, 145.381, 2113.04

Employees who voluntarily resign from the Health Department shall submit a written resignation to their Supervisor at least two weeks prior to the date of departure. Employees serving in a supervisory capacity shall submit a one month notice of resignation, unless the Board of Health agrees to a reduced time period.

Upon the Health Commissioner and/or the Board of Health's written acceptance of an employee's resignation, the employee is not able to rescind his/her resignation.

Employees must return all Health Department issued property. Failure to return Health Department property may result in prosecution for unauthorized use and/or theft of Health Department property.

The Health Department conducts exit interviews with employees separating from employment. The interview provides separation information such as payment of vacation and sick leave if applicable, OPERS retirement and refunds, withdrawals from deferred compensation programs, COBRA, and other separation-related information.

Employees retiring from Wood County service are encouraged to discuss their retirement plans with their Supervisor/Division Director at least six months prior to their retirement. OPERS recommends that employees file an application for retirement no more than six months, but no less than 30 days, prior to the effective date of retirement. For more information on retirement planning, contact OPERS.

Employees who separate from the Health Department are eligible to receive a refund of their OPERS contributions three months after termination. The OPERS member handbook clarifies the advantages and

disadvantages of withdrawal of contributions. To obtain a refund, secure an application for refund from your payroll officer or the OPERS website at [www.opers.org](http://www.opers.org).

Employees retiring under a public service retirement who seek reemployment in the same position shall provide their Appointing Authority written notification of their intent 90 days prior to their retirement. If a retired employee's Appointing Authority is a board, commission, or legislative authority, that entity must give public notice and hold a public hearing for the rehiring of the retiree into the same position. For more information contact your payroll officer or OPERS.

Upon the death of an employee, all wages and personal earnings due to the deceased employee shall be paid to the employee's heirs or estate in accordance with ORC 2113.04. Wages and personal earnings include unpaid wages, unused vacation, unused compensatory time for non-exempt employees and a portion of the deceased employee's unused sick leave if the employee was eligible for retirement. See Payment For Sick Leave Upon Retirement policy. If the total amount due the deceased employee is less than \$5,000, the payment may be made to the employee's heirs, following the order of priority set by ORC 2113.04. If the total amount due the deceased employee exceeds \$5,000, the payment must be made to the deceased employee's estate. Questions regarding benefits and life insurance may be directed to the Health Commissioner.

#### **Absence without Leave (Voluntary Separation)**

OAC 123:1-31-03

A classified employee who is absent from work for three or more successive duty days, without leave and without approval by the employee's Supervisor may be subject to removal for neglect of duty.

This policy does not prevent an Appointing Authority from initiating a removal action for a shorter period of absence if the absence is of sufficient seriousness. The determination as to what constitutes a serious situation shall be made by the Appointing Authority.

#### **Disability Separation**

ORC 124.32

OAC 123:1-30-01, 123:1-30-02

A disability separation is a separation of service with a conditional right to reinstatement for a period of time for an employee who is unable to perform the essential job duties of the position due to a disabling illness, injury or condition. All affected employees will be advised of their rights should a disability separation become necessary. An Appointing Authority may require the employee to submit to a medical or psychological examination for purposes of disability separation or reinstatement.

**Voluntary Disability Separation:** An employee may request a voluntary disability separation when the employee does not dispute his or her inability to perform the essential job duties of the position due to a disabling illness, injury or condition. An employee who is granted a voluntary disability separation waives the right to a pre-separation hearing, but may request reinstatement within two years of the date in which the employee was no longer in active work status.

**Involuntary Disability Separation:** If an Appointing Authority receives substantial credible medical evidence of the employee's disability and determines that the employee is incapable of performing the employee's essential job duties due to the disabling illness, injury or condition, the Appointing Authority may place the employee on involuntary disability separation, including an employee who is unable to return to work following a personal leave of absence (see Section III Absences from Work). The Appointing Authority shall schedule a hearing prior to an involuntary disability separation and send written notice to the employee at least 72 hours in advance of the hearing.

As members of the Ohio Public Employees Retirement System (OPERS), employees may be eligible for OPERS disability benefits. Additional information may be obtained by contacting OPERS directly.

#### **Layoff Procedures**

ORC 124.321



The Board of Health may layoff classified personnel due to 1) lack of work, 2) abolishment of positions, or 3) lack of funds. Layoff procedures take into account such factors as type of appointment, status, years of service, and retention points.

Laid-off classified employees have recall rights for one year and have the option of displacing or "bumping" lower-ranked employees within the same classification series.

All affected employees will be advised of their rights should layoff become necessary.

### **Unemployment Compensation**

ORC Chapter 4141

The Ohio Department of Job and Family Services determines an employee's eligibility for unemployment benefits.

### **Prior Service**

ORC 9.44, 124.34,

Employees shall provide written documentation of any prior service credit in the public sector within 30 days of employment. Prior service includes service with the State of Ohio or any political subdivision of the State, i.e., city, township, county, State University, public school Department, Ohio National Guard, etc. Documentation shall include status of service, e.g., full-time or part-time; dates of service; number of bi-weekly pay periods in which services were rendered; and sick leave balance from most recent public employer.

If the service time qualifies, the Board of Health will make appropriate adjustments to vacation leave accrual rate and vacation and sick leave balances upon receipt of written documentation.

Employees who retired through any retirement plan offered by the State or those who left other public sector employment due to conviction of a felony will not receive prior service credit for their previous public sector employment.

### **Pay Practices**

#### **Hours of Work**

ORC 3709.16

The Health Commissioner shall determine the hours of operation for each division of the Health Department and may alter hours of operation as needed. The Division Director and/or Supervisor shall assign work schedules for employees and may alter such schedules based on the operational needs of the office or division (e.g., shifts, days off, etc.). Division Directors or Supervisors may require employees to work overtime.

Consistent and reliable attendance is an essential function of every position within the Health Department. Employees shall report to work on time and begin work promptly. Employees shall not sign-in or begin work before their scheduled start time, and shall not sign-out or stop work after their scheduled quit time, except with supervisory approval or in emergency situations.

**When an employee works hours in excess of the employee's regularly scheduled work hours, the Supervisor shall:**

- 1. Reduce the employee's work hours by the same number of hours worked in excess of the employee's regularly scheduled work hours at some point during the remainder of the work week. Example: An employee works two hours late on Monday. The Supervisor may require the employee to leave two hours early or report to work two hours late on another day in the same work week, or**
- 2. Reduce the number of vacation hours, compensatory time, personal, or other sick leave hours requested in the same work week by the number of hours worked in excess of regularly scheduled work hours.**



## **Fair Labor Standards Act (FLSA) Status**

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid (1) at least the federal minimum wage for all hours worked, and (2) overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

### **Exemptions**

The FLSA provides an exemption from both minimum wage and overtime pay for certain classifications of employees (i.e., Executive, Administrative, and Professional, etc.). In order for an exemption to apply, an employee's specific job duties, salary and education must meet all the requirements set forth by the Department of Labor Wage and Hour Division.

The Board of Health shall determine whether an employee qualifies for exempt status and the type of exemption (i.e., Executive, Professional, Administrative, etc.). The Health Department considers all employees non-exempt, unless the Board of Health provides the employee written notification of exempt status.

### **Documenting Work Hours**

All employees, FLSA exempt and non-exempt, must document their hours worked with start and end times for purposes of public accountability. Employees shall keep accurate time records and may not make entries on time records for fellow employees. Recording of hours for FLSA exempt employees shall not destroy their exempt status.

### **Complaint Procedure**

Employees that believe they have been improperly classified under the FLSA and/or that the County has made improper deductions from their salary must submit a written complaint to the Health Commissioner. The Health Commissioner shall investigate the complaint and provide the employee with a written response. The employee shall be reimbursed for any improper deduction.

### **Overtime**

FLSA

ORC 4111.03

The Health Department shall pay non-exempt employees overtime pay for hours worked in excess of 40 hours per week. The following paid time shall not be included in the calculation of overtime: vacation leave, sick leave, compensatory time used, and personal leave. Exempt employees shall not be eligible for overtime pay.

Except in cases where advance knowledge of required overtime does not exist, employees may not work overtime without prior approval of their Supervisor or Division Director. While payment of overtime will be made, failure to obtain prior approval may result in disciplinary action.

Employees subject to pre-scheduled overtime on the employee's sixth or seventh day shall be entitled to a minimum of two 2 hours pay at the applicable rate.

An employee who refuses to work a mandatory overtime assignment may be subject to discipline.

# Compensatory Time

FLSA

ORC 4111.03

## FLSA Non-Exempt Employees

Non-exempt employees may elect to receive compensatory time off in lieu of overtime pay and must select the method of payment when completing daily time sheets. Employees may accumulate compensatory time to a maximum of 80 hours. Any overtime credited as compensatory time shall be computed at one and one-half (1 ½) hour for each hour worked.

Upon reasonable notice, subject to the approval of the employee's Supervisor or Division Director, compensatory time off shall be scheduled in a manner as not to interfere with the efficient operation of the Health Department. Compensatory time off shall be scheduled in increments of one-quarter (.25) hour.

Upon separation from employment, a non-exempt employee shall be compensated for any accrued but unused compensatory time to the employee's credit at the time of separation.

## FLSA Exempt Employees

Administrative and Professional FLSA exempt employees shall receive one hour of flex time for each hour worked in excess of 40 hours during a workweek. Administrative and Professional FLSA exempt employees may not have a flex time balance of greater than 120 hours. The Board of Health will not pay out any flex time earned by FLSA exempt employees, including at separation. Executive FLSA exempt employees are not eligible to earn flex time.

## Payroll

ORC 9.37, 3709.16

For payroll purposes, pay periods begin on Sunday and end the Saturday of the following week. Payment for hours worked during a pay period is made bi-weekly on the second Friday following the completion of the pay period.

Payment is made through direct deposit (electronic transfer) and may take up to one month to implement. Any checking or savings account information supplied for payroll purposes will remain confidential.

The Health Department shall not permit any types of pay advances.

Federal, state, and municipal laws require automatic deductions of appropriate taxes and other deductions from employee's wages including OPERS. Employees hired after April 1, 1986, must also pay Medicare tax based on their gross salary. Employees may elect voluntary payroll deductions including insurance, deferred compensation, United Way, College Advantage, etc.

The Health Department must report taxable fringe benefits (e.g., uniforms, wellness reimbursements, etc.) provided to employees for tax purposes. Employees must sign a Quarterly Fringe Benefit Report documenting fringe benefits.

Employees must review the information on their pay stubs to ensure accurate payment, deductions, and balances and immediately report any inaccuracies to their payroll officer. The name on the pay stub must reflect the name on the employee's social security card.

## Change of Employee Information

Employees must notify their Supervisors and/or payroll officer of any change in their personal information within seven (7) days of any relevant changes including name, address, telephone number, emergency contact, marital status, beneficiary designations, addition or deletion of dependents for tax purposes, change in school tax Department, or any other information that may affect employment records.

Changes to bank account information must be reported to your payroll officer by 10:00 a.m. on Thursday a full week **before** the pay date. In the case of a holiday falling in the payroll week, changes need to be submitted by 10:00 a.m. on Wednesday the full week before the pay date. When bank account changes are made, the first payment on the new account may be paid by check.

## Absences from Work

The Health Department offers several types of leave for employees; however, employees may only use leave as prescribed in this handbook. Other sections of this handbook offer additional information on absences from work (i.e., vacation, comp time, etc.).

Sick leave, vacation leave, and/or personal leave is not available for use until it appears on the employee's earnings statement and the compensation described in the earnings statement is available to the employee

## Sick Leave

OAG 2008-017

Employees shall accumulate sick leave at a rate of 4.6 hours for each eighty (80) hours of completed service or .0575 per hour in a bi-weekly pay period in the active pay status at the time payroll processing is completed for the period. Such accumulation shall not exceed fifteen and one one-hundredths (15.01) days in any one year period. Credit is given for all time in active pay status, including vacation and sick leave, personal days, compensatory time, and holidays, and shall accumulate without limit from year to year. No credit shall be given for hours worked in excess of eighty (80) hours per pay period as overtime, or for time of any absence without pay. Employees in the active pay status, as set out above, for less than eighty (80) hours in a pay period shall accumulate sick leave on a prorated basis. Sick Leave is charged in minimum increments of one-quarter (1/4) hour as used. The employee shall be charged for Sick Leave only for days upon which they would otherwise have been scheduled to work and shall not exceed eight (8) hours in any given day.

## Reasons for Leave

Sick Leave may be granted for absences due to the following reasons:

1. Illness, injury, or pregnancy-related condition of the employee.
2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees or clients.
3. Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate licensed practitioner.
4. Bereavement Leave as set out in this Employee Handbook.
5. Illness, injury, or pregnancy-related condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.

6. Examination, including medical, psychological, dental, or optical examination, of a member of the employee's immediate family by an appropriate licensed practitioner where the employee's presence is reasonably necessary.

As used above, immediate family means an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).

In cases where an employee's disabling illness, injury, pregnancy, or other medical condition prohibits an employee from performing the substantial and material duties of their position, the Employer may require the employee begin sick leave or medical leave. Reinstatement shall be subject to the rules and regulations governing such return.

The Employer will grant the use of four (4) sick days (8 hour days) per calendar year, to be used as employee's personal days for full- time employees who maintain a bank of accrued unused sick leave greater than seventy two (72) hours. Upon reasonable notice, subject to the approval of the Employer, personal days shall be scheduled in a manner as not to interfere with the efficient operation of the Health Department. Personal days shall be scheduled in full day increments.

Employer will grant the use of two (2) sick days (8 hour days) per calendar year, to be used as an employee's personal day for part-time employees who maintain a bank of accrued unused sick leave greater than forty (40) hours.

## **Use of Sick Leave**

The use of sick leave requires approval from the Immediate Supervisor, Division Director, and/or Health Commissioner. To justify the use of sick leave, employees must provide their employer with the specific nature of the illness/injury, the name and relationship to the employee of the injured or ill person, and the length of leave requested.

Employees will only be paid sick leave for the days and hours for which they would have otherwise been scheduled for work, excluding overtime hours. If an employee is scheduled for overtime in a week he or she is on sick leave, the employee shall only receive pay for the regularly scheduled hours, not the overtime.

If an employee's sick leave balance is exhausted before an employee can return to work due to a qualifying medical condition, then the employee will be charged for any accrued vacation leave or other available paid leave. Once all paid leave and available Family Medical Leave is exhausted, the employee may request a leave of absence without pay from the Health Commissioner for up to six months. However, if the employee's physician certifies that the employee is unlikely to be able to return to work at the conclusion of the requested leave of absence period, the employee may, if otherwise qualified, be placed on Disability Separation. (See Section I – Employment for information on Disability Separation.)

Sick leave benefits shall not apply to any employee whose illness or injury occurred while in the employ of another employer subject to the jurisdiction of Workers' Compensation laws or as the result of action within the control of the employee, such as self-inflicting, committing a felony or similar action.

## **Immediate Leave Requests**

Employees who are unable to report for work, and who are not on a previously approved day of vacation, sick

leave, compensatory time, leave of absence, or other approved leave must notify their Immediate Supervisor or his designee.

The Employee must notify the Supervisor or his designee at least one hour prior to the time the employee is scheduled to report for work, unless emergency conditions prevent such notification.

This verbal notification must include the specific nature of the illness/injury, the name and relationship to the employee of the injured or ill person, and the length of leave requested. If the leave is expected to continue for more than one day, employees shall contact their Immediate Supervisor or Division Director to discuss reporting requirements and leave options including FMLA, if applicable.

On the first day back from leave, employees must complete a Request for Leave form to request and document the use of sick leave and provide any other forms required by the employer.

## **Scheduled Leave Requests**

Employees with knowledge of the need for sick leave (e.g., scheduled surgery, regular doctor appointment, etc.) must complete a Request for Leave form obtaining prior approval before taking leave. Sick leave for doctor appointments shall be limited to a reasonable amount of time to cover the length of the appointment and necessary travel time.

Employees should schedule medical leave so as to not unduly interrupt employer operations, when possible.

In the case of a condition exceeding three consecutive calendar days, a physician's statement specifying the employee's inability to report to work and the probable date of recovery shall be submitted to the immediate Supervisor or Division Director prior to taking the leave.

## **Documenting Leave**

All leave must be documented on a Request for Leave form. If medical attention is required, a certificate stating the nature of the illness from a licensed physician may be required to justify the use of sick leave.

The Health Department may require medical verification for questionable use of sick leave, including, but not limited to, use that is excessive or patterned, frequent one day use, etc.

Failure to submit required forms by the Health Department's specified timeframe may result in denial of paid sick leave.

Employees may, upon return to health, return to active pay status at the same or similar position upon examination and certification by a physician stating that the employee is able to perform the duties of the position. The Health Department reserves the right to send the employee to a physician of the Health Department's choice and at the Health Department's expense to verify the employee's inability to return to work.

## **Disciplinary Action**

Failure to comply with this policy, falsification of a signed statement or a physician's certificate, requesting leave with the intent to defraud, or general misuse of sick leave shall be grounds for disciplinary action, including dismissal.

## **Transfer and Reinstatement of Sick Leave**

An employee who transfers from employment with or has prior service with any political subdivision of the

State of Ohio, or who is reinstated or re-employed, within 10 years shall be credited with a transfer of balances not to exceed two hundred and twenty five (225) hours and shall only be for those hours unused and where no cash out of sick leave has taken place. The transfer shall only be for a balance from previous employment ending within 10 years of hire at the Health Department upon written verification from the previous employer. It is the employee's responsibility to obtain verification as noted in the Prior Service section of this Handbook.

Employees who received a sick leave payment upon retirement or any other cash conversion shall not receive credit for any previous balance.

## Sick Leave and Workers' Compensation

Employees will be permitted upon signing over Workers' Compensation payments to the Agency to receive and use accrued sick leave. Upon calculating the value of payments received from Workers' Compensation, employees will be credited with the proportionate amount of sick leave (buy back). Such provision is limited to uncontested claims; not to exceed twelve (12) weeks with no further accruals of vacation or sick leave on bought back time subject to Workers' Compensation rules and regulations.

## Payment of Sick Leave upon Retirement

Upon retirement from active service with Wood County, employees with 10 or more years of service with the State or any of its political subdivisions may elect to receive cash payment for their accumulated unused sick leave under the payment schedule outlined in the ORC Statutory Method or the Wood County Method below. "Retirement" means disability or service retirement under the Ohio Public Employees Retirement System (OPERS) or other eligible State or municipal retirement system.

Under either method, sick leave payment is based on the employee's rate of pay at the time of retirement. Payment eliminates all accumulated and unused sick leave accrued by the employee and is made only once to any employee.

## Statutory Method

ORC 124.39 allows employees with a minimum of 10 years of OPERS service to receive 25% of the accumulated sick leave, not to exceed 30 days or 240 hours upon an OPERS retirement.

## Wood County Method

Only Wood County service time is considered when determining years of service for payment of sick leave accrual. Under this method sick leave shall be paid as follows:

Years of Wood County Service	Percentage	Maximum Hours
10	25	240
15	30	288
20	35	336
25	40	384
30	50	480



# Bereavement Leave

Employees shall be entitled to 3 days paid bereavement leave to attend the services or funeral of a family member. Such bereavement leave will not be deducted from the employee's sick time.

Family is defined as: Employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), father, mother, brother, sister, children, step-children, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandparent, current step-mother, current step-father, brother-in-law, sister-in-law, or grandchild.

In cases where the funeral or service is conducted out of the State of Ohio or where the employee is required to act as administrator of the estate for any of those listed family members, the employee shall be entitled to 2 additional days paid bereavement leave. Such shall not be deducted from an employee's sick time. The employee is required to provide documentation to support services attended and/or proof of being the administrator.

In the event an employee desires additional time off, the Employer may grant the use of additional days to be deducted from an employee's accrued sick time, vacation or compensatory time.

Part-time employees shall be eligible for paid bereavement leave as set out above on a pro-rata basis. Such pro-rata basis shall be defined as 1 day bereavement leave and 1 additional day for an out of state funeral or when acting as administrator of the estate.

Part-time employees shall only be eligible for paid bereavement for days they would have normally been scheduled to work on the day(s) of services or funeral. Additional time may be granted as set out above.

## Family and Medical Leave Act

Family and Medical Leave Act of 1993; 29 CFR Part 825

BCC 93-1813, 95-1263, 00-1828, 04-2361, 07-2041, 09-648, 11-679, 14-754

The Family and Medical Leave Act (FMLA) grants an eligible employee continuous or intermittent leave during a calendar year, January 1 through December 31, for certain qualifying events. Basic and Military Qualifying Exigency Leave provide up to a total of 12 weeks of leave (480 hours for a full time employee) during a single 12 month period. The 12 weeks of leave for part time employees is based on their regular schedule. Military Caregiver Leave provides up to a total of 26 work weeks (1,040 hours) of leave during a 12 month period. No employee receives more than a total of 26 weeks in a calendar year.

The Family and Medical Leave Act guarantees that an employee who takes FMLA leave can return to either the position held before the leave or a similar position upon return from leave, unless the employee would have been terminated in the absence of FMLA leave due to layoff, job abolishment, or insufficient funds. FMLA also guarantees the same benefits or conditions of employment accrued prior to the beginning of the leave period.

All available leave and benefits, e.g., sick, vacation, personal leave, comp time, Workers' Compensation (non-transitional duty), etc., run concurrently with designated FMLA leave and must be exhausted prior to commencement of an unpaid FMLA leave. Employee sick leave benefits provided by Health Department policy generally meet or exceed benefits provided under FMLA. All other Health Department policies apply while taking FMLA.



## Three Types of FMLA Leave

### Basic FMLA Leave

1. Incapacity due to pregnancy, prenatal medical care, or child birth.
2. Caring for the employee's child after birth or placement for adoption or foster care. FMLA leave must be completed within 12 months of the date of birth/placement. (An employee cannot take 12 weeks parental leave and an additional 12 weeks of other FMLA leave.)
3. Caring for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
4. An employee's serious health condition that makes the employee unable to perform the duties of his/her position

### Military Qualifying Exigency Leave

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Regular Armed Forces, National Guard or Reserves in support of a contingency operation may use up to 12 weeks leave for certain qualifying exigencies.

### Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member or covered veteran with a serious injury or illness shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for a covered service member. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 work weeks of leave under Qualifying Exigency Leave and Military Caregiver Leave entitlements.

## Employee Eligibility

Employees are eligible if they meet both of the following criteria:

1. Employed by Wood County (which for the purposes of FMLA includes the Health Department) for at least 12 months or 52 weeks within the past seven years; and
2. Worked at least 1,250 hours, including overtime but excluding paid vacation leave, paid sick leave, paid holidays, unpaid leave and layoffs, during the 12 months immediately preceding the commencement of leave.

## Requests for FMLA Leave

If the need for leave is foreseeable (e.g., scheduled surgery, birth), employees must communicate sufficient information about the reason for leave to the Supervisor by completing a written Request for Leave at least 30 days prior to taking leave. If the employee fails to provide 30 days notice with no reasonable excuse for the delay, the leave may be denied until at least 30 days from the date the employer receives notice.

If the need for FMLA leave is unforeseeable (e.g., car accident), employees must comply with the normal call-in procedure and communicate sufficient information about the reason for leave. A written Request for Leave must be submitted as soon as practicable.

The decision to designate leave as FMLA-qualifying must be based only on information received from the employee or the employee's spokesperson (e.g. if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, etc. may provide notice to the employer of the need to take FMLA leave). If the

Supervisor does not have sufficient information, the Supervisor should inquire further of the employee or the spokesperson to ascertain whether the leave is potentially FMLA-qualifying.

When determining paid FMLA leave, employees shall refer to the Employee Handbook to verify if the payment for leave requested (e.g., sick, vacation, etc.) meets the statutory definition. For example, adoption and qualifying exigency do not meet the handbook purposes for sick leave use. Vacation or other types of leave may be used.

Even if not specifically requested as FMLA leave by the employee, the Supervisor shall initiate the FMLA process for any qualifying health condition or event.

## First Notice: Eligibility

The Supervisor must notify employees, in person or by mail, of their eligibility status within five business days after:

1. the first time an employee requests leave for a particular qualifying reason in the calendar year; or
2. the Supervisor receives knowledge that the reason for an employee's leave may be FMLA qualifying.

This notice only indicates employee eligibility, not whether the facts qualify for FMLA. See form: FMLA First Notice: Notice of Eligibility and Rights & Responsibilities.

Each qualifying condition requires a new First Notice to the employee as the employee's eligibility for FMLA may change throughout the year.

## Certification

The Division Director or Supervisor may require employees to submit a complete and sufficient certification on one of the following forms as appropriate for the request:

1. Certification of Health Care Provider for **Employee's** Serious Health Condition
2. Certification of Health Care Provider for **Family Member's** Serious Health Condition
3. Certification of **Qualifying Exigency for Military Family** Leave
4. Certification for **Serious Injury or Illness of Covered Service Member** for Military Family Leave
5. Equivalent documentation in the case of an **adoption/foster care**.

The employee must return the completed certification within the timeframe noted on the Notice of Eligibility and Rights and Responsibilities form, or the leave may be denied and the employee may be subject to disciplinary action (e.g. insubordination).

Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member lasts beyond a single leave year, the Health Department may require the employee to provide a new medical certification in each subsequent leave year.

## Second and Third Certification Opinions

The Health Department may require that the employee get a second opinion from an independent medical provider, selected and paid for by the county. If the two opinions conflict, the conflict may be resolved by a third opinion by a provider agreed to by the Health Department and the employee which shall be considered final and binding. The Health Department will pay for this opinion.

The Health Department may not require a second and third opinion for:

1. Employer's request for recertification. See below.
2. Leave taken because of a Military Qualifying Exigency.
3. Leave taken to care for a Covered Military Service Member.

### **Recertification**

The Health Department may require recertification of an employee or family member's serious health condition at any time at the employee's expense if:

1. The employee requests an extension of leave (e.g. 2 weeks to 3 weeks);
2. Circumstances described by the previous certification have changed significantly (e.g. the duration of the illness, the nature of the illness, complications); or
3. Leave taken by the employee is inconsistent with the circumstances described in the employee's certification (e.g. facts about employee's activities during the leave suggest FMLA qualifying serious health condition no longer exists).

If the medical certification indicates that the minimum duration of the condition is more than 30 days, the Health Department must wait the minimum duration before requesting a recertification.

In all cases, the Health Department may request a recertification of a medical condition every six months in connection with an absence by the employee (e.g. course of treatment/intermittent FMLA extending more than six months).

## **Second Notice: FMLA Designation**

One notice of designation is required for each FMLA-qualifying reason per calendar year (e.g., separate notices of designation for broken leg in March and heart attack in November.)

Within five business days after the Division Director or Supervisor receives enough information to determine whether the leave taken is for a FMLA-qualifying reason (e.g. after receipt of a complete and sufficient certification), the Division Director or Supervisor must provide notice to the employee, in person or by mail, if the leave requested is or is not a FMLA-qualified leave. See form: FMLA Second Notice: Designation Notice.

This notice must include the amount of leave counted against the employee's FMLA entitlement. If the amount of leave needed is not known, then the Division Director or Supervisor must provide notice of the amount of leave counted against the employee's FMLA leave entitlement upon the request of the employee, but no more often than once in a 30-day period and only if leave was taken that period.

## **Use of FMLA Leave**

Employees taking leave shall conduct themselves in a manner consistent with the need for taking FMLA.

### **Intermittent Leave**

In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may request to work a part-time schedule. In reviewing an employee's request for intermittent leave, the Health Commissioner or Division Director shall determine whether or not an acceptable leave schedule can be arranged and may consider a temporary transfer to an alternative or comparable position.

If medically possible, an employee must schedule intermittent leave so as to not unduly interrupt employer

operations. For employees taking intermittent leave, the employer must account for the reduced schedule using increments of time as outlined in the Employee Handbook or as set by an Appointing Authority.

An employee may not take leave on an intermittent or reduced schedule basis for the birth of the employee's healthy child or the placement of a healthy child for adoption or foster care with the employee, unless specifically authorized in writing by the Board of Health or Health Commissioner.

### **Holidays**

Holidays that occur during a full week of FMLA leave are considered FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count as FMLA leave unless the employee was otherwise scheduled and is expected to work during the holiday.

### **Coordination of Leave for Spouses Working for Wood County**

A husband and wife who both work for Wood County and are eligible for FMLA leave are limited to a combined 12 work weeks of leave for birth, adoption, or foster care placement. Other FMLA taken will be calculated in the same manner as leave for an individual employee.

## **Interaction with Other Leave Programs**

Additional time off beyond the required FMLA leave may be available to employees as defined in the Employee Handbook (e.g. sick leave and/or leave of absence without pay).

## **Reporting Requirements**

Employees on FMLA leave are required to report to their immediate Supervisor on their status and intent to return as noted on the FMLA First Notice: Notice of Eligibility and Rights & Responsibilities.

## **Recordkeeping and Confidentiality**

Records and documents relating to certifications, re-certifications or medical histories created for purposes of FMLA shall be maintained as confidential medical records in separate files from the usual personnel files, except that Supervisors may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations.

All records relating to FMLA shall be maintained for a minimum of three years.

Division Directors or their designees shall maintain records of leave balances and FMLA leave usage.

## **Employee Benefits**

### **Health Benefits**

During the FMLA leave, paid or unpaid, the Health Department will maintain the employee's coverage for health insurance benefits as defined in the Plan Document.

### **Employee Payment of Health Benefit Copays**

If the employee is on FMLA leave and receives wages for both monthly pay periods, the Health Department will deduct his/her portion of the premium(s) normally deducted from the individual's pay check.

If both pay periods do not provide sufficient funds to withdraw the employee's portion of the premium(s) normally deducted via payroll, the employee must pay the entire monthly premium.

Employee paid insurance copayments are due by the last day of the month prior to coverage—i.e. February's payment is due by January 31st. Checks should be made payable to the Wood County Treasurer and submitted to the department's insurance group representative.

### **Insurance Termination Notice**

Wood County must give 15 days notice before terminating coverage due to non-payment of premium.

If payment is not received after a 30-day grace period, benefits will terminate retroactively to the first day of the month for which payment of premium due was not received. Forms to terminate coverage must be completed by the employee or the employee's group representative.

All claims paid on a retroactively terminated policy will become the responsibility of the employee.

An employee whose benefits are terminated will no longer be eligible to re-enter the plan during leave.

### **Vacation and Sick Leave Benefits**

An employee does not accrue sick leave or vacation leave benefits during a leave without pay under FMLA.

## **Reinstatement after FMLA Leave**

Employees who take leave due to their own serious health condition must provide a fitness for duty certification from a health care provider that they are able to perform the essential functions of their position prior to returning to work.

Employees electing not to continue health benefits during FMLA leave will have their health benefits reinstated on the first day of the month after return to permanent full time employment. Benefits will be reinstated at the same level in which they were in effect prior to leave. In order to be considered as returning to work, an employee must work for at least 30 calendar days.

All other terms and conditions of employment will be reinstated upon the employee's return to work (e.g., sick leave accruals, health benefits, etc.)

## **Unavailability of Position**

If the same job is not available, the Health Commissioner will determine in which similar position the employee should be placed, and must grant equivalent pay, benefits and conditions of employment.

An employee who returns to permanent full-time work for at least 30 consecutive calendar days is considered to have returned to work.

## **Non-Returning Employees**

Employees who fail to return to work after the FMLA leave without other approved leave are deemed to have voluntarily terminated their employment. Any balances of pay due (vacation, compensatory time, etc.) will be paid on the next pay date after termination.

The employee's insurance benefits, if continued, cease at the end of the month following notification. The Board of County Commissioners will notify employees of their COBRA options upon receipt of termination information from the department's monthly insurance report. The employee must complete a COBRA Personnel Action Report and submit it to his/her group representative in order to initiate COBRA benefits.

The employee must pay the employer's share of health insurance premiums paid on the employee's behalf

during a period of unpaid FMLA leave if the employee fails to return to work after the employee's FMLA leave ends. The employee does not owe the employer's share of the premium if the employee fails to return to work due to some other circumstances beyond the employee's control.

## Definitions

**Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves either:

1. an overnight stay in a medical care facility; or
2. continuing treatment by a health care provider for a condition that either prevents:
  - a. the employee from performing the functions of the employee's job; or
  - b. the qualified family member from participating in school or other daily activity.

**Continuing Treatment** means any **one** of the following:

1. A period of incapacity of more than three consecutive, full, calendar days and any subsequent treatment or period of incapacity that involves:
  - a. Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist.
  - b. Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.  
The requirements above mean an in-person visit to a health care provider. The first (or only) visit must take place within seven days of the first day of incapacity.  
Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.
2. Any period of incapacity due to pregnancy or for prenatal care.
3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that:
  - a. Requires periodic visits (defined as twice per year) for treatment by a health care provider or by a nurse under direct supervision of healthcare provider;
  - b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - c. May cause episodic rather than a continuing period of incapacity (e.g. diabetes, asthma, epilepsy, etc.).
4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease.)
5. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider for:
  - a. restorative surgery after an accident or other injury; or
  - b. a condition that would likely result in a period of incapacity of more than three consecutive days in the absence of medical intervention or treatment (e.g. chemotherapy, radiation, physical therapy, dialysis, etc.)



Absences attributable to pregnancy/prenatal care or chronic serious health conditions qualify for FMLA leave even though the employee or covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days.

**Spouse:** Employee's lawful husband or wife;

**Child (Son or Daughter):** Biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" as defined in 29 CFR 825.122(c) at the time that FMLA leave is to commence.

For purposes of Military Qualifying Exigency and Military Caregiver Leave the child may be any age.

**Parent:** Biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. Does not include parents "in law".

**Health Care Provider:** A doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X ray to exist), nurse practitioner, nurse midwife, clinical social worker, or physician's assistant who are authorized to practice under State law. Christian Science practitioners and any health care provider from whom the employer will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

**Military Qualifying Exigency:** Applies to leave for military families and includes short-notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and additional activities not encompassed in the other categories, but agreed to by the employer and employee.

**Covered Service Member:** Refers to an employee's spouse, child, parent or next of kin, who (1) is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or (2) is a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. See also 29 CFR 825.127(b)(2).

**Next of Kin:** Refer to the definition as set forth in 29 CFR 825.127(b)(3).

## Ohio Family Military Leave Act

ORC 5906.01, 5906.02

The Ohio Family Military Leave Act provides up to 80 hours per calendar year of unpaid military family leave to eligible employees who have exhausted all other leave available for the employee's use except sick leave or disability leave. An eligible employee must have been employed by the Health Department for at least 12 consecutive months and for at least 1,250 hours in the 12 months immediately preceding commencement of the leave.

The eligible employee must be the parent, spouse, or person who has or had legal custody, of a person who is a member of the uniformed services and who is called into active duty in the uniformed services for a period of longer than 30 days or is injured, wounded, or hospitalized while serving on active duty in the uniformed services.



The employee must provide notice at least 14 days prior to taking the leave if the leave is taken because of a call to active duty. The employee must provide notice at least two days prior to taking the leave if the leave is taken because of an injury, wound, or hospitalization. If the family member's situation is critical or life threatening, the employee may take leave without providing prior notice.

The eligible employee cannot take leave pursuant to this policy more than two weeks prior to or one week after the covered family member's deployment date.

The Health Department shall continue to provide insurance benefits to the employee during the period of unpaid leave. The employee will be required to self pay the normal payroll deduction as outlined in the Summary Plan Description.

Employees requesting to use the Ohio Military Leave Act may contact the Commissioners' Office for more information regarding available leave and requirements.

## **Military Leave Policy**

USERRA, 38 U.S.C. §§ 4301 – 4335

ORC 5923

BCC 98-1083 6/9/98

BCC 00-1828, 04-2361, 11-679, 14-754

The Health Department shall not refuse to employ or discharge any employee because of military membership or prevent employees from performing any military service.

### **Procedure for Requesting for Military Leave**

For voluntary or involuntary active military duty, employees must have military orders, in most cases printed and distributed prior to the active duty date but in some cases printed and/or distributed after the individual has progressed two or three days into the active duty period.

Employees must provide copies of their orders to their Supervisor or Division Director at least two weeks in advance of the leave date or as soon as the need for leave is known, whichever is earlier. If deployed prior to orders being issued, employees must submit a letter (on military unit letterhead) signed by the military commander as a temporary document until Orders are received.

Employees must include "appropriate and reasonable travel time" to and from the military duty station in the total leave requested (not to exceed 180 days – e.g. if an employee is ordered to active military duty (or volunteers) for a period of 45 days at a location of less than 100 miles, the employee should request military leave for 47 days.

The Health Department cannot deny military leave for failure to properly notify the Appointing Authority. However, employees on military leave without written or verbal notification to their Supervisor or Division Director may receive disciplinary action.

No single leave of absence or combination of uniformed service leaves of absence may exceed five years or a single, longer period required to complete an initial period of obligated service, unless otherwise permitted in 38 USC 4312(c).

## Military Leave With Pay

Employees are entitled to Military Leave With Pay for a period not exceed 22 eight hour days (176 hours) per calendar year. This paid leave may be for one continuous period or for intermittent service.

Employees continue to accrue sick and vacation leave in accordance with Health Department policies during this paid leave.

## Military Leave Without Pay

Military Leave Without Pay begins when paid military leave (22 eight hour days/176 hours per year) is exhausted, and the employee has either used his available leave balances or declines to use them.

Employees on Military Leave Without Pay do not accrue sick, vacation, or personal leave.

## Military Leave Due to Presidential, Congressional, or Gubernatorial Order

For military service that **exceeds 30 days continuous service** due to a Presidential, Congressional, or Gubernatorial order, employees may submit documentation to their payroll officer to determine eligibility for additional pay as calculated below, the lesser of the following:

1. The difference between the current gross monthly wage and the sum of the gross military pay and allowances received that month; or
2. Five hundred dollars.

## Benefits

Health Department Health Benefits continue for employees on military leave for any period of less than 30 consecutive days subject to their normal payroll deduction rates. The employee may be required to self pay the normal payroll deduction as outlined in the Summary Plan Description.

Employees on Military Leave for more than 30 consecutive days may elect to self pay the entire monthly health benefits premium plus 2% (COBRA rate) to continue coverage for up to 24 months.

Upon return from military leave, employees may apply for immediate reenrollment in the Wood County Health Benefits.

## Reinstatement from Military Leave without Pay

An employee returning from military leave without pay, must make written application for reinstatement with the Appointing Authority within the following designated time:

- Active duty service of less than 30 days, immediately upon release from active duty.
- Active duty service of 31-180 days, within 14 days upon release from active duty.
- Active duty service in excess of 181 days, within 90 days upon release from active duty.

If the leave of absence was for more than ninety days, the employee shall submit a copy of the discharge (DD Form 214) or certificate of service noting an honorable discharge.

The employee shall be returned to the same or similar position within the employee's former classification. If

the period of duty lasts more than ninety days, the employee may be placed in any position of equivalent status, seniority, and pay.

Upon return to Health Department employment, veterans must be physically qualified to perform the duties of their position. If disabled by military service, the Health Department will make a reasonable accommodation to enable veterans to work at the same or equivalent position.

A reinstated employee is entitled to all salary, benefits, or other advancement during their military leave of absence as follows:

- All sick leave, vacation leave, and compensatory time which had been accumulated at the time of entering service.
- All seniority which would have accrued had the employee been on the job including the addition of military leave without pay in calculating service time for vacation accrual.
- Automatic salary adjustments associated with the position and due the employee had the employee been on the job.
- Any change in classification or pay range which would be due to the employee had the employee been on the job.
- Reinstated health insurance and related insurance benefits with no waiting periods or pre-existing exclusions.

## **Volunteer Fire and Emergency Personnel**

ORC 4113.41

Employees serving on a volunteer fire and/or emergency medical unit must provide written verification of their status to the Health Commissioner within 30 days of employment with the Health Department or upon certification as a volunteer firefighter and/or emergency medical provider.

Employees shall immediately notify their direct Supervisor if they will be late or absent from work due to participating in an emergency and must submit within one day written verification from the chief of the volunteer fire department or EMS director of the date, beginning and ending time, and nature of the emergency call.

During work hours, the Division Director shall make every effort to allow employees to respond to an emergency, unless emergency circumstances at the worksite prevent them from leaving.

An employee's time spent responding to an emergency shall not be paid, unless the employee elects to use accumulated, unused vacation or compensatory time for such absences from work. Employees shall not be disciplined if documentation of the emergency is provided.

Employees shall notify their Division Director when their status changes or terminates.

## **Nursing Mothers**

FLSA, 29 U.S.C. §207(r)(1)

The Health Department shall provide employees who are nursing after the birth of a child with reasonable unpaid break time (or allow the employee to use available vacation, compensatory time, personal leave, or available paid break time) to express breast milk so long as such break time does not unduly disrupt operations. The Health Department will make reasonable efforts to provide a private location for nursing mothers.

## **Court Leave With Pay**

ORC 2313.19

Employees summoned for jury duty or subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to compel the attendance of witnesses for a matter related to their employment with the Health Department shall be granted court leave with full pay. Employees must notify their Supervisor or Division Director of jury duty or of a witness subpoena upon receipt. Employees requesting leave may be required to provide documentation. If time warrants, employees shall return to work upon completion of such duty each day.

Unless vacation or compensatory time is requested, the employee cannot earn regular compensation and witness/jury duty fees when such duty is performed during the employee's normal working hours. The employee shall remit any compensation or reimbursement (excluding parking or mileage reimbursements) for jury duty or court attendance compelled by subpoena during working hours to his/her payroll office for transmittal to the County Treasurer.

Employees who are the appellant in any action before the State Personnel Board of Review and are in active pay status at the time of a scheduled hearing before the board shall be granted court leave with full pay for purposes of attending the hearing.

## **Court Leave Without Pay**

Employees appearing before a court or other legally constituted body for a matter unrelated to their employment with the County, may request vacation time, compensatory time, personal day, if applicable, or leave of absence without pay. Such court appearances include, but are not limited to, criminal or civil cases, traffic court, domestic relations proceedings, custody, or appearing as a parent or guardian of juveniles.

## **Personal Leave Of Absence**

OAC 123:1-34-01

If an employee has no sick, vacation, compensatory time or FMLA leave available, the employee may request leave without pay for a period of up to six months without loss of employment rights.

The employee must present a written request with the dates and purpose of requested leave to the Health Commissioner for prior approval.

Employees do not accrue sick or vacation leave during an unpaid leave of absence.

Refer to the Wood County Employees' Health Benefits Subscriber Booklet for information regarding insurance benefits during an unpaid leave of absence.

## **Employee Benefits**

### **Lunch Period**

Lunch periods for full time employees are a 60 minute period of paid time where the employee is relieved from work duties. Full-time employees must work at their assigned duties for a minimum of four hours to be eligible to receive a paid lunch period. Four hours worked means actual time worked, exclusive of a lunch period, sick leave, vacation leave, compensatory time or other leave. Part time employees working 8 hours in a work day

shall also be entitled to a 60 minute period of paid time where the employee is relieved from work duties. Part time employees working a minimum of 4 hours in a work day shall be entitled to 15 minutes of paid time where the employee is relieved from work duties. All lunch periods shall be documented on employees' timesheets including start and end times. Lunch periods shall be scheduled by the Agency to meet the operational needs of the Health Department, approximately mid-way through the employee's shift.

Employees must receive prior approval before working through their lunch period. Additional compensation is not provided for employees who work through the paid lunch period.

## Holidays

The Board of Health provides Health Department full-time employees with "holiday pay" for the following holidays:

New Year's Day, January 1

Martin Luther King Day, Third Monday in January

Presidents' Day, Third Monday in February

Memorial Day, Last Monday in May

Independence Day, July 4

Labor Day, First Monday in September

Columbus Day, Second Monday in October

Veterans Day, November 11

Thanksgiving Day, Fourth Thursday in November

Day after Thanksgiving

Christmas Day, December 25

Holidays falling on Sunday are observed on the following Monday. Those falling on Saturday are observed on the preceding Friday.

Those employees whose schedules are other than Monday through Friday are entitled to holiday pay for holidays observed on their day off.

Employees who observe religious or ethnic holidays other than those specified above must use vacation time, compensatory time, or personal leave.

Employees must be on active pay status the day before a holiday in order to receive holiday pay. If a holiday falls during an employee's scheduled vacation or period of paid absence due to illness or injury (sick leave), the employee will not be charged for vacation or sick leave for that day but will receive holiday pay. Payment will not be made for holidays which occur during an unpaid leave of absence.

## Vacations

ORC 9.44

OAG 2008-017

Employees employed upon execution of this agreement by the Wood County Board of Health shall be eligible

for vacation as follows:

All employees shall earn vacation according to the schedule set out below based on the employee's anniversary date of service with the Health Department.

<b>Years Completed Full Time Service</b>	<b>Factor Per Pay Period</b>	<b>Days</b>
Less Than 1 Year Thru 8 Years	3.69	12
9 Years Thru 15 Years	5.54	18
16 Years Thru 25 Years	7.39	24
26 Years and Up	9.23	30

Employees in the active pay status for less than 80 hours in a pay period shall accumulate vacation leave on a prorated basis rounded to the nearest one one-hundredth (.01) hour.

No vacation leave shall be credited for hours worked in excess of 80 hours in a pay period. Full-time employees working less than their normally scheduled work hours in a given bi-weekly pay period shall be credited proportionate to the total number of hours of active pay status during the respective pay period. Active pay status shall be hours paid for services rendered, paid leaves, vacation, holidays and sick leave.

All employees are entitled to vacation leave, with pay, after the completion of six months of service with the Health Department or any other political subdivision of the state.

Vacation requests shall be made to an employee's direct supervisor based on hours already accrued in that employees vacation bank. If more than one request is made in a Division for the same time period, requests shall be scheduled on a first come, first served basis by the Division Director in such a manner as to maintain the greatest efficiency of the Health Department. Vacation may only be scheduled for days an employee would normally have been scheduled to work. Upon reasonable notice, vacation requests shall be for one quarter hours (0.25) or greater periods subject to the approval of the Agency.

There shall be no total accumulation greater than 2 years' entitlement.

Upon separation from service, including retirement, an employee with at least 6 months of service with the Health Department or any other political subdivision of the state is entitled to compensation for any accrued but unused vacation leave to their credit at the time of separation.

Any accrued but unused vacation credits shall be paid to the deceased employee's estate in case of the death of an employee.

A full-time employee's vacation or sick leave shall not be charged when a holiday is celebrated while the employee is on an approved vacation or paid sick leave.

Requests for vacation leave shall not be unreasonably denied.

Employees may request to cash out up to 50 % of the employee's annual vacation accrual entitlement as of May 15 of the year of the request. Cash out payments will be made in the first pay period of June. Employees must have taken a minimum of 2 weeks of vacation in the previous calendar year to the request and must maintain a minimum of 2 weeks of accrued vacation to their credit at the time of the request.

Employees who did not cash out vacation as of May 15 of the year of the request, may request to cash out up to 50 % of the employee's annual vacation accrual entitlement as of November 15 of the year of the request. Cash out payments will be made in the first pay period of December. Employees must have taken a minimum of 2 total weeks of vacation during the current and previous calendar years and must maintain a minimum of 2

weeks of accrued vacation to their credit at the time of the request.

Employees who did cash out vacation as of May 15 of the year of the request, may request to cash out up to an additional 25% of the employee's annual vacation accrual entitlement as of November 15 of the year of the request. Cash out payments will be made in the first pay period of December. Employees must have taken a minimum of 2 weeks of vacation in the previous calendar year to the request and 2 weeks of vacation in the current calendar year of the request and must maintain a minimum of two 2 weeks of accrued vacation to their credit at the time of the request.

Employees must complete a Request for Leave form when requesting to use vacation time. Such request must have prior approval from the immediate Supervisor, Division Director and/or Health Commissioner. Vacation is charged in minimum units of one-quarter hours (.25 hours). Employees cannot receive vacation pay and regular pay for the same hours.

A person employed, by the State or any political subdivision of the State, earning vacation credits currently, is entitled to have prior service with any of these employers counted as service with the state or any political subdivision of the State, for purposes of computing the rate of vacation accrual. The employee must provide written proof of prior service calculated on compensated pay periods as required under the Prior Service section of this Handbook. Upon receipt of prior service verification, Wood County will confirm the rate of vacation accrual. Any employee who retired after June 24, 1987, and took part in any retirement plan offered by the state (i.e., OPERS, STRS, etc.), shall NOT have his/her prior service counted in the event he or she is re-employed by the County or other public employer.

## Ohio Public Employees Retirement System

ORC 145

All Health Department employees are required to become members of the Ohio Public Employees Retirement System (OPERS).

Contributions to OPERS may affect possible Social Security benefits, resulting in the Social Security Windfall Elimination Provision or the Government Pension Offset reducing federal benefits. Information regarding the Windfall and Offset provisions are available from the Social Security Administration, [www.socialsecurity.gov](http://www.socialsecurity.gov) or toll-free at 1-800-722-1213.

Employees may select from one of three retirement plan options within 180 days of their initial employment. (Employees hired prior to January 1, 2003, are automatically in the Traditional Pension Plan.)

**Traditional Pension Plan:** A defined benefit plan – retirement benefit is determined by a formula (based on years of service and highest years of salary).

**Member Directed Plan:** A defined contribution plan – retirement benefit is determined by employee and employer contributions and gains/losses of investment options.

**Combined Plan:** A defined benefit and defined contribution plan – retirement benefit is determined by reduced formula (for defined benefit component) and gains/losses or investment options (for defined contribution plan).

OPERS is funded by employee and employer contributions. The employee contribution is made through payroll deduction based on gross earnings. Contact your payroll officer for current deduction rates.

OPERS sends an enrollment kit to all employees to explain their benefits. Annual statements and publications are mailed by OPERS directly to members.



See the Employment Section for more information on Separation and Disability.

Additional retirement information can be obtained by writing to the Ohio Public Employees Retirement System, 227 East Town Street, Columbus, Ohio 43215; or by visiting their web site at [www.opers.org](http://www.opers.org); or calling toll free 1-800-222-PERS, or 614-466-2085.

## Deferred Compensation Programs

Under a Deferred Compensation Plan, income is deferred, and the resultant earnings are not subject to state or federal income tax at the time of withholding. Taxes are paid only when the money is withdrawn from the plan upon retirement or upon death, disability, or termination of employment, or if the employee experiences an unforeseeable emergency which qualifies for withdrawal of funds under the IRS regulations.

The total amount of compensation that can be set aside in any calendar year is limited by an amount indexed to the rate of inflation. Employees who are over 50 or who have failed to make maximum contributions in prior years may be able to make additional, "catch-up" contributions. Amounts deferred are not included on W-2 forms for state and federal income tax purposes; however, OPERS contributions are computed on the actual gross salary. Accordingly, participation in deferred compensation programs has no effect on OPERS benefits.

Wood County offers two deferred compensation programs: the County Commissioners Association of Ohio (CCAO) Deferred Compensation Program and/or the Public Employees Deferred Compensation Program. Participation is voluntary and all contributions are made through payroll deductions.

The programs require employees who separate from Wood County employment to contact the appropriate representative to select a payment schedule of contributions.

Information regarding both of these programs can be obtained from your payroll officer, the Commissioners' Office, or by contacting:

CCAO Deferred Compensation Program

Administered by Great West Retirement Services

800.284.0444

Automated Keytalk System: 888.672.7240

website:

[www.ccao457.com](http://www.ccao457.com)

Ohio Public Employees Deferred Compensation Program

257 East Town Street, Suite 457

Columbus, Ohio 43215

877.644.6457

website: [www.ohio457.org](http://www.ohio457.org)

## Health Insurance and Wellness Benefits

ORC 305.171

The Board of County Commissioners offers health benefits through the Wood County Employee Health

Benefits Plan (Plan) and serves as the trustees of this self-insured plan. The Wood County Health Department participates in the Wood County Health Benefits Plan. The Commissioners establish expectations for Plan administration, which is managed by Commissioners' Office staff. Appointing Authorities must comply with reporting requirements, policies and procedures, etc. as communicated by the Commissioners.

Upon hire, all employees shall receive information relative to the Plan which includes the Plan Document (Subscriber Booklet) or Summary Plan Description (SPD) eligibility guide, and related information. Employee acknowledgement of receipt is required.

All full-time permanent employees are eligible for enrollment in the Plan. Coverage options include medical, prescription, vision services plan, dental, and life insurance. To enroll, employees must complete an application for the type and level of coverage requested and complete a confidential wellness screening within the enrollment period.

Employees seeking to change their insurance coverage must make application within 30 days or as outlined in the Plan Document. The annual Open Election period is November 15 through December 15 with changes effective on January 1 of the following year.

The County also provides a variety of wellness programs to eligible employees. Refer to the SPD for a complete listing of available programs.

In the event of termination of benefits, the employee's insurance coverage will cease the end of the month.

Under Public Law 99-272 Title X, commonly referred to as COBRA, separating employees may be eligible to continue coverage at their own expense. Employees are notified of their COBRA rights upon enrollment in the health benefits program. When coverage terminates, employees must complete a COBRA personnel action report to determine COBRA eligibility. Written communication regarding COBRA offerings shall be mailed to the affected employee and/or spouse and dependents.

Protected Health Information (PHI) is deemed confidential by the Plan. Questions may be directed to the HR and Benefits Manager in the Commissioners' Office who serves as the Plan's Privacy Officer.

Employees should refer to the Plan Document for additional information, or visit the employee website at [www.co.wood.oh.us/employee](http://www.co.wood.oh.us/employee).

## **Optional Insurance Program**

Other optional insurance programs are offered to employees, but the entire premium is paid by the employee. Group rates are provided. Contact your department's insurance representative or the Commissioners' Office for more information.

Representatives make annual visits to advise new employees of program options and update active accounts.

Employees who separate from employment should notify the appropriate insurance representative of their employment status.

## **Employee Assistance Program**

Personal problems may affect not only an individual's health, family and job security, but also co-workers and job performance. Therefore, the Employee Assistance Program has been developed to assist employees with such problems.

The Wood County Employee Assistance Program (EAP) offers confidential assistance to Wood County

employees and their families through four types of referrals: self, family member, supervisory and peer.

This no cost program can be accessed by calling the 24-hour EAP Crisis Intervention Hotline at 1.800.513.6733.

The EAP offers 24-hour emergency intervention and counseling, initial assessment, and up to five sessions with a professional counselor, job site intervention, and critical incident debriefing.

## **Workers' Compensation**

ORC Chapter 4123

Rev. 11-679

Health Department employees are covered by the Ohio Workers' Compensation plan administered by the Bureau of Workers' Compensation (BWC). The Wood County Commissioners' Office holds the policy with the BWC and coordinates the administration of Workers' Compensation claims.

Payment of medical care including prescriptions, (at the level provided by law) provided by a clinic, physician, hospital or medical services, for the work-related injury or condition as approved by the County, BWC, Industrial Commission of Ohio, or MCO.

Payment of compensation (at the level prescribed by law) for disability after seven or more calendar days away from work.

Death benefits payable to the beneficiaries of any employee whose death is a direct result of a work-related accident or illness.

## **Employee Responsibilities**

Employees who are involved in a workplace accident/injury or who witness a workplace accident/injury must report the incident to their Supervisor promptly, but no later than the end of the employee's work shift. An Accident Injury Investigation Report must be completed by the injured worker even if a Workers' Compensation claim is not filed.

Employees shall complete all pertinent Workers' Compensation and/or accident report forms and submit to their Supervisor. Refer to the Workers' Compensation Packet, available on the Wood County employee website, for employee and provider instructions and appropriate forms. A delay in providing required information may result in a delay of processing the claim and disciplinary action. All claims for Workers' Compensation benefits must be filed within two years of the date of injury.

If medical attention is required, employees should seek professional care from Wood County's approved occupational medicine facility or a BWC participating provider. (A non-certified provider will be reimbursed only in an emergency or for initial treatment.) Employees must submit a proof of purchase to the Commissioners' Office to receive reimbursement for prescription drugs to treat a work-related injury or illness. Some prescriptions may require prior authorization. Submission for payment of medical bills associated with a Workers' Compensation claim is the responsibility of the injured worker.

Employees must notify all service providers of the employer billing instructions and claim number when assigned.

Immediately following treatment, employees must provide written documentation from the treating physician including the employee's name, dates of leave, return to work date and any physical restrictions to their

Supervisor. If the employee needs additional injury-related leave, the employee must submit medical documentation from the treating physician to substantiate the additional leave upon receipt or prior to the expiration date of the previously approved return to work date, whichever is earlier.

## **Supervisor Responsibilities**

Supervisors must immediately notify the Commissioners' Office of all employee workplace accidents/injuries. The employee Accident Injury Investigation Report and all other relevant records received by the Supervisor must be forwarded to the Commissioners' Office within 24 hours of receipt.

The Supervisor, in conjunction with the County Risk Coordinator, shall thoroughly investigate the accident/injury, take corrective action, and document the removal of any dangerous condition in the workplace.

Supervisors must provide on-going updates to the Risk Coordinator of any changes to the employee's work status, work schedule and condition.

## **Claim Procedures**

The County or Medical Provider shall submit the claim to the BWC. The BWC will assign a claim number and forward notification and claim information to the employee's home address. The assignment of a claim number by the BWC is only an acknowledgement of the claim.

Providers shall bill Wood County for services unless directed by the Commissioners' Office to bill the MCO. Medical bills are paid using the usual, customary, and reasonable fee for each type of service.

## **Alcohol/Drug Related Injuries**

All Wood County workplaces shall post written notice to employees that the results of or a refusal to submit to a chemical test for alcohol and/or drugs as described in ORC 4123.54 may affect the employee's eligibility for compensation and benefits under Ohio's Worker Compensation Law Chapter 4123 of the Revised Code.

The employee must submit to an alcohol and/or drug test if the employer has a reasonable cause to suspect use or if the test is requested by a police officer or licensed physician.

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

Positive alcohol and/or drug testing, or an employee's refusal to test under the circumstances outlined in ORC 4123.54, creates a rebuttable presumption that the proximate cause of the employee's injury was alcohol or a controlled substance not prescribed by the employee's physician. The employee may dispute or prove the presumption untrue by producing sufficient credible evidence to the BWC.

## **Coordination with Other Policies**

All other County policies and procedures apply when an employee is involved in a Workers' Compensation claim.

Insurance Benefits: Insurance benefits for injured workers will continue for up to 60 days after the last day the employee was actively at work. The employee must pay any co-payments required by the plan.

FMLA: Employees on a Workers' Compensation claim may qualify for benefits under the Family Medical Leave Act (FMLA). Workers' Compensation and FMLA benefits commence on the same date.

Transitional Duty: Wood County seeks to return all injured workers to their original position immediately after a work related injury. Some injured employees may return to gainful employment in a temporary "bridge" assignment within the limitations of the injury. See the Transitional Work Program Policy and Procedures for additional information.

# Transitional Work Program Policy and Procedures

BCC 99-1318 6/22/99 Rev. 04-2361

1. Purpose: It is in the employee's physical and psychological best interests to remain active and productive within the limitations of a work related injury or illness. The Wood County Transitional Work Program (TWP) returns an employee with a work-related injury or illness to active employment through a temporary employment ("bridge") assignment. The temporary work assignment accommodates the limitations of the injury until the employee can return to full duty without restrictions or reaches maximum medical improvement. The Health Department participates in the Wood County Transitional Work Program.
  - a. The benefits of Wood County's TWP are as follows:
    - i. The Employee provides a valued service without the stress of losing income or regular work contacts.
    - ii. The County reduces Workers' Compensation related expenses by promoting positive work relationships and by maintaining an experienced work force.
    - iii. The participating Physician(s) work within the framework of a transitional work program to make an informed decision about the type of work an employee can best handle within his/her physical capabilities.
2. Eligibility
  - a. All employees on leave from work due to a work-related injury or illness are eligible for participation in the program pending a medical evaluation. An employee may participate in the TWP program for three months, with one three month extension following a review by the TWP participating physician, the Appointing Authority, and/or the Board of County Commissioners.
  - b. Drug and/or alcohol tests will be performed upon reasonable suspicion that drug and/or alcohol use was the cause of, or contributed to the work-related injury or illness. Employees testing positive may not be eligible for the program.
3. Procedures
  - a. After a work-related injury/illness, the employee shall notify his/her Supervisor who will immediately contact the Risk Coordinator in the Commissioners' Office to schedule an appointment with the designated Workers' Compensation Physician.
  - b. If the employee is physically able to perform the responsibilities of his/her original classification with slight modification provided by the physician, he/she may be returned to that classification upon approval for accommodation by the Appointing Authority.
  - c. If the employee is unable to return to his/her original classification, the physician will refer to the TWP manual to determine which bridge assignment within Wood County the employee can perform considering his/her injury. The physician will notify the Risk Coordinator within 24 hours of the

- compatible assignments approved for the injured worker.
- d. In consultation with the appropriate official/Supervisor, the Risk Coordinator will assign the injured employee to a temporary work assignment (bridge assignment). If more than one (1) bridge assignment is necessary to accommodate the employee's needs, placement within the office/department where the injury occurred will be given priority. If a medically compatible assignment is not available within the employee's office/department, a temporary placement within another county office/department may be arranged. The assignment will be based upon:
    - i. The availability of work.
    - ii. Physician approval.
    - iii. Estimated length of the employee's recovery period.
    - iv. The employee's physical needs/condition.
    - v. Approval of the Appointing Authority and/or the Board of County Commissioners.
  - e. If the injured worker seeks initial treatment from his/her own physician, the Risk Coordinator will schedule an appointment for the injured worker with the County's designated Workers' Compensation Physician. In the event the two physicians reach different conclusions, the Risk Coordinator will contact the physicians in an effort to determine the most appropriate action.
  - f. Once a "bridge" assignment is approved by the physician and the Appointing Authority, the Risk Coordinator will notify the employee of the bridge assignment. Failure to accept the assignment or respond to the employer will be treated as a refusal to work and Wood County will seek to terminate any compensation being awarded by the BWC.
  - g. The employee must sign and return the Transitional Work Agreement prior to performing any duties. The Transitional Work Agreement between the employee and his/her Appointing Authority will include the following elements:
    - i. A specific start and stop date for the program. In no case will a contract be extended past six (6) months.
    - ii. Work schedule.
    - iii. Description of the "bridge" assignment work duties.
  - h. The employee will begin work on the next scheduled working day unless otherwise instructed by the physician. The Supervisor and the Risk Coordinator will explain the Transitional Work Program policy and procedures and the duties of the assignment, including a written description, oral instructions, photographs, and, if necessary, video tapes.
  - i. At the intervals set for each bridge assignment, the employee must see the County's Workers' Compensation Physician for reevaluation of assignments on the Bridge Assignment Matrix. The employee's progress toward his/her original classification must meet the needs of the employee, the Appointing Authority, and temporary assignment availability.
  - j. With each new assignment, the employee will meet with the Risk Coordinator to review changing responsibilities and expectations. Any change of assignments, work hours, etc., must be noted on the Transitional Work Agreement and signed by the appropriate parties prior to duties being performed.
  - k. Only the physician can approve a change in "bridge" assignment for the injured worker. Any changes in the employee's medical status must be reported to his/her Supervisor and the Risk Coordinator.



- l. All records regarding the employee's transitional work assignment(s) will be maintained by the Appointing Authority or Department Head and incorporated into the employee's personnel file.
    - m. If at any time the Workers' Compensation Physician determines that an employee will never be able to return to his/her regular duties, an assessment of his/her employment status will be made after a complete review of the case and consideration of a formal vocational rehabilitation plan.
- 4. Compensation
  - a. Employees in the program receive their current rate of compensation and schedule of benefits from their county office/department while recovering from their work-related injury/illness.
- 5. Benefits During Program
  - a. Coordination of health insurance benefits will follow all regular Workers' Compensation procedures.
  - b. The employee must take Family Medical Leave, if available, for any time not worked.

## Personal Conduct

### Personal Conduct of Health Department Employees

ORC 124.34; 102.03

Employees represent the Health Department in performing their assigned duties and shall comply with all policies, procedures, rules and regulations set forth by the Board of Health and all laws of the State of Ohio. Health Department employees shall conduct themselves, both on and off the job, in a manner which will elicit confidence and respect from the citizens of Wood County.

#### Good Behavior

Employees hold their position during "good behavior and efficient service." An employee's failure of good behavior can be the basis for discipline or termination. "Failure of good behavior" and "conduct unbecoming an employee" mean the one and the same thing. "Failure of good behavior" means bad behavior—e.g. behavior contrary to recognized standards of propriety and morality, misconduct, wrong conduct—and not necessarily corruption or criminal intent.

Disrespect for Supervisors and fellow employees, rude or hurtful comments about and discourteous treatment of Health Department employees or customers, inappropriate language, public intoxication on and off the job and the like are examples of "failure of good behavior."

Employees' off duty conduct that could reasonably negatively impact the Health Department may form the basis for discipline.

Employees shall efficiently perform their assigned duties and shall comply with legitimate directives from their supervisors. Employees shall treat the public and co-workers with courtesy and respect. Supervisors shall direct the employees in their charge with courtesy and respect and shall not reprimand employees in the presence of other employees or the public.

Employees and Supervisors shall report any incident or conduct they believe is inappropriate and/or in violation of County policies and procedures including incidents actually observed, reported by citizens, reported by staff, or suspected due to other facts to their immediate Supervisor.

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



## Personal Appearance of Employees

The Health Department strives to maintain a professional work environment. Therefore, employees shall report to work well-groomed and in clean, well-maintained attire which is appropriate to their employment. Employees must comply with any dress code requirements within their division.

## Workplace Romances

Relationships between employees are not prohibited. Employees shall notify their Supervisors of on-going romantic relationships with other employees in their workplace so that the Health Commissioner may determine if a conflict exists between the employee's performance of the duties of their position and their personal relationship –e.g. one employee supervises another employee, the relationship disrupts the efficient operation of the office/agency, etc.

Supervisors may not engage in romantic or sexual relationships with any employee that they directly, or indirectly supervise.

Supervisors or employees with supervisory duties shall immediately disclose conflicts to their Division Director or the Health Commissioner.

## Confidentiality

ORC 1347.10, 102.02(B), 102.99

In the course of employment with the Health Department, employees have direct knowledge of and contact with confidential information. Any negligent or intentional disclosure of confidential information obtained through such employment not only constitutes grounds for dismissal, but also may subject the employee to a penalty under Ohio law.

## Social Media

Personal conduct also includes employees' use of social media both while on-duty and off-duty. Free speech is not protected unless the speech is a matter of public concern. Employees may be disciplined for verbal or written speech that negatively affects the workplace or reflects poorly on the Health Department.

## Misdemeanor and Felony Charges

Employees charged with a misdemeanor or felony other than traffic offenses (see Motor Vehicle Policy for traffic citation reporting responsibilities) must immediately notify their Supervisor and provide a copy of the complaint within two business days. Employees shall provide ongoing information regarding court appearances and outcomes as requested by the Health Commissioner.

Employees convicted of a misdemeanor or felony may be subject to discipline.

## State of Ohio Fraud Contact Information

ORC 117.103 Eff. 5/4/12

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

United States mail.

1-866-FRAUD OH (1-866-372-8364) or [www.ohioauditor.gov](http://www.ohioauditor.gov)

Ohio Auditor of State's office, Special Investigations Unit

88 East Broad Street

P.O. Box 1140

Columbus, OH 43215

## **Use of Health Department Property**

The Health Department provides employees with equipment to perform the duties of their positions. Health Department property includes badges, keys, materials, tools, supplies, computers, equipment, telephones, copy machines, fax machines, cell phones, and all other equipment purchased with Health Department funds or issued to the Health Department for work related purposes. Employees shall only use Health Department property for their work related duties and not for personal use except as allowed by this policy or the Appointing Authority.

Health Department employees have no expectation of privacy when using Health Department equipment, materials, or supplies for job-related purposes or limited, personal use as allowed by this policy.

### **Job Related Use of Health Department Property**

Employees shall immediately report malfunctioning, damaged, defective or lost Health Department property to their Supervisor. Employees shall reimburse the Health Department for property lost, or damaged by negligent or intentional misuse. The Board of Health shall set the reimbursement amount not to exceed the Health Department's costs to replace or repair the Health Department property.

Employees shall notify their Supervisor or designee prior to using Health Department equipment and supplies off-site for work-related purposes.

Employees must return all Health Department property upon termination of employment and pay for lost or unreturned Health Department property.

### **Cell Phone and other Electronic Devices**

Employees shall have issued electronic equipment charged for use and operational during scheduled work hours and on-call status.

Equipment with cameras, video, or audio recording devices shall only be used to photograph or record individuals with their consent, unless directly related to the duties of the employee's position.

Any employee who is paid a cell phone reimbursement and is off work for greater than 2 weeks shall have their cell phone reimbursement prorated during that month. The cell phone reimbursement shall be reduced to reflect the actual number of days worked during the reimbursement period. If there is an expectation that the employee will still need to perform work and follow up on calls or emails during their absence, their cell phone reimbursement will be paid in full.

### **Other Prohibited Uses**

Employee misuse, neglect, theft and abuse of equipment, tools or supplies is prohibited.

The personal use of Health Department owned rewards (e.g., fuel or credit card points) by board members or employees is prohibited. Any reward obtained by a board member or employee for purchases made by the board member or employee on behalf of and reimbursed by the Health Department is Health Department property. Therefore, it cannot be used for personal purposes by the board member or employee.

No employee shall take any property that is no longer needed for Health Department use. Such property shall be disposed of in accordance with Health Department policy.

## **Permitted Personal Use**

The Health Commissioner may authorize limited personal use of Health Department desktop and office equipment such as telephones, copy machines, fax machines, computers, cell phones, etc. Employees must document their personal use of Health Department equipment. Excessive personal use of Health Department equipment may lead to disciplinary action.

Employees shall reimburse the Health Department for the use of the equipment or supplies as determined by the Health Commissioner. In the alternative, the personal use of Health Department property shall be taxable income for IRS tax purposes and included as employee compensation for federal, state, and local taxes.

## **Additional Employment and Compatible Positions**

To prevent secondary employment or board/commission service from creating a conflict of interest or incompatible position, employees seeking or engaged in such service shall notify the Health Commissioner in writing using the Additional Employment Notice Form.

### **Additional Employment**

The Health Commissioner shall determine if:

- it is physically possible to perform the duties of both positions;
- the additional employment interferes with the duties of the employee's Health Department position and assigned hours of work; and
- the additional employment creates an impermissible conflict of interest, e.g., sanitarian cannot obtain secondary employment at a food service operation he/she inspects.

Employees shall not engage in or conduct outside private business during scheduled working hours.

### **Compatible Positions**

- An "incompatible position" is one which:
- creates divided loyalties which are not remote or speculative and cannot be resolved by adjustments in either workplace.
- is subordinate to a position concurrently occupied by a classified or unclassified employee; or
- is in any way a check on a position concurrently occupied by a classified or unclassified employee; or
- it is physically impossible for one person to discharge the duties of both positions; or
- violates a specific constitutional or statutory provision prohibiting a person from serving in both positions.

Employees who accept a position which is incompatible with their existing public employment or service is deemed by Ohio law to have forfeited the first position held.

The Health Commissioner may request that the Prosecuting Attorney determine whether the positions are compatible.

## Political Activity

5 USC 7321, et seq. (Hatch Act); Hatch Act Modernization Act of 2012

5 CFR Parts 733-734.

The Hatch Act is a federal law that limits certain political activities of federal employees and some state and local government workers whose salary is funded from federal loans or grants. Covered employees are responsible for complying with the restrictions on partisan political activity contained in the Hatch Act.

No covered employee shall run for nomination to or as a candidate for a partisan political office, except as expressly provided under the law. Covered employees may not conduct partisan political activities in the government workplace or while on duty, in a government vehicle, or while wearing an official uniform. In addition, covered employees may not solicit, accept, or receive partisan political campaign contributions or host a partisan political fundraiser. Employees are urged to seek the advice of the Health Commissioner or the Wood County Prosecutor's Office to determine if a particular partisan political activity is permissible under the Hatch Act.

## Conflicts of Interest

ORC 102.03

ORC 102.09 (D)

ORC 2921.42

Rev. 07-2041

1. Purpose: Employment decisions and the purchase of goods and services for the Wood County Health Department shall comply with Ohio's Ethic Laws and avoid the appearance of partiality, preferential treatment, improper influence, or self-dealing. A copy of the Ohio Ethics Law and Related Statutes is located in Appendix A of this handbook.
2. Definitions
  - a. For purposes of this policy, the following definitions apply:
    - i. "Anything of value" includes money, goods, chattels, future employment, interest in realty, and "every other thing of value".
    - ii. "Immediate Family Member" includes the following regardless of where they reside: spouse, children (whether dependent or not), siblings, parents, grandparents, and grandchildren. It also includes any other person related by blood or by marriage and living in the same household.
    - iii. "Significant Relationship" means people living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair their objectivity or independence of judgment.
    - iv. "Business Associates" are parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.

### 3. Policy

a. Employment Decisions

- i. Employment decisions shall be based solely on job-related qualifications.
- ii. Public officials and county employees may not authorize or use the authority or influence of his or her position in any of the following employment related decisions involving an Immediate Family Member, Significant Relationship or Business Associate which includes:
  - a. Employment;
  - b. Promotion;
  - c. Discipline;
  - d. Changes in compensation or benefits;
  - e. Assignment of duties;
  - f. Evaluations;
  - g. Lay-off or job elimination; and/or
  - h. Termination
- iii. Immediate Family Members, Significant Relations, and Business Associates working in an office of newly Elected Officials may continue their position but shall not be under the direct supervision of the Elected Official.

b. Public Contracts

- i. A public official or employee shall not award a contract to an Immediate Family member, Significant Relationship or Business Associate or have an interest in a public contract unless the requirements of ORC §2921.42 are met.
- ii. No public official or employee shall use the authority or influence of his or her office to secure nor shall they solicit, accept, give or promise anything of value that is of such character as to have a substantial or improper influence upon the official or employee with respect to his or her duties.

c. Enforcement

- i. Employees and applicants shall immediately notify their immediate Supervisor or, if appropriate, the Health Commissioner in writing of a violation of this policy.
- ii. Violations of this policy may result in disciplinary action and may be reported to the Ohio Ethics Commission.

## Public Records Policy

ORC 149.011; 149.43

1. Purpose

- a. This Public Records Policy is adopted by the Health Department to ensure that Ohio's citizens are entitled to access the records of their government. This policy shall be interpreted liberally in favor of disclosure and exemptions shall be narrowly construed.
- b. The Public Records Act imposes two primary obligations upon public offices and two corresponding rights upon the public:
  - i. Prompt inspection of public records; and

- ii. Copies of public records upon request within a reasonable period of time.

## 2. Public Records

- a. Under Ohio law, a public office may only create records that are "necessary for the adequate and proper documentation of the organization, function, policies, decisions, procedures and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affected by the agency's activities."
- b. "Record" is defined as any item kept by a public office that meets **all** of the following:
  - i. Is stored on a fixed medium, (such as paper, electronic – including but not limited to e-mail, and other formats);
  - ii. Is created or received by, or sent under the jurisdiction of a public office; and
  - iii. Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.  
If any of these three requirements is absent, the item is not a record and therefore, not a public record.
- c. Electronic Records
  - i. Records in the form of email and other electronic methods are to be treated in the same fashion as records in other formats, such as paper or audiotape.
  - ii. Public records sent or received by private email accounts or personal devices may be subject to disclosure. All board members and employees of the Health Department shall retain their email records and other electronic records in accordance with applicable records retention schedules.
- d. A public office is **not** required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.
- e. All records are the property of the public office concerned and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or the approved records retention schedule.

## 3. Exemptions to Public Records Law

- a. The confidential nature of certain types of information or records precludes their release. Federal and state law provides numerous exceptions to the general rule that disclosure of public records is mandatory.
- b. Records whose release is found to be prohibited by state or federal law or which are not considered public records as defined by ORC 149.43(A)(1), are not subject to public inspection.
  - i. Appendix A contains a list of records that may not be subject to release per ORC 149.43(A)(1). Appendix B is a non-exhaustive list of express exemptions found throughout the Ohio Revised Code. Appendix C lists Attorney General Opinions interpreting Ohio's Public Records Act. (Please note that the appendices are accurate as of the revision date of this policy; refer to the Ohio Revised Code and the Attorney General's Office for updates.)
  - ii. Appendix A, B and C of the Public Records Policy are available upon request from the Health Department at no charge or on the County website at [www.co.wood.oh.us](http://www.co.wood.oh.us). They are also available in the Ohio Sunshine Laws Manual (Yellow Book), which is available via the Attorney General's website ([www.ohioattorneygeneral.gov/YellowBook](http://www.ohioattorneygeneral.gov/YellowBook)).

## 4. Records Management

- a. Records defined in Section II (B) and (C) of this policy are subject to records retention rules set forth in Records Retention Schedules. These schedules list records created or received by an agency office and the length of retention based on administrative, fiscal, legal, and historical value. The Wood County Records Commission and the Ohio History Connection and/or the Ohio Auditor of State must review and approve each schedule.
- b. The Wood County Health Department's Public Records Policy and Records Retention Schedules are available at the Wood County Health Department located at 1840 E. Gypsy Lane Road, Bowling Green, Ohio, and via the Wood County Health Department's website ([www.woodcountyhealth.org](http://www.woodcountyhealth.org)).
- c. When a record reaches the end of its retention period, the office shall dispose of the record and properly document its disposal as set forth by ORC Chapter 149. Records subject to litigation or potential litigation are to be retained.

#### 5. Public Records Requests

- a. All public records maintained by the office shall be promptly prepared and made available for inspection to any person during regular business hours. The office shall also make a copy of the current record retention schedule available for inspection.
- b. Identification of Public Record. The requester must identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If a requester makes an ambiguous or overly broad request so that the exact public records cannot be reasonably identified, the request may be denied. If denied, the office will provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed in the ordinary course of business.
- c. Format of Request. A request may be oral or in writing based on the requester's choice. The office may seek a written request of the requester's identity and intended use if the facts demonstrate it would enhance the ability to identify, locate, or deliver the public records sought by the requester but only after the office advises the requester that:
  - i. a written request is not mandatory;
  - ii. they may decline to reveal their identity or intended use;
- d. Choice of Medium. The requester may choose to have the record duplicated:
  - i. On paper,
  - ii. In the same form as the public office keeps it (e.g., on computer disk), or
  - iii. On any medium upon which the public office determines the record can "reasonably be duplicated as an integral part of normal operations of the public office."
- e. Response Time to Request. Public records shall be made promptly available for inspection during regular business hours. A representative of the public office shall be present when a requester asks to inspect original public records. The office will provide copies if requested within a reasonable period of time based upon
  - i. The circumstances of the public office at the time of the request;
  - ii. The breadth of the request;
  - iii. The necessity of legal evaluation prior to release.
- f. Prohibition Against Requesters Right to Make Copies Themselves. To protect the integrity of the original document, a person requesting the copies of public records shall not make their own copies



of the requested records by any means.

- i. A representative of the public office shall be present when a public record is being reviewed.
- g. Limit to Number of Requests by Mail. The office may limit the number of record requests by a person to be transmitted by the United States mail to 10 per month, unless the person certified in writing of their intent not to use or forward the requested records or the information contained in them, for commercial purposes. "Commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit education research.
- h. Requests by Incarcerated Persons. An incarcerated person may receive public records, but only if the records concern a criminal investigation and the request meets the following:
  - i. The record must be a public record which is not subject to an exemption from disclosure;
  - ii. The judge who imposed the sentence of incarceration, or that judge's successor, finds the information sought in the public record is necessary to support a justifiable claim of the person.

## 6. Denial of Public Record Requests

- a. If a request is denied, in part or in whole, the public office shall provide the requester with a written explanation, including legal authority, setting forth why the request was denied.
- b. Denial of an Ambiguous or Overly Broad Request of Public Record. A request may be denied if it is ambiguous or overly broad. Prior to denying a request, the office will inform the requester of the manner in which records are maintained in the ordinary course of business and provide an opportunity to revise the request.
- c. Denial of a Public Record Not Maintained by the Appointing Authority. If a public office receives a request for a record that it does not maintain or the record is no longer maintained, it shall notify the requester in writing utilizing Form PR-1 or a form letter that one of the following applies:
  - i. The records have never been maintained by this office and if possible direct the requester to the proper office;
  - ii. The records are no longer maintained or have been disposed or transferred pursuant to applicable Records Retention Schedule (RC-2);
  - iii. The record has been disposed of pursuant to a One-Time Records Disposal of Obsolete Records (RC-1);
  - iv. The record is not a record used or maintained by the public office, and there is no obligation to create records to meet public record requests.
- d. Denial of a Public Record Maintained by the Health Department. The public office may deny a records request if the release is prohibited by state or federal law.
  - i. If the record request is denied in its entirety because of a statutory exclusion this office may check the appropriate box on Form PR-1 or cite the statutory authority for the denial in a form letter.
  - ii. If only part of the record is not subject to release, this office will
    - a. Redact, i.e. black-out or otherwise remove, such information and release the non-exempted information;
    - b. Requests that include redactions shall be made on a copy of the original record to preserve the authenticity and accuracy of the original document.

- c. Check the appropriate box on Form PR-1 or in a form letter and cite the exemption under the Ohio Revised Code, applicable rulings of the Court, or State Attorney General Opinions with the corresponding redaction.
- iii. The office shall consult the Prosecutor if unsure of whether or not a part of the record requested is exempt from disclosure.
- iv. The public office may rely on additional reasons or legal authority in defending an action commenced pursuant to ORC 149.43.
- e. Request for Personnel Records. Personal information unrelated to the employee's performance of public business such as Social Security number, home address, home phone number, information regarding spouse and children's names and ages, medical records, optional payroll deductions (i.e., United Way, optional insurance programs), or additional voluntary retirement contributions, should be redacted prior to inspection by anyone other than the employee or their written designee.

#### 7. Costs for Public Records

- a. A requester must pay for the actual cost of reproduction which does not include employee time. If the nature of the request reasonably requires a copy by an outside contractor, the requester must pay said cost to this office to produce the copy.
- b. Payment in Advance. The public office may require a requester to pay in advance the cost to provide the copy of the public record, as requested.
  - i. Photocopies of letter or legal sized documents are five cents (\$.05) per page/photocopy, unless statutes permit other charges which are posted in the office.
  - ii. Video tapes, cassette tape, computer disks, or other media shall be the cost of the media to the Appointing Authority and/or reproduction cost (i.e., copying costs if outside vendor is necessary.)
  - iii. Delivery costs as charged by the U.S. mail or other carrier.
  - iv. Costs incurred for other supplies (envelope, etc.) used in the mailing, delivery, or transmission.

#### 8. Failure to Respond to a Public Records Request

- a. If a requester believes they have been improperly denied public records due to the inability to inspect or to receive a copy of a record, the office representative shall advise the requester of their following options:
  - i. Contact the Division Director or Health Department;
  - ii. Request a meeting to be called with the County Prosecutor;
  - iii. If the requester is not satisfied after exercising options 1 and 2, the Ohio Revised Code provides a legal means for addressing their complaint.

## E-mail Retention Policy

ORC 149.43, 1306.01

1. Purpose: This policy establishes standards for the retention of email stored centrally on the Wood County e-mail system maintained by the Wood County IT Department. The Health Department uses the Wood County e-mail system.

This Policy applies to all board members, employees, interns, volunteers or contractors provided with an email account and all electronic mail systems, services and records provided by or owned by Wood

County and maintained by the IT Director.

## 2. Definitions

- a. E-mail Messages: Electronic documents created and sent or received by a computer system, including the contents of the communication, the transactional information, and any attachments associated with such communication.
- b. Records: Any document, device, or item, regardless of physical form or characteristic, including an electronic record (as defined in §1306.01 of the Ohio Revised Code) created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (ORC 149.011(G)).
- c. Litigation Hold: The suspension of record destruction when the office has knowledge of a potential claim, lawsuit, government investigation, subpoena, summons or other ongoing matter.
- d. Records Destruction: The timely destruction/deletion of a record once it has exceeded the associated retention period.

## 3. Record Retention under Applicable Retention Schedule

- a. E-mail messages that meet the above definition of a "record" must be scheduled, retained, and disposed according to the retention schedules for each office or, if none, the "All County" schedule.
- b. E-mail messages that are "public records" must be maintained and made available to the public upon request through the appropriate retention period.

## 4. Retention and Scheduling Requirements

- a. Simply backing up the e-mail system onto backup tapes or other media or purging all messages after a set amount of time are not appropriate strategies for managing e-mail.
- b. E-mail itself is not considered a record series or category. It is a means of transmission of messages or information. An office cannot simply schedule all e-mail as a single record series. Rather, retention or destruction of e-mail messages must be related to the information they contain or the purpose they serve. The content, transactional information, and any attachments associated with the message are considered a record (if it meets ORC criteria). Evaluate e-mail content to determine if the e-mail should be retained and the length of the time that each message should be retained.
  - i. Non-Record Materials: E-mail messages that do not meet the criteria of the Ohio Revised Code definition of a record may be deleted at any time, unless they become part of some official record as a result of special circumstances.
  - ii. Personal Correspondence: Any e-mail not received or created in the course of county business, may be deleted immediately, since it is not an official record: the "Let's do lunch" (not a county-business lunch) or "Can I catch a ride home" type of e-mail messages.
  - iii. Non-County Publications: Publications, promotional material from vendors, and similar materials that are "publicly available" to anyone, are not official records. This includes listserv messages (other than those you post in your official capacity), unsolicited promotional material ("spam"), files copied or downloaded from Internet sites, etc. These records may be immediately deleted, or maintained in a "Non-Record" mail box folder and deleted later, just as you might dispose of the unwanted publication or promotional flyer.

## 5. Litigation Hold

- a. A litigation hold is issued by the Wood County Prosecuting Attorney's Office to the appropriate elected official or department head. The elected officials or department head is responsible for notifying all personnel in their office or department who may be custodians of records. Any official or department head who receives notice of a litigation hold must promptly acknowledge receipt of a litigation hold to the Wood County Prosecuting Attorney's Office and ensure that the subject records are retained until the Prosecuting Attorney's Office provides notice that the litigation hold has been released. A litigation hold shall apply to all relevant records, regardless of the format in which they are retained.

#### 6. Scanned Images of Hardcopy Documents

- a. Hardcopy documents that are scanned by copiers and sent via email, do not qualify as a public record since the e-mail is the delivery system (similar to an interoffice envelope) and the attached scanned document is a copy of an original. The original hardcopy document would need to be retained accordingly, if it qualifies for the department's retention schedule.

#### 7. Drafts of Electronic Office Documents

- a. E-mails that contain drafts of documents that are created electronically (Microsoft Word, Excel, Adobe Acrobat, etc.) are not required to be retained as a public record. The e-mail system is being used as a medium to transfer the documents between revisions. The final version of the document should be stored electronically outside of the email system and a hardcopy retained if necessary. The exception to this would be if the draft document is being modified by a private entity (contractor, vendor, etc.). E-mails regarding the draft revisions need to be retained if the body of the e-mail contains comments pertaining to the attached draft.

#### 8. Voicemail Attachments in E-mail

- a. Voicemails are considered to be voice related messages. A voicemail may qualify as a public record if it serves to document the activities of the office associated with the voicemail account. Voicemails that do not qualify as a public record can be deleted when they have no administrative value.

#### 9. Responsibility

- a. Office administrators, individual office employees, records managers, information technology (IT) directors, managers or administrators share the responsibility for managing electronic records. Offices, departments and agencies should clearly identify the roles of each, adopt procedures, train staff and monitor compliance on a regular basis (refer to the recommendation for Authorized Public E-mail Senders in Appendix B of this handbook). The creator or recipient should make decisions regarding e-mail messages. The office, department or agency should take appropriate measures to preserve data integrity, confidentiality, and physical security of e-mail records.
  - i. For recommended guidelines and best practices for managing e-mail, see Appendix B of this handbook.

## **Internet and Email (Internal/External) Use Policy and Procedures**

Data Processing Board

ORC 2913.04

BCC 01-2627, 14-754

1. Purpose: The Wood County Internet and Email Use Policy and Procedures preserve the integrity of information sent to or received from the Wood County Network from the unregulated nature of the Internet and the possibility of attacks on Wood County's internal computer network.
2. General Internet Use Policy
  - a. Internet access is available to all offices connected to the Wood County Computer Network.
  - b. Offices with connection to the Internet must comply with the policies and procedures outlined in this document and/or any additions or modifications made by an Appointing Authority or department head under the procedure in Subsection VI below.
3. Proprietary Interest
  - a. All data and information stored on a Health Department computer is the property of the Health Department.
  - b. Appointing Authorities and department heads reserve the right to inspect and monitor individual computers and any electronic information stored, transmitted, or received using Health Department computers or the Wood County computer network.
  - c. Employees do not have an expectation of privacy in any data stored on Health Department or Wood County computer systems except as required by law.
4. Use Restrictions
  - a. General Restrictions
    - i. To ensure data integrity and prevent the possibility of sabotage to the Wood County electronic data and computer systems, every office or department must only use Wood County's Internet access.
    - ii. All users of the Wood County electronic data and computer systems must have a user name and confidential password in excess of eight (8) characters to access any network resource.
    - iii. The use of encryption technology must be approved by an employee's Appointing Authority.
    - iv. An Appointing Authority or department head may grant or restrict employee email use or Internet access to certain websites consistent with the Policy Additions and Modification guidelines in subsection VI below.
    - v. Employees who want to use a secondary email system such as Gmail, Yahoo, etc. for official Wood County business must submit a written request to their Appointing Authority or Department Head for approval by the Data Processing Board.
    - vi. To prevent slow overall network speed and server performance, county network users must obtain prior approval from their department head or Appointing Authority and the Information Technology office prior to sending a mass email message or an email message with large attachments to multiple recipients.
    - vii. Employees and computer users shall not use curse words, obscene language, libelous statements or other unprofessional or inappropriate language on County Internet communications.
    - viii. Copyrighted stories, music, pictures, letters, memos and other materials must be used and transmitted in compliance with the Copyright laws.
  - b. Personal Use

- i. Employees may access the County Internet connection for personal use only during personal time (lunch and breaks) and before and after work hours or as allowed by the employee's Appointing Authority or department head.
- ii. Appointing Authorities or department heads may limit or restrict employee personal time use of Wood County's Internet consistent with the Policy Additions and Modification guidelines in subsection VI below.

#### 5. Prohibited Uses

Employees shall not use the Wood County Computer Network or Wood County and/or Health Department computers or Internet access:

- a. To receive or transmit harassing, embarrassing, sexually oriented, libelous, defamatory, and unlawful information, including but not limited to text, pictures, videos, any other media formats or presentations, etc., of a harassing, defamatory, sexually oriented, fraudulent, obscene or otherwise unlawful nature, unless directly related to the duties of the employee's position.
- b. For personal gain—i.e. personal business transactions for profit, solicitation of money for religious or political organizations, and political agendas unless approved by the Health Commissioner.
- c. To cause damage to any County or Health Department computer system, including, but not limited to, loss of or distortion of data stored on any Wood County or Health Department computer system, or damage to the network infrastructure, email system, internet connection, computers, etc.
- d. To transmit account names, passwords, credit card information, and any other information deemed "sensitive" by the Health Commissioner.

#### 6. Policy Additions and Modifications

- a. Individual offices and departments may modify this policy. Amendments or modifications must adhere to the following criteria:
  - i. Policy additions must be in writing and signed by the elected official(s) or board of that department or office.
  - ii. The addition is attached to this document.
  - iii. The addition affects only that department or office.
- b. Any modifications must be submitted in writing to the Wood County Data Processing Board.

#### 7. Employee Discipline & Prosecution

- a. Disciplinary, criminal and/or civil proceedings may be brought against any person who deliberately damages Health Department computers or equipment, the Wood County Computer Network, the Wood County Internet connections, email system, or deliberately damages a non-county computer or computer network by using Wood County's computer systems or computer network.
- b. Wood County will cooperate with local, state, or federal officials in any investigation related to any illegal activities conducted through the Wood County computer systems or network.

## Smoke/Tobacco Free Policy

BCC 92-410 2/25/92

Rev. 04-2361, 11-679, 14-754

ORC Chapter 3794



The Health Department prohibits smoking and tobacco use of any kind on all Health Department and Wood County owned and/or leased locations, buildings, and/or premises. This includes the use of vapors, electronic cigarettes, etc.

Employees in violation of this policy may be subject to disciplinary action by their Supervisor or the Health Commissioner.

## Drug Free Workplace Policy

Drug-Free Workplace Act of 1988

1. Purpose: The Health Department Drug Free Workplace Policy provides a safe, drug-free work environment to ensure an employee's health and job performance and guidelines for the consistent handling of drug use violations in the workplace.
2. Definitions
  - a. Health Department Property: Any premises owned, leased, or under the control of the Health Department.
  - b. Controlled Substance: Any mind-altering substance not legally prescribed by a licensed physician (illegal drugs such as marijuana, crack, cocaine, downers, uppers, etc.) or legally prescribed but not taken as directed by the physician
  - c. Reasonable Suspicion: Belief based upon specific, contemporaneous, articulable, observations of the appearance, behavior, speech, or body odor of an employee.
  - d. Certified Testing Facility: Testing facility which is certified and operated in accordance with Federal regulations.
3. Policy
  - a. Prohibited Drug Use
    - i. Employees shall not manufacture, sell, or otherwise distribute, dispense, possess, or use alcohol or controlled substances on Health Department property or while acting in any official capacity as a Health Department employee.
    - ii. Employees shall not work or report to work under the influence of alcohol or controlled substances.
    - iii. Employees shall not use prescribed controlled substances other than as directed by a physician while at work or on Health Department property.
      - a. A Health Department employee must advise his/her Supervisor of any prescription or non-prescription medications he/she uses which may impair judgment, coordination, or any other sensory ability necessary to perform job duties. Employees must submit written medical documentation for prescription medications. Reasonable accommodations will be made when possible for any employee on medications.
  - b. Voluntary Drug Dependency Treatment
    - i. Employees may request assistance with any drug or alcohol problem before disciplinary action is necessary. Conscientious efforts to seek help will not jeopardize an employee's job and will not be noted in any personnel records. An employee may take sick leave or vacation for counseling or treatment or if leave is unavailable, the employee may request to take an unpaid leave of absence.



- ii. County sponsored health insurance may provide coverage for treatment of chemical dependency for eligible employees. The employee must follow applicable insurance procedures regarding treatment and payment. Consult the Insurance Subscriber Booklet for more information.

#### 4. Procedure

##### a. Reporting of Drug Violations

- i. Employees must provide written notification to their Supervisor or Appointing Authority within two business days of any criminal drug statute charge and/or conviction.
  - a. The Employee shall provide copies of all court documents related to the charge to the Health Commissioner within three days of the action, including but not limited to, the complaint or indictment, changes in court dates, or final outcomes of court proceedings.
- ii. Supervisors shall notify the Health Commissioner in writing within 24 hours of an employee's violation of this policy.
- iii. If the drug related violation occurs within the workplace, or while acting as a Health Department employee/representative, Supervisors shall forward the written notification and all ongoing case information received from the employee to the Health Commissioner within two business days for insurance related purposes
  - a. If the agency receives federal grant funds, the Supervisor or Health Commissioner must notify the federal agency providing the funds of the conviction within 10 calendar days.

##### b. Drug/Alcohol Testing

###### i. Cause for testing

- a. If "reasonable suspicion" exists that an employee is working or has reported to work under the influence of alcohol or a controlled substance, the Supervisor or Health Commissioner shall require that the employee submit to a drug and/or alcohol test immediately.
- b. The Supervisor or Health Commissioner may require testing after a work-related motor vehicle accident which results in bodily injury, property damage or if other reasonable suspicion exists for testing.

###### ii. Documentation and Testing Procedures

- a. The Supervisor, Health Commissioner or other witness shall make a written record of the observable facts supporting "reasonable suspicion" for a drug and/or alcohol test. The report must be signed by the Supervisor and/or witnesses within 24 hours of the incident or before the results of the test are released, whichever is earlier. A copy of the report will be given to the employee.
- b. Supervisors shall notify the employee of the decision to require a drug and/or alcohol test in the presence of a witness, preferably by another departmental Supervisor.
- c. Health Department personnel will transport the employees to the certified testing facility.
- d. Employees must sign an authorization form permitting the physician or lab to conduct the tests (urine and breath) and release the results to the testing employee's Appointing Authority.
- e. The standard for a positive initial test and for confirmation tests shall be those set forth in Federal regulations, 49 CFR, Part 40, and as amended. The cut off level for alcohol will be

as set forth in Federal regulations which is currently an alcohol concentration of 0.04 or greater.

- f. An employee shall remain on active duty for pay purposes during testing.
- g. A positive test will result in the employee being relieved from duty until such time as the employer determines that rehabilitation and or discipline is appropriate. Employees may use sick or vacation leave, if available. If neither is available, said time shall be considered unpaid.
- h. An employee who refuses to be tested or tampers with test results will be presumed to test positive for drug or alcohol use.

iii. Test Results

- a. The Health Department shall maintain all test results in a confidential medical file.
- b. The Health Department will retain negative test results for one year and positive test results for five years.
- c. The employee will be given a copy of the test results.

iv. Appeal

- a. The employee may request another test on the split sample in accordance with Federal regulations at his/her own expense.
- b. Any employee may appeal action taken by the Health Department under this policy through the grievance procedure.

v. Disciplinary Action

- a. Employees in violation of this policy and related procedures shall be subject to disciplinary action, including but not limited to termination of employment.
- b. The type and severity of discipline will depend on all the circumstances, including but not limited to, type and amount of drug or alcohol used, employee's explanation, employment record, and willingness to enter a rehabilitation program if treatment is appropriate.
- c. An employee who fails to comply with any portion of this policy including a refusal to sign the drug/alcohol test authorization form, or to take a requested drug/alcohol test can be discharged for insubordination.

vi. Rehabilitation and Counseling

- a. Treatment programs shall be accredited by the Joint Commission on the Accreditation of Hospitals and/or licensed through an appropriate State licensing agency.
- b. Employees must provide written evidence of enrollment in a bona fide rehabilitation program within 48 hours of acceptance to their immediate Supervisor.
- c. The employee must complete the treatment program within 45 days of admission. The treatment can be extended with written medical justification, but in no event for longer than six months from the date of the original positive test.
- d. The employee must provide written verification that he/she has completed the program and is fit to return to work. The employee must pass a drug/alcohol screen prior to returning to active duty.
- e. If the treatment requires a leave of absence, the employee will be considered on sick leave

or FMLA if available. The employee must provide written documentation from the treatment provider that the employee is cooperating and making reasonable progress in the treatment program

- f. County sponsored health insurance may provide coverage for treatment of chemical dependency for eligible employees. The employee must follow applicable insurance procedures regarding treatment and payment. Consult the Insurance Subscriber Booklet for more information.
  - g. Failure to meet any provisions of this section will result in termination of employment.
- vii. Distribution of Policy and Training
- a. All employees shall receive or have access to a copy of the Drug Free Workplace Policy.
  - b. Supervisors shall receive training regarding the detection of the use of controlled substances or alcohol.

## Americans With Disabilities Act

BCC 14-754

### Disabilities in the Workplace

The Health Department prohibits discrimination in hiring, promotions, transfers, or any other benefit or privilege of employment, of any qualified individual with a disability that substantially impairs one or more major life activities. 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 the position, with or without a reasonable accommodation.

The Health Department will provide reasonable accommodation to a qualified applicant or employee with a disability. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis.

An employee who wishes to request an accommodation shall direct such request to the Health Commissioner to investigate and take appropriate action. Employee requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered.

The employer and employee will meet in an "interactive process" to discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given. The Health Department can ask the employee relevant questions that will enable it to make an informed decision about the request. The Health Department may also require documentation about the employee's disability and its functional limitations from an appropriate health care or rehabilitation professional. The Health Department shall make a reasonable accommodation unless the accommodation would pose an undue hardship to the Health Department or is otherwise not required by law.

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

### Citizen Complaints Under ADA

The Health Department provides an organized process for handling citizen complaints of discrimination on the basis of disability in public services, programs, or employment provided by Wood County Health Department.

The Health Commissioner is the designated ADA Coordinator for the Health Department. Questions regarding this process may be directed to the Health Commissioner located at 1840 E. Gypsy Lane, Bowling Green, Ohio or by calling 866.861.9338.

## Unlawful Discrimination

ORC Chapter 4112

42 USC §2000(e)

The Health Department shall provide employees with workplaces free from unlawful discrimination because of the employee's membership in a protected class such as: race, color, religion, sex, age, national origin, ancestry, disability, veteran status, military status, genetic information, or other unlawful reason.

This policy applies to all employees, Supervisors, Division Directors, Elected Officials, Board Members and all suppliers, subcontractors, residents, visitors, clients, volunteers, and other individuals who conduct business on Health Department property or who receive services from Health Department personnel. Since an individual's employment may extend beyond the confines of the workplace, conduct that occurs off duty and off premises may also be subject to this policy.

### Types of Unlawful Discrimination

Unlawful discrimination occurs when:

1. **Employment Action:** An individual subject to this policy is treated less favorably in their employment - e.g. terms and conditions of employment, such as hiring, promotions, raises, discipline, benefits, and other job opportunities - because of their membership in a protected class.
2. **Hostile Work Environment:** An individual is the subject of unwelcome conduct based upon membership in a protected classification such that:
  - a. Enduring the offensive conduct becomes a condition of continued employment; or
  - b. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
3. **Sexual Harassment** is a type of sex discrimination and is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, used as the basis for employment decisions affecting such individual, or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile, or offensive work environment."
  - a. Two types of sexual harassment:
    - i. **Quid Pro Quo Harassment** occurs when there is submission to or rejection of unwelcome sexual conduct either explicitly or implicitly which is used as the basis for employment decisions affecting such individual.
    - ii. **Hostile Work Environment** is created by unwelcome sexual advances, or other sexually offensive conduct that does not involve a specific reward or punishment, but which unreasonably interferes with an individual's job performance, or creates an intimidating, hostile, abusive, or offensive working environment.
  - b. Sexual Harassment can include, but is not limited to:

- i. Verbal:
  - a. Sexual innuendo
  - b. Suggestive comments
  - c. Threats
  - d. Insults
  - e. Obscene joke telling
  - f. Unwelcome humor and jokes about sex or gender-specific traits.
  - g. Sexual proposals
  - h. Unwanted and repeated requests for association

- ii. Non Verbal:
  - a. Making sexual or suggestive or insulting noises
  - b. Obscene gestures
  - c. Whistling
  - d. Leering
  - e. Written or electronically transmitted messages and/or letters
  - f. Pictures, photographs

- iii. Physical:
  - a. Touching
  - b. Pinching
  - c. Squeezing
  - d. Patting
  - e. Coerced sexual activity
  - f. Assault
  - g. Repeated brushing against body

c. Sexual Harassment does not include simple teasing, offhand comments, or isolated incidents. Incidents must be so frequent or so severe as to create a hostile or offensive work environment or results in adverse employment decision.

4. Retaliation: An adverse employment action taken against an employee who reports, files a complaint, participates in an investigation, or testifies concerning unlawful discrimination in the workplace.

## Employee Responsibilities

### 1. Discriminatory Acts

- a. Employees shall not initiate, engage in alone, or with others, or encourage another to discriminate against another employee or against a supplier, subcontractor, resident, visitor, client, volunteer or other individual doing business with or receiving services from Wood County due to their membership in a protected class. Employees shall not initiate, engage in alone, or with others, or encourage another to engage in quid pro quo sexual harassment or create a hostile work environment for

persons to whom this policy is applicable based on membership in a protected class.

- b. Employees shall report acts of discrimination and sexual harassment as set forth in the Complaint Procedure.
- c. Employees shall not make false complaints of discrimination or sexual harassment. Failure to prove unlawful discrimination or harassment does not by itself constitute a "false complaint."

## 2. Complaint Procedure

- a. Employees subject to unlawful discrimination or sexual harassment by a fellow employee, Supervisor, or other individual otherwise affiliated with the Health Department or who have knowledge of discrimination or harassment in their workplace shall immediately report the conduct to their Supervisor or to the next level Supervisor if the offender is the Supervisor.
- b. Employees may initially notify their Supervisor, Division Director or Health Commissioner verbally or in writing.
- c. If requested, the employee shall submit a written report of the alleged discriminatory incidents or acts to the person notified within three days following initial disclosure of discrimination or sexual harassment.
- d. Supervisors and Division Directors shall notify the Health Commissioner of alleged discrimination and sexual harassment and assist with and/or conduct investigations. If the allegation is against the Health Commissioner, the Supervisor/Division Director may notify another Division Director, the Board of Health or the Prosecutor's Office to coordinate the investigation.
  - i. Determination of discrimination and sexual harassment shall be made on a case-by-case basis.
  - ii. The investigation may include interviews of the employee allegedly harassed, the employee committing the alleged harassment, and any and all witnesses.
  - iii. Employees shall cooperate in an investigation.
  - iv. Information will be kept as confidential as practicable, although confidentiality is not guaranteed. Public records may be subject to disclosure under Ohio Public Records Law.

## 3. Retaliation

- a. The Health Department and its Supervisors and employees shall not retaliate against an individual who:
  - i. Files a complaint, reports harassment, or participates or testifies in an investigation, proceeding, or lawsuit alleging discrimination or harassment;
  - ii. Opposes employment practices that he/she reasonably believes discriminate against members of a protected class or subject employees or other persons covered by this policy to harassment; or
  - iii. Reports retaliatory conduct to their Supervisor, Division Director or Health Commissioner.
- b. Disciplinary action for filing a false complaint, or not filing a complaint, is not a retaliatory act.

## Penalties/Disciplinary Action

Disciplinary action for violation of this policy may be taken against:

- 1. An employee who engages in unlawful discrimination, sexual harassment, or retaliation, up to and including termination; and

2. An employee who has knowledge of but does not report unlawful discrimination, sexual harassment, or retaliation.

If appropriate, the Health Department shall notify law enforcement agencies or other licensing bodies.

## Investigations and Discipline

ORC 124.34, 124.388

The purpose of discipline is to correct an employee's performance and/or conduct. Due to its serious and formal nature, discipline shall be initiated only when other methods of correcting the employee's performance have been tried and have failed to result in improved performance. Such methods can include a mandatory referral to the Employee Assistance Program. Any corrective action/discipline shall be documented in writing and placed in the employee's personnel file.

While classified employees hold their positions during good behavior and efficient service, poor job performance or inappropriate behavior including incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the Appointing Authority, violation of Chapter 124 of the Ohio Revised Code, any other failure of good behavior, any other acts of misfeasance, malfeasance, nonfeasance in the office, or conviction of a felony, can lead to disciplinary action against an employee.

### Investigations

The Health Department 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. Failure to respond, to respond truthfully, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees who are witnesses to or the subject of an investigation shall not discuss facts of the investigation during the pendency of the investigation.

At the discretion of Board of Health and/or Health Commissioner, classified employees may be placed on a paid leave of absence pending an investigation only where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected.

An Board of Health and/or Health Commissioner may place a classified employee on unpaid leave for up to two months pending an investigation; however, if the employee subsequently does not plead guilty to or is not found guilty of a felony with which the employee is charged or any other felony, the Board of Health shall pay the employee at the employee's base rate of pay, plus interest, for the period the employee was on the unpaid administrative leave.

The filing or prosecution of criminal charges against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action, if any, under this policy. The Health Department may investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending criminal charges. However, the County may utilize information obtained during a criminal investigation in its disciplinary investigation or action.

### Disciplinary Procedures

#### Pre-disciplinary Meeting

Classified employees are entitled to a pre-disciplinary meeting before any suspension, discharge, execution of



a last chance agreement, reduction in pay or position, or fine becomes effective. Written notice of the charges will be provided prior to the meeting. Failure to attend the pre-disciplinary meeting shall be deemed a waiver of the meeting.

At the meeting, the employee or his/her chosen representative may respond to the charges.

The Health Commissioner will review the statements and/or independent pre-disciplinary decision before recommending an appropriate disciplinary action to the Board of Health.

Unclassified employees and employees in their probationary period are not entitled to pre-disciplinary meetings.

### **Types of Disciplinary Action**

Disciplinary action includes the following: removal, suspension, fine, reduction in pay, reduction in position, and a last chance agreement.

Normally, discipline will be progressive in nature as noted below.

1st Verbal Warning

2nd Written Reprimand

3rd Suspension of 1 to 3 working day based on severity of case

4th Suspension of greater than 3 day based on severity of case

5th Discharge/Termination

Serious infractions can result in immediate discharge without intermediate discipline. Examples of such offenses include but are not limited to:

- Intoxication on Health Department property during work hours
- Possession of intoxicants or illegal substances on Health Department property for use during work hours
- Gambling on Health Department property
- Fighting on Health Department property
- Harassment
- Theft
- Immoral behavior
- Destruction of property
- Insubordination
- Conviction of a criminal charge
- Dishonesty
- Possession of unauthorized firearms on Health Department property
- Personal Harassment
- Falsification of attendance and/or time records or sick leave abuse
- Unauthorized leave of absence

### **Disciplinary Action; Documents**

In the case of a reduction, suspension or fine of 40 or more work hours in the case of an FLSA exempt, classified employee, a suspension or fine of 24 or more work hours in the case of a non-exempt, classified employee, or removal, except for the reduction or removal of a probationary employee, the Board of Health shall serve the employee with a copy of the Order of Reduction, Fine, Suspension, or Removal, which shall

state the reasons for the action and the timeframe for appeal to the State Personnel Board of Review. A copy of the action shall become part of the employee's permanent personnel file.

The Health Commissioner may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

### **Last Chance Agreements**

At the discretion of the Board of Health, a last chance agreement shall be signed by both the Board of Health and an employee that describes the type of behavior or circumstances that, if it occurs, will automatically lead to removal of the officer or employee without the right of appeal to the State Personnel Board of Review.

## **Unclassified Employees**

Unclassified employees are held accountable for their job performance. Inappropriate activities such as employee misconduct or non-compliance with policy and procedures may lead to disciplinary action against the employee. The Health Commissioner and/or the Board of Health has the discretion to impose sanctions immediately ranging from verbal warnings to immediate discharge without due process. The use of due process does not alter the status of an unclassified employee.

## **Grievance Procedures**

An employee with a work-related complaint regarding an assignment or other workplace issue may bring the matter to his/her immediate Supervisor for resolution.

If the matter is unresolved, the employee may submit the complaint, in writing, to the next responsible Supervisor or Division Director.

If the complaint is not resolved by the next responsible Supervisor or Division Director, the employee may submit the complaint, in writing, to the Health Commissioner and/or Board of Health. If the complaint involves the Health Commissioner, the employee may submit the complaint to a Division Director, the Board of Health or the Prosecutor's Office.

An investigation may be initiated to gather additional information to resolve the matter.

## **Performance Reviews**

Employees shall meet with their Supervisors for a performance review at the mid-point and at completion of their probationary period. After the probationary period, employees shall be evaluated annually. The evaluation records the overall quality of employees' work performance, indicates desirable capabilities, sets goals and identifies the work, attitude, and/or behavior needing improvement.

A Supervisor may recognize unusual excellence or deficiencies in an employee's work with a special performance evaluation conducted at any time.

# Safety Procedures

## Risk Reduction Policy

ORC 4167.01 et seq

OAC 4167-4-01

BCC 94-1409 Rev. 04-2361, 11-679, 14-754

The Board of Health will provide a safe and healthy working environment free from recognized hazards for employees and visitors at the Health Department. Each employee must comply with all safety and health standards, rules, and regulations in their workplace to maintain a safe workplace.

Employees shall immediately (or prior to the end of the employee's work shift) report all injuries, hazardous work environments, and/or unsafe or unhealthful conditions to their immediate Supervisor for proper documentation.

Any employee acting in good faith may refuse work under conditions reasonably believed to present an "imminent danger of death or serious physical harm," provided that the condition is not such as normally exists or reasonably might be expected to occur in the normal and regular duties of the public employee.

Prior to the refusal to work, the employee must follow these steps:

1. Notify his or her immediate Supervisor that the condition poses imminent danger.
2. Submit a written statement of the imminent danger to the Public Employee Risk Reduction Program (PERRP) as soon as practicable.

Any employee or employee representative may file a complaint with PERRP, regarding unresolved hazardous or unhealthful condition or practice by letter or by fax.

Public Employment Risk Reduction Program (PERRP)

13430 Yarmouth Drive, Pickerington, Ohio 43147

Phone: 800.671.6858; Fax: 614.644.3133; Refusal to Work Phone: 614.731.4380

Employees cannot be discharged or otherwise discriminated against in any manner for filing a complaint or by instituting or causing to be instituted any provision of the Act. Discrimination complaints must be filed with the State Personnel Board of Review within 60 days of the discriminatory act.

Safety audits will be performed periodically at the Health Department.

## Work Safety in the Workplace

All new employees shall have access to the Basics of OSHA manual via the County website at [www.co.wood.oh.us](http://www.co.wood.oh.us). Supervisors or their designee shall review the questions contained in the manual with employees.

In order to provide updates regarding safety issues, the Work Safety Committee distributes monthly safety subjects for employees to review.

# Violence in the Workplace Policy

## ORC Chapter 2903

1. The Health Department will provide and maintain a safe workplace for all employees and citizens on Health Department property and prohibits any act of violence, either implied or direct.
  - a. No person shall knowingly possess, or have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into Health Department buildings or while performing services for the Health Department, unless such possession, or use of a weapon, is a necessary and approved job requirement.
  - b. Any employee or person who threatens or engages in violent behavior also violates this policy.
2. Definitions
  - a. Act of Violence: Any physical action, verbal abuse or threat, whether intentional or reckless, that harms or threatens the safety of another individual in the workplace including but not limited to:
    - i. Any physical assault including but not limited to hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
    - ii. Verbal or written threats toward persons or property, the use of vulgar or profane language towards others, disparaging or derogatory comments or slurs, offensive sexual flirtations and propositions, verbal intimidation, exaggerated criticism, and name calling.
    - iii. Derogatory or offensive gestures, posters, cartoons, publications, or drawings.
  - b. Dangerous Weapon or Ordnance: Any weapon, device, ordnance, or item as defined by O.R.C. 2923.11 "Weapons Control Definitions."
  - c. Violent Behavior
    - i. Direct threats of physical intimidation;
    - ii. Implications or suggestions of violence;
    - iii. Stalking;
    - iv. Possession of weapons of any kind on Wood County property, including parking lots, other exterior premises or while engaged in activities for Wood County in other locations, or at Wood County sponsored events, unless such possession or use is a requirement of the job;
    - v. Assault of any form;
    - vi. Physical restraint, confinement;
    - vii. Dangerous or threatening horseplay;
    - viii. Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment;
    - ix. Blatant or intentional disregard for the safety or well-being of others;
    - x. Commission of a violent felony or misdemeanor on Wood County property;
    - xi. Any other act that a reasonable person would perceive as constituting an act of violence.
  - d. Workplace: All areas where employees perform job related duties including all County work areas, whether owned or leased by the County, including parking lots, or other places where County employees are engaged in Wood County business. This also includes remote worksites, as well as

County-owned vehicles and personal vehicles on County property.

- e. Lock Down: A method used to secure the building and personnel from threats of violence as deemed necessary.

### 3. Sources of Violence

- a. Disgruntled Customers/Clients. A current or former customer, client or patient of the Health Department. The violence can be committed in the workplace, or as with service providers, outside the workplace but while the worker is performing a job-related function.
- b. Past and Present Employees. An individual with an employment relationship with the workplace, including a current or former employee, supervisor or manager, or a prospective employee.
- c. Personal Relationships. An individual who has a personal relationship with an employee such as a current or former spouse or partner, a relative or a friend who has a personal dispute with the worker and enters the workplace to harass, threaten, injure or kill.
- d. Unknown Citizens. An individual with no legitimate relationship to the worker or the workplace who enters the workplace, or off-site duty area, usually on the pretense of being a customer to commit a robbery or other violent act.

### 4. Types of Violence

- a. Physical Harm to Person. The intentional infliction of physical harm including impairment of physical condition or substantial pain to another person, with or without a weapon or dangerous ordnance.
- b. Damage to Property. Intentional or reckless damage to county or employee personal property without permission.
- c. Verbal or Written Threats. The intentional use of abusive, derogatory, threatening, annoying, discriminatory or obscene language to an employee either in person, by written communication or by telecommunication.
- d. Threatening Gestures and Behavior. The intentional use of conduct with the purpose of causing another to believe that the offender will cause physical harm to the other person or property or cause mental distress.

### 5. Security Measures

- a. Violence-Proofing the Workplace
  - i. No person shall knowingly possess, or have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into Health Department buildings or while performing services for the Health Department, unless such possession, or use of a weapon, is a necessary and approved job requirement.
  - ii. Health Department employees and Health Department vendors shall display identification cards during working hours. Visitors shall display identification cards if requested.
  - iii. The Health Department may designate a safe room(s) or location for staff and clients to go during certain emergency situations. However, the preferred course of action shall be to immediately evacuate the building via the nearest and safest route. The evacuation route shall not be pre-determined, as employees will need to avoid the area where the "violent" event is occurring.
  - iv. The Health Department supervisory staff and designated safety officer shall review work areas, grounds and common areas to identify and implement security improvements.

- v. Supervisory staff shall have access to a live video feed of the security cameras throughout the building from their desktop computer. The Bowling Green Police Division and the Wood County Sheriff's Office shall also have access to the same video feed via a link provided to them.
  - vi. Window punches designed to break windows are mounted next to exterior windows in strategic locations throughout the building. The window punches should only be used as a last resort because the Health Department exterior windows are not constructed of tempered safety glass and could pose a safety hazard when broken. Staff should first try to find an object large enough to through the window to reduce the chances of being injured by broken glass.
  - vii. Employees can use doors stops and/or move heavy furniture in front of a door to prevent access by an intruder if the employees cannot safely escape the building.
  - viii. Interior room office numbers are located on the exterior windows of the respective offices to allow for easy identification by emergency responders. The interior room numbers are also located on the upper door jamb molding in each office.
  - ix. Only employees and authorized individuals with identification badges should be permitted in "employee only" areas.
  - x. All main interior connecting doors have keypad or electronic key fob readers to restrict access throughout the building.
- b. Notification of Suspicious Behavior
- i. Health Department employees shall immediately report all suspicious behavior and acts of violence to their Supervisor or the appropriate law enforcement agency. Employees shall also complete a Health Department incident report form.
6. Emergency Threat Assessment
- a. If the emergency is obvious and imminent, the employee shall immediately report the emergency by dialing 911. **DO NOT DIAL 7 FIRST TO OBTAIN AN OUTSIDE LINE.**
  - b. In all other instances, the employee shall immediately report the incident to a supervisor who shall evaluate the reported behavior or incident to determine whether a potential emergency or actual emergency exists and what, if any, further action should be taken.
7. Emergency Response Procedure
- a. Based on an obvious or imminent threat, designated personnel shall determine which emergency response procedure is appropriate (i.e., lock down or evacuation).
    - i. Lock Down Procedure
      - a. If an emergency warrants a complete lock down, employees will activate the office panic buttons if able, and then employees and visitors shall proceed to the designated safe room or area and secure all doors within the area.
      - b. Personnel shall make an announcement through the intercom system. (If possible, this announcement should include the location and type of emergency. Once lock down notification has occurred, immediately report the emergency by dialing 911. **DO NOT DIAL 7 FIRST TO OBTAIN AN OUTSIDE LINE.**
      - c. Employees shall attempt to barricade the entryway to the safe room or area, gather items that could be used in defense, take a headcount of employees present, and remain in their designated safe room or area until the law enforcement response team declares that an

emergency no longer exists.

ii. Evacuation Procedure

- a. When the designated personnel determine that a safe evacuation can occur, employees and visitors shall immediately evacuate the building.
- b. Designated personnel shall utilize available and appropriate communication methods to notify employees and visitors to evacuate.
- c. Following evacuation to a safe area, designated personnel shall immediately report the emergency by dialing 911.
- d. An evacuation plan, along with any updates to the plan, shall be determined by the Safety Officer and communicated to the Health Commissioner. The following shall be included in the evacuation plan.
  - i. Method of notification (i.e., all page, code word, etc.)
  - ii. A predetermined exterior safe area for employees and visitors to move toward.
  - iii. Procedures to account for all evacuated personnel once reaching the predetermined safe area.
  - iv. Procedures for employees and visitors to distinguish themselves as victims to the responding emergency personnel.
  - v. Egress routes within the building leading to the exterior safe area.
- b. Immediately following an emergency response procedure, the designated personnel implementing the lock down or evacuation shall document all emergency and non-emergency incidents by completing an Incident Report and any necessary documentation. Copies shall be forwarded to the law enforcement for assessment.

8. Assistance

- a. The Health Commissioner may refer employees who are victims of or who have threatened violence in the workplace for assessment by the Employee Assistance Program. Participation in the Employee Assistance Program is not in lieu of prosecution and/or disciplinary action if warranted.

9. Training

- a. All Health Department employees shall receive a copy of the Violence in the Workplace Policy.
- b. All Health Department employees shall attend one hour of training on recognizing, reporting and responding to potential workplace violence.
- c. Supervisory staff shall provide additional training and guidance as appropriate.

10. Discipline and Prosecution

- a. Employees shall be subject to discipline for the following:
  - i. Committing or participating in acts of violence while performing the duties of their position or while on Health Department property.
  - ii. Failing to report suspicious behavior or threats against the Health Department or its employees.
  - iii. Engaging in intimidating or threatening behavior.
  - iv. Intentionally and falsely alleging a violation of this policy.
  - v. The employee may also be prosecuted under applicable federal or state law.



# Emergency Closing Policy and Procedure

## Building Closings

The Wood County Board of Health and/or the Health Commissioner may from time-to-time close the Health Department office building for various reasons, including severe weather conditions.

## Closing Notification

The Wood County Commissioners' Office shall advise the Health Commissioner of any closing of County offices. The Health Commissioner will then determine whether the Health Department office should close. If the Health Department office closes, the Health Commissioner shall notify the Division Directors and activate the phone tree/call list. The Health Commissioner shall determine the exact time of the closing for purposes of calculating vacation/compensatory time/overtime for those employees who left early or stayed late.

The closing will also be reported to the area media.

## Snow Emergency Closing

In the event that a Level 3 snow emergency is in place for Wood County at 6:00 a.m., the Health Commissioner shall close the Health Department office for non-essential personnel. If the snow emergency is lifted later in the day, the Health Commissioner may re-open the office and employees shall be required to report.

## Absence of Employee due to Inclement Weather

Except when the Health Commissioner officially closes the office due to severe weather conditions, employees unable to get to work will not be compensated for hours not worked, but may use available vacation and/or compensatory time. An employee unable to report to work must advise the employee's Supervisor as early as possible on the day of absence.

## Building Evacuation for Bomb Threat or Fire

1. The Health Department will provide a copy of the Bomb Threat Procedure and the Fire Procedure to all employees and will provide training on the same. The Health Department shall post an evacuation route designating the fire/bomb safe area.
2. Procedure if Bomb is Found or Suspect Item Identified
  - a. Suspect Item:
    - i. Obtain all information regarding suspect item. Do not touch or move item.
    - ii. Pull fire alarm.
    - iii. Evacuate to designated bomb/fire safe area.
    - iv. Person making the discovery must report to the designated staging area to report the situation.
  - b. Procedure if Bomb Threat is Received
    - i. Telephone Threat:
      - a. Obtain all information possible from the individual who is making the phone threat by completing the "Bomb Threat Aid" form below. Form should be located directly under

bottom of every phone. Employee receiving threat or suspect item shall immediately call 911, advise Supervisor/Division Director or Law Enforcement Officer on the premises of the situation, and report to the designated staging area with the Bomb Threat Aid card for assessment. Note: Do not dial 7 first to obtain an outside line for a 911 call.

- b. If the threat is determined to be credible, the most senior Division Director or Law Enforcement Officer shall evacuate all personnel to the designated fire/bomb safe area and direct operations until relieved by outside law enforcement.

### 3. Fire Identification Procedure

- a. If a fire is suspected, the employee shall activate the fire alarm.
- b. Evacuate to designated fire/bomb safe area.
- c. Call 911 to report situation. Do not dial 7 first to obtain an outside line.

### 4. Evacuation Procedures in the event of fire, bomb threat, or discovery of a bomb in the work area

#### a. Employee Responsibility

- i. Prior to leaving the building, visually check your immediate work area for anything that may appear to be "unusual".
- ii. DO NOT touch any item that is out of the ordinary.
- iii. DO NOT use cellular phones or two-way radios which could activate the device.
- iv. Report all suspicious items/activity to your Supervisor immediately.
- v. Secure all funds, work station and office.
- vi. Take personal items with you such as purses, briefcases, and backpacks.
- vii. All personnel/visitors shall evacuate to bomb/fire safe area.
- viii. Remain at the bomb/fire safe area as an office/department unit for further instructions from a Health Department official or emergency response personnel.

#### b. Office Responsibilities

- i. Each department shall have a primary and secondary Office Monitor who will be responsible for the following:
- ii. Maintain a working flashlight.
- iii. Obtain an accurate count of all personnel/visitors in the office.
- iv. Assign one person to each physically challenged person in the office.
- v. Direct the people in the office to the appropriate exits and control the speed of the evacuation to avoid panic.
- vi. Report to the bomb/fire safe area.
- vii. Conduct a second count of all personnel/visitors in the office upon reaching the bomb/fire safe area.
- viii. Report to the designated staging area and advise the building monitor that the office has been evacuated.

- c. Each building shall have a primary and secondary Building Monitor who will be responsible for the following:

- i. Maintain a working flashlight.
  - ii. Evacuate to the fire/bomb safe area.
  - iii. Verify with the office monitors that all persons have been evacuated.
  - iv. Report employee/visitor counts to the Health Department representative at the staging area.
5. Bomb Search (By specially designated personnel only)
  - a. By the direction of law enforcement officials, specially trained volunteers shall assist the emergency responders in the search of said facility.
  - b. All search operations will be coordinated via an Incident Command Post.
  - c. A representative of the affected facility shall report to the incident command post in order to provide access to building.
6. Re-Entry
  - a. After an "All Clear" is issued by law enforcement officials, employees/visitors may return to their office or work.

## Tornado Watch/Warning Procedure

1. The Health Department will provide a copy of the Tornado Watch/Warning Procedures to all employees and training on the same. The Health Department shall post an evacuation route designating the tornado safe area.
2. Tornado Watch Procedure
  - a. Upon notification of a Tornado Watch issued by the National Weather Service, Health Department management shall provide notification over the Courthouse and Office Building intercom system which states that Wood County has been put under a Tornado Watch, and provide the beginning and ending times of the watch.
  - b. If the Tornado Watch is extended or canceled, notification will be provided over the intercom system.
3. Tornado Warning Procedure
  - a. Upon notification of a Tornado Warning issued by the National Weather Service or other authorized source, Health Department management will provide notification over the intercom system stating that a Tornado Warning has been issued for Wood County and to please report to your tornado safe area until further notice.
4. Evacuation Procedures (Tornado Warning)
  - a. Employee Responsibility
    - i. All personnel/visitors shall evacuate to their designated tornado safe area.
    - ii. Remain at the tornado safe area as an office/department unit for further instruction from a Health Department official or emergency response personnel.
  - b. Office Responsibilities
    - i. Each office/department shall have a primary and secondary Office Monitor who will be responsible for the following:
      - a. Maintain a working flashlight.
      - b. Obtain an accurate count of all personnel/visitors in the office.

- c. Assign one person to each physically challenged person in the office.
  - d. Direct the people in the office to the appropriate exits and control the speed of the evacuation to avoid panic.
  - e. Report to the tornado safe area.
  - f. Conduct a second count of all personnel/visitors in the office upon reaching the tornado safe area.
  - g. Report to the designated staging area and advise the building monitor that the office has been evacuated.
- ii. Each building shall have a primary and secondary Building Monitor who will be responsible for the following:
- a. Maintain a working flashlight.
  - b. Maintain a working weather monitor radio at the designated tornado safe area.
  - c. Evacuate to the tornado safe areas designated staging area.
  - d. Verify with the office monitors that all persons have been evacuated.
  - e. Report employee/visitor counts to the county representative at the staging area.

#### 5. Re-Entry

- a. After an "All Clear" has been issued or the tornado warning has expired, employees/visitors may return to their office or workplace.

## Travel and Motor Vehicles Travel Reimbursement Policy

ORC 3709.17

#### 1. Travel

- a. When it is necessary for a health Department employee and/or board member to travel outside the Department, such employee and/or board member shall be reimbursed for travel and per diem expenses incidental to such travel. No employee or board member shall be reimbursed for such travel unless prior approval has been granted by the Health Commissioner and/or Board of Health.

#### 2. Approval of Travel

- a. The employee and/or board member must submit a Meeting Request Form to the Health Commissioner and/or Board of Health prior to incurring any expenses for business, training, and travel.
  - i. Out-of State Travel
    - a. All out-of-state travel is prohibited unless state or federally mandated or is necessary to properly perform job duties.
    - b. Requests for out-of-state travel must be submitted with written documentation and rationale and a Travel Purchase Order prior to incurring expenses.
      - i. Rental car expenses are reimbursable at the compact car rate. Personal use and insurance costs are excluded and employees must submit a copy of the itemized

rental agreement.

- b. The Board of Health or County Auditor may deny any request and refuse reimbursement of any expenses incurred without prior approval and/or proper documentation.
- c. On the 6th or 7th work day in a work week: The employee's home shall be considered their work starting and ending point. Mileage shall begin and end at the employee's home.

### 3. Reimbursable Expenses

#### a. Transportation Reimbursement

##### i. Carpooling is strongly encouraged.

- a. Employees using their personal vehicle for work related travel must document on their daily timesheet the number of miles and purpose of the travel for mileage reimbursement.

##### ii. Mileage shall be calculated as follows:

- a. Beginning of the work day: Mileage begins at the first place of Health Department business unless the place of business is closer to an employee's home than the employee's normal commute.

- b. End of the work day: Mileage is up to the last place of Health Department business unless the place of business is closer to an employee's home than the employee's normal commute.

- i. If the first or last place of business is closer to an employee's home than from the employee's home to the Health Department, employees are paid only for miles traveled in addition to the length of the normal commute.

- ii. If the first or last place of business is further from an employee's home than from the employee's home to the Health Department, employees are paid for miles and time for travel in excess of the employee's normal commute.

- iii. Employees shall be reimbursed for work related mileage at the IRS reimbursement rate as adjusted.

- iv. All other policies and procedures apply when seeking reimbursement, e.g. Motor Vehicle Policy.

##### v. Tax Consequences

- a. Mileage reimbursement for work related travel, as defined by the IRS, is not considered a taxable fringe benefit.

- b. If the Board of Health reimburses employees for mileage to commute to and from work, e.g. on call travel, the mileage reimbursement is a taxable fringe benefit and reported as income to the employee for federal, state and local taxes.

#### b. Meal Reimbursement

- i. Only when overnight travel is required, reasonable reimbursements for meals not included in program or registration costs, shall be established and paid on a per diem basis as follows:

- a. Breakfast - \$7.00

- b. Lunch - \$12.00

- c. Dinner - \$20.00

- ii. Travel plans and arrangements must be pre-approved.

- iii. Generally, travel time to a destination and overnight stay the night before will not be authorized when anticipated drive time is 2 ½ hours or less and/or the meeting is scheduled to commence at 9:00 a.m. or after.
  - iv. On partial travel days (days preceded or followed by an overnight stay), employees will be entitled to meals as follows:
    - a. When traveling to a destination on the night before, with travel time starting before 6:30 pm, a dinner meal allowance shall be paid.
    - b. If in attendance or in return travel between 6:30 am and 10:30 am, a breakfast meal allowance shall be paid.
    - c. If in attendance or in return travel between 10:30 am and 2:30 pm, a lunch meal allowance shall be paid.
    - d. If in attendance or in return travel is after 7:00 pm, a dinner meal allowance shall be paid.
  - v. On full travel days (days preceded and followed by an overnight stay), employees will be entitled to receive the maximum meal allowance of \$39.00.
  - vi. For preapproved out of state travel, the Board of Health may approve an alternate reimbursement schedule or reimburse on actual expenses for meals above the amounts in Section 2.
- c. Lodging
- i. The Health Department reimburses for employee lodging at a single room rate.
  - ii. A government rate must be requested when making lodging reservations.
  - iii. The Health Department's federal tax exempt status for sales tax purposes must be presented when making reservations. Wood County's sales tax exempt status is available from the Wood County Health Department.
- d. Travel Related Expenses
- i. Registration fees for approved work related seminars, conventions, etc. are reimbursable or may be billed directly to the Health Department.
  - ii. The Health Department will reimburse for work related expenses such as parking, taxi, business telephone calls, tolls, faxing, wi-fi, and other necessary expenses when accompanied by receipts and approved by the Health Commissioner.
4. Non-Reimbursable Expenses
- a. Expenses attributable to non-employees (food, lodging, transportation, etc.) must be paid by the employee or other party.
    - i. Typical non-reimbursable expenses include:
      - a. Alcoholic Beverages and Snacks
      - b. Cosmetic Needs
      - c. Entertainment
      - d. Entertainment Commuting Expenses
      - e. Laundry and Dry Cleaning
      - f. Personal Telephone Calls

- g. Private Vehicle Repairs
- h. Rental Car Upgrades
- i. Tobacco Products

5. Accounting Procedure

- a. All business, training and travel expenses are subject to Health Department appropriations.
  - i. Employees must provide an itemized receipt for all approved expenses in order to receive reimbursement.
  - ii. Blanket Travel Purchase Orders are not permitted for travel except for routine mileage reported on a designated form.
  - iii. Exceptions to the need for prior approval only include expenses for mileage, parking and tolls
  - iv. Contact your supervisor for additional guidelines for submitting travel expenses for reimbursement.

## Motor Vehicle Policy

ORC 2913.03

1. This policy is promulgated to ensure the safety of all operators of motor vehicles while on Health Department business and to maintain favorable insurance rates.
  - a. Employee's insurability with the Health Department is based on their personal driving record. Any and all activity on an employee's driving record within the prior three years weighs equally toward driving privileges while performing duties on behalf of the Health Department.
2. Definitions
  - a. Motor vehicles: All automobiles and off-road equipment including but not limited to lawn tractors, backhoes, gators, front-end loaders, compactors, etc. This policy does not apply to mobile equipment operated in a limited access, designated work site.
3. Motor Vehicle Operator Rules
  - a. All Health Department employees operating motor vehicles to perform employment duties must comply with the following requirements and procedures:
    - i. Possess a valid driver's license.
    - ii. Must wear safety belts while the motor vehicle is in operation whether they are a passenger or a driver.
    - iii. Operate motor vehicles in a lawful manner.
    - iv. Sign a release permitting a driving and criminal record check at any time throughout their employment with the Health Department. Random driving checks may be administered. The Health Department and/or its insurance carrier may review motor vehicle operation records for the prior three years when determining driving privileges.
    - v. May only use communication equipment in a parked vehicle or in vehicles with hands free communication equipment. Employees shall not dial the cellular phone, text, or take notes while driving.
    - vi. May not consume nor permit any other person to consume alcohol or drugs while in a motor



vehicle on Health Department business.

- vii. Maintain a copy of their insurance identification card and Wood County Incident Report Form in the motor vehicle.
  - viii. If authorized to operate a personal motor vehicle on behalf of the Health Department, the employee shall complete the "Certification of Compliance with Ohio's Financial Responsibility Law" form. The Health Department's insurance carrier does not provide insurance coverage for an employee's personal vehicle while driving on Health Department business.
- b. Failure to comply with items listed above may result in disciplinary action.

#### 4. Accidents

- a. In the event of an accident with a personal vehicle being used for Health Department business, employees must follow the procedures below:
  - i. Stay at the scene of an accident and identify yourself and render assistance if possible.
  - ii. Turn on four-way flashers and set out flags or flares, if available, to warn traffic.
  - iii. Send for an ambulance, if necessary.
  - iv. Do not admit responsibility or make any offer of settlement to the other party. The employee or his/her insurance company is responsible for settlements involving personal vehicles.
  - v. Obtain and record the name, address and license number of the other driver, car license plate number, and the name of car owner and insurance company.
  - vi. When requested, give your name, address, and show your driver's license to the other party.
  - vii. Record names and addresses of witnesses and, if possible, get statement.
  - viii. Notify the police having jurisdiction (state, county or city) where the accident occurred. Record the name and badge number of any officer present.
  - ix. Take pictures if possible or sketch the location showing the position of vehicles, pavement markings, traffic control devices, witness locations and any special conditions such as obstructions, parked cars or skid marks. Show date, time of day, weather and road conditions, and any other useful information.
  - x. Provide your Supervisor with all information within 24 hours after the accident
  - xi. Complete a written Incident Report.
  - xii. Complete a "Traffic Violation/Accident Notice", as per Section VII of this policy.
- b. All Supervisors must contact the Health Commissioner immediately upon notification of an accident.

#### 5. Fines

- a. Any fines incurred as a result of driving or parking violations shall be the responsibility of the employee.

#### 6. New Employees

- a. The Health Department may obtain a traffic record check for prospective employees who may operate a motor vehicle for Health Department related business prior to permitting new employees to drive on behalf of the Health Department. This check includes any violations within the last three years.

#### 7. Reportable Events

- a. Employees who operate a personal vehicle for Health Department business must report any accident that occur during or outside of work hours regardless of fault and any arrests, citations, license suspensions or revocations resulting from moving violations, including, but not limited to: speeding, reckless operation, traffic control devices, assured clear distance, driving under the influence (DUI), driving under suspension (DUS), operating a vehicle while intoxicated (OVI), etc.
  - i. Employees shall complete and return the "Traffic Violation/Accident Notice" by the next working day to their Supervisor.
    - a. Employees must provide copies of the citation and/or indictment, court disposition of the charges, and any other court related documentation to their Supervisor within three days of the action: changes in court dates, extensions, final outcome of court proceedings, etc.
    - ii. The Supervisor shall forward a copy of the "Traffic Violation/Accident Notice" and any other court related documentation upon receipt from the employee to the Health Commissioner.
- b. Employees may be restricted from operating a personal vehicle for Health Department related business until a review of their driving record is complete.

#### 8. Review of Employee Driving Record

- a. The Health Commissioner shall consult with the Health Department's insurance carrier to determine whether the Health Department can maintain coverage on employees based on the Health Department's policy and the following:
  - i. A review of the employee's driving record including but not limited to the accumulation of:
    - a. four or more points (which may include moving violations, OVI/DUI, reckless operation, etc); and/or
    - b. two or more at fault accidents and/or moving violations regardless of points assigned.
  - ii. Any appropriate court determination including but not limited to court-ordered driving privileges or a license suspension.

#### 9. Evaluation of Reportable Event

- a. The Health Commissioner will determine whether the employee can continue to perform the essential functions of the position based on the potential liability communicated by the insurance carrier.
  - i. Based on the potential liability communicated, the employee shall comply with the following:
    - a. If an employee's license is suspended, the employee is restricted from driving as part of his/her employment.
    - b. If the employee receives court ordered driving privileges during a license suspension or following an alcohol or drug related conviction, the employee may be permitted to drive his/her personal vehicle if the following requirements are met:
      - i. Obtain a personal automobile liability policy with minimum limits of \$500,000 combined single limit, bodily injury and property damage. The policy must list the Wood County Health Department as an additional insured party and be acceptable to the Health Department's insurance carrier.
      - ii. Increase insurance limits to \$1,000,000 if transporting other employees.
      - iii. Provide a certificate of insurance and full copy of the policy to the employer for review by the Health Department's insurance carrier upon each period of coverage.

- iv. The Health Department's insurance carrier reserves the right to amend the above requirements at any time. Any exception to these requirements must be approved in writing by the Health Department's insurance carrier.
- c. An employee convicted of an OVI/DUI offense shall not operate his/her own motor vehicle on Health Department business until he/she has completed the following requirements:
  - i. Undergo at his/her own expense an acceptable alcohol dependency assessment within two weeks of conviction or other time period determined by the court.
  - ii. Release the results of the drug/alcohol assessment in writing within five working days to the Health Commissioner.
  - iii. Complete any recommended treatment as outlined in the assessment. The employee shall provide written documentation of the successful completion of treatment within five working days of completing treatment to the Health Commissioner.
  - iv. Upon written certification of the successful completion of all assessment recommendations and if the court allows, the individual may drive his/her own vehicle while working for the Health Department.
- d. A second conviction of any major violation, including an OVI/DUI or any other "6 point" violation or a suspension of license, in the three year period immediately following the initial conviction will result in a permanent restriction from operation of a vehicle for Health Department business.
  - ii. If the Health Commissioner determines that the employee is unable to perform the duties of his/her position without operating a motor vehicle, disciplinary action may be taken, up to and including termination.
  - iii. If the employee can continue to perform the essential functions of the position, the Health Commissioner shall notify the employee in writing if any driving restrictions are imposed.
    - a. Notification shall include the duration of the restrictions and the employee's reporting responsibilities.

## Appendix A

# The Ohio Ethics Law: Revised Code Chapter 102. May 2018

FOR MORE INFORMATION, OR ADDITIONAL MATERIALS ON THE OHIO ETHICS LAW, PLEASE CONTACT:

### OHIO ETHICS COMMISSION

William Green Building 30 West Spring St., L3

Columbus, Ohio 43215-2256

Phone: (614) 466-7090

Fax: (614) 466-8368

<http://www.ethics.ohio.gov/education/factsheets/ethicslaw.pdf>

# Appendix B

## Recommended Guidelines and Best Practices for Managing Public Record E-mails

### 1. Authorized Public E-mail Senders

Generally speaking, the individual sending a qualifying e-mail message should be knowledgeable on the qualifications of a public record and know what the office retention schedule is. Additionally, they should maintain the e-mail record; due to the varied uses of e-mail, each e-mail should be dealt with on a per-office basis.

Every office is to have designated (by Elected Official or Department Head) e-mail users that can receive e-mail from outside of the County system (public). All other non-designated e-mail users, in each office, will be blocked from receiving emails from public e-mail sources. Restricted e-mail users will still retain the ability to send/receive emails to other Wood County offices that use the same e-mail system.

Restricted e-mail users should refrain from sending e-mails that qualify as a public record. Public correspondence via e-mail should only be done by the designated users that have public record knowledge so that the e-mails can be retained correctly. As a recommendation, all offices should have a general e-mail address (officename@co.wood.oh.us) that can be used to receive public correspondence and monitored by more than one employee.

### 2. Methods of Filing Record Qualifying E-mail

After a brief period in your Inbox/Sent Items e-mail folders, messages should be transferred to folders to facilitate categorizing for the appropriate retention schedule.

E-mail messages that qualify as public records are also governed by the records retention schedule. They may be maintained in several ways:

a. Off Line Storage: Printing the e-mails for filing.

b. On Line Storage: E-mail on the County e-mail system is filed electronically for a designated period (refer to the appropriate office retention schedule) unless deleted. Deleted e-mails can only be recovered for 30 days. After that time period, they cannot be recovered.

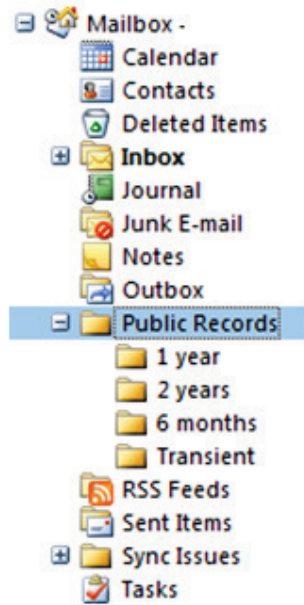
i. Employees should set up folders in the e-mail folder structure to organize messages according to the record retention schedules of their Appointing Authority. Then, such messages assigned according to this folder structure can be handled based on those retention schedules. These designated folders must be stored inside the user's mailbox and cannot be stored in any archive or personal folder. Periodically (daily or weekly), the retention folders should be viewed to determine if any emails in the folders have expired. All expired emails should be deleted and not retained past their designated expiration period unless a litigation hold has been communicated to the office/user.

E-mail messages that have significant administrative, legal and/or fiscal value and are scheduled in excess of 2 years should be printed and filed according to the office retention schedule. The associated e-mails could be filed electronically in a folder designated for a 2 year retention period, then deleted after that time period has expired.

ii. Example of an On Line E-mail Storage System

Handlers of public record e-mails should create folders in their mailbox to sort emails based on their type of record (transient, 6 months, 1 year, 2 years, etc...).

Example shown below:











Copies of public record emails that are sent should also be saved in folders based on their type of record.

- iii. Mixed Storage: Storing a printed copy of the e-mail for filing as well as the original electronic version in the County e-mail system.

### 3. Subject Lines

Subject lines should be as descriptive as possible for future searches and identification. Always fill in the subject line when creating an e-mail. Filling in the subject line on an e-mail helps both the recipient identify and file messages, and to help file messages that must be retained.

## Attachments:

-  1462286205-Snapshot.png
-  1462286205-Snapshot.png
-  Abbreviations
-  Bomb Threat Aid
-  Image 01
-  Ohio's Financial Responsibility Law And Driving And Criminal Record Check Release
-  Snapshot.png
-  Traffic Violation/Accident Notice

## Approval Signatures

Approver	Date
Ben Batey: Health Commissioner	4/29/2019
Julie Kauffman: Human Resource Coordinator	4/4/2019