
***MANUAL OF PERSONNEL POLICIES
FOR MANAGEMENT AND EXEMPT
EMPLOYEES
OF THE
MAHONING COUNTY
DISTRICT BOARD OF HEALTH***

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SECTION 1
INTRODUCTION
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GENERAL EMPLOYMENT CONDITIONS

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Section 1.1

MISSION STATEMENT

The mission of the District Board of Health is to promote and protect the health of individuals and communities, to create a safer, healthier environment, and to improve quality of life.

Section 1.2 **INTRODUCTION AND PURPOSE OF POLICIES**

This Personnel Policies and Procedures Manual ("Manual") contains policies for the management and exempt employees of the Mahoning County General Health District Board of Health. It is intended as a guide for employees to the Board of Health's expectations for job performance and procedures for exercising rights and benefits of employment. All management and exempt employees are charged with the responsibility of becoming familiar with its contents.

There will be situations that require administrative interpretation of these policies. Every effort will be made to ensure that such decisions are made objectively with the general intent of the policy in mind.

There may be occasions when the Board of Health must add, delete or revise specific policies or give current rules a different interpretation from those previously made. The Board of Health has the right to change practices and policies, both written and unwritten, as business requires. Updated policies will be issued to all Manual holders and communicated to all affected employees according to **Section 1.7 POLICY CHANGES, DISSEMINATION AND SUGGESTIONS**.

The policies contained in this Manual are subject to and in accordance with the laws of the State of Ohio. In the event there is a conflict between this Manual and any applicable law or legal document, the applicable law or legal document shall prevail. In the event that future legislation invalidates or changes any of the provisions contained herein, the balance shall remain in effect.

Nothing in this Manual nor any interpretive or enforcement communication should be construed to grant a guaranteed right to continued employment or benefits. This Manual is not an employment contract. Employment with the Board of Health is not for a fixed term or definite period and may be terminated at any time by either the employee or the Board of Health according to law.

The policy stated and adopted within this Manual and the communications interpreting and enforcing them supersede all previous policies and communications.

Section 1.3

DEFINITIONS

- A. Classification means a group of positions that involve similar duties and responsibilities, require similar qualifications and which are properly designated by a common descriptive title indicating the general nature of the work. A classification may include only one position.
- B. Board of Health means the Board of Health of the Mahoning County General Health District, Youngstown, Ohio.
- C. Employer means the Board of Health, or the designee of the Board of Health, authorized by law to make appointments to positions.
- D. Position means a group of duties and responsibilities assigned or delegated by competent authority to be performed by one person.
- E. Supervisor means any individual who has authority, in the interest of the public employer, to oversee and direct the work of lower level employees on a daily basis.

Section 1.4

OBJECTIVES

- A. It is the philosophy of the Board of Health that providing a personnel system which aids in recruiting and retaining competent, dependable employees is vital to the success of the Board of Health.
- B. The policies and procedures stated in this Manual are designated to:
 - 1. Promote high morale and foster good working relationships among employees by providing uniform personnel policies and consideration of employee needs;
 - 2. Provide fair and equal opportunity for qualified persons to enter and progress in service based upon merit and fitness as determined through objective and practical personnel management methods;
 - 3. Enhance the attractiveness of a career with the Board of Health and encourage each of its employees to give his/her best effort to the Board of Health and the public;
 - 4. Encourage courteous and dependable service to the public; and
 - 5. Ensure that all activities are conducted in an ethical and legal manner to promote the Board of Health's reputation as an efficient, progressive body in the community and the State.
- C. It is the Board of Health's intent that these policies, procedures and methods will hereafter govern the working relationship between the employee and the Board of Health.

MANAGEMENT RIGHTS

The Board of Health maintains the ultimate authority to establish, interpret and administer policies and direct the operations under its jurisdiction. The Board of Health's rights include, but are not limited to:

The right:

- A. To manage and direct its employees, including the right to select, hire, promote, transfer, layoff, recall, reprimand; to suspend, discharge or discipline for just cause;
- B. To manage and determine the location, type and number of physical facilities, equipment, programs and the work to be performed;
- C. To determine the Board of Health's goals, objectives, programs, and services, and to utilize personnel in a manner designed to effectively and efficiently meet these purposes;
- D. To determine the size and composition of the work force, staffing patterns, and the Health Department's organizational structure, including the right to lay off employees from duty due to a lack of work or lack of funds;
- E. To determine when a job vacancy exists, the duties to be included in all job classifications, and reasonable standards of quality and performance to be maintained;
- F. To determine the necessity to schedule overtime and the amount required thereof;
- G. To determine and implement necessary actions in emergency situations;
- H. To maintain the efficiency of governmental operations;
- I. To exercise complete control and discretion over the Board of Health's organization and the technology of performing the work performed; and,
- J. To set standards of service and determine the procedures and standards of selection for employment.

Section 1.6

SCOPE OF COVERAGE

These policies apply to all classified, unclassified and exempt employees of the Board of Health who are not members of a recognized collective bargaining unit.

POLICY CHANGES, DISSEMINATION AND SUGGESTIONS

- A. The Board of Health will provide a copy of this Manual to all management employees.
- B. Any questions about a provision of this Manual or items not covered in the Manual such as rules, either written or unwritten, implied or expressed, should be directed to the employee's supervisor.
- C. The Board of Health encourages employees to consider and recommend changes in policy. Matters not already addressed may be brought to the attention of the Division of Finance and Human Resources or a supervisor so appropriate policies may be considered and formulated.
- D. Supervisors should periodically review personnel policies and propose changes and additions. Approximately every two (2) years, the Division of Finance and Human Resources will review all personnel policies to address changes in the law and current practice. All changes are subject to approval of the Board of Health.

FAIR EMPLOYMENT PRACTICES

The Board of Health believes all persons are entitled to equal employment opportunities and does not discriminate against any employee or applicant for employment because of race, color, religion, creed, age, sex, national origin or ancestry, political affiliation or disability that can be reasonably accommodated to do the essential functions of the job. The Board of Health has instituted an Affirmative Action Plan to ensure Equal Employment Opportunity compliance.

No employee may aid, abet, compel, coerce or conspire to discharge, harass or cause another to resign because of race, color, religion, creed, age, sex, national origin or ancestry, political affiliation or disability.

The Director of Finance and Human Resources serves as the Equal Employment Opportunity Officer of the Board of Health. All incidents falling within the purview of this policy are to be reported to the Division of Finance and Human Resources by the supervisor to whom the incident is reported.

Last modified: April 6, 2000

NON-DISCRIMINATION ON THE BASIS OF DISABILITY

The Mahoning County Board of Health does not discriminate on the basis of disability in the admission, access, treatment, promotion, or employment in its programs or activities.

The Director of Finance and Human Resources has been designated to coordinate compliance with non-discrimination requirements of the Americans with Disabilities Act (ADA). Information concerning the provisions of the Americans with Disabilities Act and their rights provided thereunder, are available from the Director of Finance and Human Resources.

FAMILY VIOLENCE IN THE WORKPLACE POLICY

- A. The Board of Health is committed to promoting the health and safety of its employees. The purpose of this policy is to heighten awareness of family violence and to provide guidance for employee and management to address the occurrence of family violence and its effect in the workplace.
- B. Definitions:
1. Employee includes victim, batterer, or witness to family violence in the workplace.
 2. Family violence refers to international intimidation, physical and/or sexual violence, neglect, or financial abuse perpetrated by a family member.
 3. Family refers to persons related by blood or marriage, and/or have a child in common, are/or have been involved in a close, intimate relationship, and/or were previously or/are presently residing together.
 4. Types of family violence include child abuse, intimate partner abuse, including teen dating violence and youth violence and elder abuse.
- C. It is the policy of the Board of Health to use early prevention strategies in order to avoid or minimize the occurrence and effects of family violence in the workplace. The Board of Health will provide available support and assistance to any employee who is a victim, batterer, and/or witness of family violence including:
- Confidential means for coming forward for help
 - Confidentiality
 - Resource and referral information
 - Work schedule adjustments or leave necessary to obtain medical assistance, counseling, or legal assistance
- D. At times, an employee may need to be absent from work due to family violence. The length of time should be determined by the individual's situation and through collaboration with the employee, supervisor, Human Resources Directory, etc. but will ultimately be determined in the sole discretion of the Board of Health.

Each employee (victim, batterer, and/or witness), supervisors, and managers are encouraged to first explore whether paid options can be arranged which will help the employee cope with a family violence situation without having to take a formal unpaid leave of absence. Depending on the circumstance, this may include:

- arranging flexible work hours, if possible, so that the employee can handle legal matters, court appearances, housing, and childcare
- required use of accrued vacation and comp time before using unpaid time, especially if requests are for relatively short periods

- E. While the employer retains the right to discipline the employee for cause, the Board of Health recognizes that victims of family violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate as a result of the violence. When an employee subject to discipline confides that the job performance or conduct problem is caused by family violence, a referral for appropriate assistance should be offered to the employee. However, absent the employee coming forward and asking for assistance prior to the event leading to discipline, any disciplinary action will still go forward.

- F. Any physical assault or threat made by an employee while on Board of Health premises, during working hours, or at a Board of Health sponsored social event is a serious violation of Board of Health policy. This policy applies not only to acts against another employee, but to acts against all other persons, including intimate partners. The employee found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.

The employee convicted of a crime as a result of family violence may be subject to corrective or disciplinary action, up to and including discharge.

Effective: November 1, 2007

Introduction

This policy has been developed in compliance with House Bill 9, effective September 29, 2007. It was adopted at the March 27, 2008 Board meeting.

Section 1. Public Records

The District Board of Health, in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the District Board of Health are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of the District Board of Health that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying during regular business hours.

Section 1.2

Not all of the District Board of Health's records are "public records." The Ohio Revised Code exempts certain records from disclosure. These exemptions to the Public Records Act will be narrowly construed by this office in favor of disclosure. This office may seek a legal review prior to determining whether an exemption applies.

Section 2. Record Requests

Each request for public records will be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester will at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian will contact the requester for clarification, and can assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

Section 2.2

The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. However, this information may be requested when it would enhance the ability to comply with the request.

This office will permit the requester to choose to have the public record duplicated upon paper, upon the same medium which this office keeps it, or upon any other medium which this office determines that it can be reasonably duplicated as an integral part of the normal operations of this office. But this office is not required to allow the requester to make the copies of the public record.

Section 2.3

Public records are to be available for inspection during regular business hours 8:00am to 4:30pm Monday through Friday, with the exception of published holidays. Public records will be made available for inspection promptly.

Copies of public records will be made available within a reasonable period of time depending on the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

Section 2.4

Each request will be evaluated for an estimated length of time required to gather the records. Routine requests for records will be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes, budgets, salary information, forms and applications, personnel rosters, etc.

All requests for public records will either be satisfied immediately or be acknowledged in writing within three business days following the office's receipt of the request. The acknowledgement letter will include the following: (1) the estimated number of business days it will take to satisfy the request and (2) the estimated cost if copies are requested.

Section 2.5

Denials of public records requested will include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the rest released. If there are redactions, each redaction will be accompanied by a supporting explanation, including citations to legal authority.

Section 3. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

Section 3.1

The charge for paper copies is 5 cents per page.

Section 3.2

The charge for downloaded computer files to a compact disc is \$1 per disc.

Section 3.3

There is no charge for documents e-mailed.

Section 3.4

Documents will be mailed if requested. The actual cost of the postage and mailing supplies will be assessed against the party making such request. This office may require such a requestor to pay in advance the cost of postage or costs incurred for other supplies used in the mailing, delivery, or transmission.

Section 4. E-mail

Documents in electronic mail format are records under the Ohio Revised Code when their content relates to the business of the office.

Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure.

Section 5. Failure to Respond to a Public Records Request

The District Board of Health recognizes the legal and non-legal consequences of failing to properly respond to a public records request.

This public records policy shall remain in effect until such time that it is revised or rescinded in writing.

Effective: March 27, 2008

AUDITOR OF STATE'S FRAUD REPORTING SYSTEM

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

Auditor of State's Contact Information:

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

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

Web www.ohioauditor.gov

In accordance with ORC §117.103, all current employees and newly hired employees will be required to sign forms acknowledging they were notified of the fraud reporting system. Also in accordance with ORC §124.341, if a classified or unclassified employee becomes aware of a situation and reports it to the Auditor of State's fraud reporting system, the employee is protected against certain retaliatory or disciplinary actions. If retaliatory or disciplinary action is taken against the employee, the employee has the right to appeal with the State Personnel Board of Review.

Effective: May 4, 2012

SECTION 2

RECRUITMENT, SELECTION, APPOINTMENT

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Section 2.5	Appointment Probationary Period Duration Assignment Classification Placement Promotion Transfer Voluntary Demotion Reemployment Assignment of Relatives

Section 2.1

RECRUITMENT

- A. When the Board of Health approves a new position or determines that a vacancy will be filled, the job description, qualifications, salary and application deadline will be posted on department bulletin boards for seven (7) working days. When a vacancy due to resignation, retirement or removal occurs in a position that has been previously authorized by the Board of Health, the Health Commissioner may, after consultation with the Personnel Committee, post or advertise the vacancy in accordance with Board of Health personnel policies.
- B. An application must be properly completed and submitted before an applicant will be considered for employment.
- C. Positions not filled by in-house applicants will be advertised in the Vindicator after the posting period. Professional positions may be advertised in newspapers with national circulation, professional journals, newsletters and organizations specializing in minority, disabled, and women's issues.
- D. School placement services, colleges and universities with appropriate training programs will be contacted, when appropriate.
- E. All advertisements and postings will include an "Equal Provider of Services and Equal Opportunity Employer" statement.

SELECTION

- A. To be considered for a position or vacancy, an applicant must complete the approved employment application form. Applicants for a position that requires licensing must present the license for verification.
- B. Applications will be reviewed and selected candidates will be interviewed by the position's immediate supervisor. The Health Commissioner and Board of Health Personnel Committee will be given one (1) week notice of scheduled interviews. Fully qualified, current Board of Health employees will be given first consideration for transfer or promotion to a vacant position. Qualifications, not seniority, will be used to determine internal transfers or promotions.
- C. Reference checks, background checks and job related testing procedures will be conducted. Any job-related employment tests will be administered in an objective manner. If an individual has a disability, the test will be administered in a manner that ensures the results reflect the skills, aptitude or other factors to be measured rather than the impaired skills. Only job-related skills will be evaluated.
- D. A minimum of three (3) documented references will be obtained before a candidate can be recommended for employment.
- E. The most qualified applicant(s) will be recommended to the Health Commissioner. Employment recommendations are subject to approval of the Board of Health.

SELECTION PROCESS RECORDKEEPING

A. RECORDS MAINTENANCE

1. An Equal Employment Opportunity form will be given to each external employment candidate along with the application form.
2. The Equal Employment Opportunity form will be removed from the application after it is completed and kept separate from the application. These forms will be used to prepare the required annual summary report for the Ohio Civil Rights Commission.

B. RETENTION PERIOD

1. Equal Employment Opportunity forms will be kept for two (2) years.
2. Applications will be kept for one (1) year.

EMPLOYMENT ELIGIBILITY

Successful applicants are appointed subject to the following employment constraints as defined by the qualifications for the position. An offer of employment may be withdrawn if an applicant is determined to be unqualified for the position.

- A. Proof of required licensure and educational requirements.
 - 1. Failure to maintain a current required license may result in disciplinary action up to and including discharge.
 - 2. Payment of any license, registration or examination fee is the responsibility of the employee, unless payment is otherwise agreed to by the Board of Health.
- B. Satisfactory driver's record check (See **Section 3.2 A.2 DRIVING RECORD CHECK**).
- C. Proof of employment eligibility (See **Section 3.2 A.1 IMMIGRATION/CITIZENSHIP STATUS**).
- D. Proof of liability insurance with limits of \$100,000/\$300,000/\$50,000, submitted to the Personnel Officer by any employee who must drive his/her private vehicle as a part of the job duties (See **Section 4.9 REIMBURSEMENT OF EXPENSES**).
- E. Drug test results that indicate the applicant is not currently using illegal drugs.

APPOINTMENT

A. PROBATIONARY PERIOD-CLASSIFIED EMPLOYEES

1. DURATION

- a) A newly appointed full-time employee will serve a probationary period of one hundred twenty (120) calendar days.
- b) A newly appointed part-time employee will serve a probationary period of one hundred twenty (120) calendar days.
- c) A newly appointed probationary employee may be discharged as described (See **Section 11.2 A. PROBATIONARY DISCHARGE**).

2. An employee who has been promoted to a higher classification will serve a probationary period as listed above.

3. During the second half of the probationary period, an employee serving a probationary period after a promotion may be returned to his/her former classification and rate of pay if work performance, behavior and/or work attitude is not satisfactory.

4. An employee who resigns during a probationary period is not eligible for re-employment.

B. Unclassified employees serve probationary periods determined by contract with the Board of Health.

C. ASSIGNMENT

1. CLASSIFICATION PLACEMENT

- a) Jobs are grouped into classifications on the basis of similar duties and qualification requirements. Compensation is determined, in part, by the job classification.
- b) The duties and responsibilities of each job will be periodically reviewed and adjusted. When the job duties have changed significantly, the employee or his/her supervisor may request that the Division of Finance and Human Resources have the position audited. As a result of an audit, a revised job may be moved to another classification. A job audit may not be requested for a period of one (1) year from the date of the results of the last audit, unless the job duties are substantially altered.

2. PROMOTION

- a) An employee who has successfully completed a probationary period in his/her current position may be considered for promotion to a higher classification.
- b) A current employee will be considered for promotion to a vacancy only when he/she is determined by the Health Commissioner to be fully qualified for the position.

3. TRANSFER

- a) An employee is considered to have been transferred when he/she is given a different assignment within the same classification.
- b) An employee who has successfully completed the probationary period in his/her current position may request transfer to a vacancy within the same classification.
- c) Transfers will be made at the discretion of the Board of Health.
- d) The Board of Health can initiate a transfer if the transfer would be in the best interest of the Board of Health.
- e) The needs of the Board of Health take precedence over the wishes of an employee.

4. VOLUNTARY DEMOTION

- a) When an employee with a qualifying disability becomes unable to perform the essential functions of his/her position, with or without reasonable accommodation, but can perform the essential functions of a position in a lower classification, with or without reasonable accommodation, he/she may request in writing a reduction to the lower position.
- b) An employee may, for any reason, request a demotion to a lower position by signing a written request.
- c) Approval is at the discretion of the Board of Health.
- d) A demoted employee will have his/her salary rate reduced to a level within the salary range of the lower classification.

5. REEMPLOYMENT

Any former employee of the Board of Health who return to employment with the Board of Health is deemed reemployed.

6. ASSIGNMENT OF RELATIVES

- a) The Board of Health generally will not employ members of the same family in the same work unit.
- b) Members of the same family will not be placed in a direct supervisory line with one another. For this policy "family" is defined as parent, spouse, child, grandchild, sister or brother.
- c) If two employees marry, neither must resign or transfer unless the positions they occupy at the time of marriage are in a direct supervisor/subordinate relationship. If the two employees are employed in a supervisor/subordinate relationship, they will decide between themselves who will resign or transfer.

SECTION 3

CONDITIONS OF EMPLOYMENT

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Section 3.5	Disability Accommodation
Section 3.6	Exposure to Contagious Disease

EMPLOYMENT STATUS

- A. Employees are classified as full-time, part-time, temporary, seasonal or intermittent.
 - 1. Full-time employees are those who are regularly scheduled to work forty (40) hours per week.
 - 2. Part-time employees are those who are regularly scheduled to work fewer than forty (40) hours per week.
 - 3. Temporary, seasonal and intermittent employees are full-time or part-time employees who work in positions that are not considered permanent. These categories of employee are used to fill a short term need without incurring a permanent employment obligation. Temporary employment may not exceed a continuous period of six (6) months.
- B. Probationary employees are full-time or part-time employees who have not completed the established probationary period.
- C. Full-time or part-time employees who have successfully completed a probationary period are considered in regular employment status. Regular classified employees are subject to dismissal only for cause.
- D. Seniority with the Board of Health is defined as the uninterrupted length of continuous service with the Board of Health. An authorized leave of absence does not constitute a break in service and seniority time continues to accumulate during the term of the leave, provided the employee complies with the rules and regulations governing his/her leave of absence, and the employee is reinstated from the leave. Continuous service is broken by any of the following events:
 - 1. Discharge for cause;
 - 2. Resignation;
 - 3. Failure to return to work at the end of an approved leave of absence;
 - 4. Failure to apply for reinstatement within ninety (90) days of discharge from active duty in the military service; or
 - 5. Absence from duty without leave for five (5) consecutive days.

EMPLOYMENT RECORDS

A. EMPLOYMENT ELIGIBILITY RECORDS

1. IMMIGRATION/CITIZENSHIP STATUS

- a) The Board of Health will not discriminate on the basis of a person's national origin or citizenship status in recruitment, hiring or termination. However, it will not knowingly employ any person who is or becomes an unauthorized alien.
- b) Employees hired after November 6, 1986 must provide suitable documentation and complete INS Form I-9 to verify identity and employment eligibility.
- c) A successful applicant refusing to provide documentation or providing false documentation will not be hired, or will be subject to discharge for cause.

2. DRIVING RECORD CHECK

Driver Abstract Reports may be requested for each Board of Health employee who must operate a motor vehicle, County-owned or personal, as a regular function of the job.

- a) A current employee who drives as a regular function of the job may be screened if the Board of Health becomes aware of a pattern of unacceptable driving practices. If the information provided by the Driver Abstract Report places the employee in the "unacceptable Driver" category as defined below, the Division of Finance and Human Resources will review the employee's driving record and determine if the employee can continue in his/her current position without driving. If driving is an essential function of the job, the employee may be transferred or terminated at the discretion of the Board of Health.

b) REVIEW OF THE DRIVER ABSTRACT

A request will be sent to the Ohio Bureau of Motor Vehicles to obtain the Driver Abstract. (The request must be submitted in writing to the Ohio Bureau of Motor Vehicles and must include the subject's social security number and the required processing fee).

The Driver Abstract will be reviewed against the established criteria for operation of a motor vehicle on Board of Health business. The result of this review will be submitted to the Health Commissioner.

c) EVALUATING THE DRIVER ABSTRACT

The following will be used as general guidelines to determine the acceptable driving status of an applicant or employee:

Unacceptable Driver is defined as one who, during the previous three (3) year period, has received a conviction for one (1) of the following:

- Reckless driving or drag racing;
- Driving while under the influence of alcohol or drugs;
- Vehicular homicide;
- Leaving the scene of an accident, if the accident resulted in personal injury or death; or

- Willfully eluding or fleeing a police officer in response to a traffic violation.

Two (2) or more chargeable or "at fault" accidents (the nature and severity of the accident to be taken into account).

Three (3) moving violations for which the applicable state agency awarded two (2) or more points.

Any combination of one (1) chargeable or "at fault" accident and two (2) moving violations as listed in (b) or (c) above.

B. PERSONNEL FILES

1. The Board of Health will maintain official personnel files on its employees. Such files will include, but are not be limited to, individual employment data; work time schedules; application forms; and records pertaining to selection, promotion, demotion, transfer, layoff, termination.

The Auditor's office will maintain appointment letters and references forms I-9, W-4, federal and state withholding information, PERS and payroll information.

2. Nothing herein shall prevent the dissemination of impersonal statistical information about Board of Health employees.
3. An employee may arrange with the Division of Finance and Human Resources to inspect his/her personnel file.
4. Each employee is required to advise the Division of Finance and Human Resources of any change in name, address, telephone number, citizenship, selective service classification or association with any government military service organization.

Each employee is required to maintain the following current information on file with the Auditor's office: name, address, marital status, and the number of exemptions claimed for tax purposes.

Each employee is required to advise the Division of Finance and Human Resources of any change in the status of dependents covered by a family health insurance policy. Failure to do so may result in disciplinary action up to and including termination.

5. All requests for information or reference checks of present or former employees, will be referred to the Division of Finance and Human Resources. No Board of Health employee other than the Health Commissioner or his/her designee is authorized to release any information regarding current or former employees.

Section 3.3

MEDICAL EXAM

- A. The Board of Health may require a current employee to submit to examination, conducted by a licensed physician or psychologist, to determine if the employee can perform the essential functions of the job.
- B. The Board of Health will pay the cost of the examination.

HOURS OF WORK

A. REGULAR HOURS

Generally, regular workdays are Monday through Friday. However, an employee may be required to work to provide required services at times when Board of Health offices are closed or additional coverage is necessary. The Board of Health's office hours are 8:00 a.m. to 4:30 p.m.

DISABILITY ACCOMMODATION

- A. A disability is defined as a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment or the state of being regarded as having such an impairment.

The severity of the impairment must substantially limit a major life activity such as walking, talking, seeing, hearing, breathing, learning or working in order to be considered a disability.

Disabling conditions include, but are not limited to: orthopedic conditions; vision, speech or hearing impairment; cerebral palsy; AIDS; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; and mental retardation; as well as those regarded as having physical or mental impairment such as severe burn victims. Contagious diseases are not included so long as they do not pose a current, direct threat to health and safety in the workplace.

- B. The Board of Health will not discriminate against an employee or applicant who has a qualifying disability. The employee or applicant will be treated in the same manner as other employees.
- C. An employee with a qualifying disability may work as long as he/she is physically and mentally able to perform the essential functions of the job without undue risk to himself/herself, other employees or the public. If an employee is incapable of performing the essential functions of the job, with or without accommodation, he/she may be transferred to a vacant position, if available, of which he/she is qualified where he/she can perform the essential functions of the job with or without reasonable accommodations.
- D. An employee with a disability is not required to inform the employer of the condition. However, should an employee require accommodation to perform the essential functions of the job, he/she should discuss any necessary accommodation with the supervisor or the Health Commissioner. Employee assistance policies will be explained.
- E. An employee who requests accommodation must provide the Personnel Officer with any medical records required to make decisions regarding job assignment and accommodation. Medical records are confidential and are not available for public inspection.
- F. The Health Commissioner may require a doctor's certification of an employee's ability to safely perform the essential functions of the job. (See **Section 3.3 MEDICAL EXAM**).

EXPOSURE TO CONTAGIOUS DISEASE

- A. An employee is required to report to his/her supervisor any exposure to a contagious disease which might pose a direct threat to health and safety in the workplace.
- B. The Board of Health may remove or reassign an infected or contagious employee or co-worker if a secondary infection would pose a higher than usual risk to himself/herself or others.
- C. Employees who are at risk of exposure to blood-borne or contagious diseases will follow a system of "universal precautions" to limit the spread of infection in the workplace. Supervisors will instruct employees about any special precautions necessary in individual work areas.
- D. An employee concerned about being infected with a contagious disease while in the workplace should convey this concern to his/her supervisor. Any employee who refuses to work with or perform services for a person known or suspected to have a contagious disease is subject to discipline, up to and including discharge.
- E. Information relating to a contagious disease in the workplace will be disclosed to employees when the information is necessary to protect the health or safety of employees or others. The necessity of disclosure will be at the determination of the Health Commissioner.

SECTION 4
COMPENSATION

Section 4.1	Payday
Section 4.2	Payroll Deductions
	Ohio Public Employees Retirement System (OPERS)
	Deferred Compensation
	Income Taxes
	Medicare Tax
	Voluntary Deductions
	Garnishments
	Special Withholdings
Section 4.3	Temporary Job Assignments
Section 4.4	Overtime Compensation
Section 4.5	Reimbursement of Expenses
	Transportation
	Lodging
	Meals
	Corporate Credit Cards
	Travel Reports
Section 4.6	Salary Plan
Section 4.7	Daily Time Report

Section 4.1

PAYDAY

- A. The workweek begins and ends at midnight on Saturday. The pay period covers two (2) weeks and begins and ends on the second Saturday of the bi-weekly pay period. Employees are **paid every other Friday** for the period ending two weeks prior to the payday. If a holiday falls on a payday, the paychecks will be issued the preceding Thursday, except when there are extenuating circumstances when paychecks will be issued on the following Monday.
- B. Questions about paychecks should be directed to the Division of Finance and Human Resources. The Division of Finance and Human Resources is responsible for making the necessary explanations or inquiries to resolve the matter.
- C. Pay advances are not permitted.
- D. A written authorization signed by the employee must be given to the Division of Finance and Human Resources before issuance of a paycheck to any person other than the employee. Such statement must explicitly authorize a specific person to pick up the employee's paycheck. The authorized person must be able to produce identification at the time he/she arrives to pick up the paycheck.

PAYROLL DEDUCTIONS

Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans or as requested by the employee. These deductions are itemized on the pay statement which accompanies the bi-weekly paycheck. Deductions include:

A. RETIREMENT**1. OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM (OPERS)**

State law mandates an employee share and an employer share be paid into the Ohio Public Employees Retirement System (OPERS). As a benefit to some employees, ten percent (10.00%) of the employee's gross pay is paid by the Board of Health as the employee share to OPERS. The Board of Health contributes an additional fourteen percent (14.00%) of the employee's gross pay to the OPERS fund as the employer's share. The stated percentages may change at the direction of the OPERS Board of Directors.

2. DEFERRED COMPENSATION

Mahoning County and the State of Ohio have established deferred compensation plans that make it possible to defer income and the payment of income taxes on the deferred amounts. This money is then placed in tax-deferred investments available under the plans. These plans are not intended for savings and investments of a short-term nature, since monies are generally not available unless an employee retires or terminates employment. More information is available from the County Commissioners Association of Ohio at (800) 423-3699 or the Division of Finance and Human Resources.

B. INCOME TAXES

Federal, state, municipal and school taxes will be withheld as required by law. An employee must complete a withholding tax form W-4 at the time of initial employment and keep the Division of Finance and Human Resources informed of any change in number of dependents.

C. MEDICARE TAX

All employees hired on or after April 1, 1986 will have Medicare taxes in the amount of 1.45% of the employee's gross earnings deducted from his/her pay. An employee who was employed before April 1, 1986, quits and is then reemployed on or after April 1, 1986, will have Medicare taxes deducted.

D. VOLUNTARY DEDUCTION

An employee may authorize payroll deduction for United Way, deferred compensation and other items approved by the Board of Health. The County Auditor may refuse to make deductions that are not required by law, are below certain set minimum amounts or that occur at irregular intervals.

E. GARNISHMENTS

Court ordered garnishments including child support payments will be withheld. (See **Section 8.10 GARNISHMENTS**).

F. SPECIAL WITHHOLDINGS

1. Employees may request payroll deduction for investment purposes. A minimum of five percent (5%) or more of the total number of employees paid through the County Auditor's office must participate in a fund in order to qualify.
2. Employees may enroll or change enrollment during September of each year.

TEMPORARY JOB ASSIGNMENTS

On occasion, it may be necessary to temporarily assign an employee to a different job classification in order to provide required services. When an employee is assigned to a different job classification for one (1) day or more, the employee will be compensated as follows:

- A. If the employee's regular rate of pay is higher than the range for the temporary assignment, the employee will be paid his/her regular rate of pay.
- B. If the employee's regular rate of pay is lower than the range for the temporary assignment, the employee will be paid within the pay range of the temporary assignment, retroactive to the time the assignment began and for the duration of the assignment.

OVERTIME COMPENSATION

Management and exempt employees who work in excess of forty (40) hours per week may accumulate compensatory time on an hour-for-hour basis. During the period of January 1, 2011 through July 30, 2011, management and exempt employees except the health commissioner who work in excess of forty (40) hours per week may be awarded paid overtime at a rate of one-and-one half (1.5) hours for each hour of overtime work related to the public health emergency response (PHER) grant. Overtime assignments must be pre-approved by the health commissioner.

REIMBURSEMENT OF EXPENSES**A. TRAVEL REQUEST FORM**

Prior approval from the Health Commissioner and Board of Health is required for all out-of-county travel. "Travel Request" forms are to be initially submitted to the employee's supervisor.

B. TRANSPORTATION

1. Travel by air, bus or other common carrier must be at the lowest available rate. The employee is responsible for notifying the carrier at the earliest possible time of any reservation change or cancellation.
2. Mileage reimbursement for travel in privately-owned vehicles will be at the same rate as stipulated in the current collective bargaining agreement. The Board of Health is not responsible and will not reimburse for any other costs such as maintenance, vandalism, towing, etc. incurred by an employee while using their privately owned vehicle in performance of their job duties.
3. Employees traveling on Board of Health business must always wear safety belts.
4. Reimbursement for taxi fares, bridge, highway and tunnel tolls, parking and garage charges may be claimed upon presentation of receipts.
5. When more than one employee is traveling to the same destination, they are expected to travel in a carpool.
6. In lieu of driving a Board of Health vehicle or a rental vehicle from Enterprise Rent-a-Car that the Board of Health has offered to provide for work-related out of county travel, an employee may request to use his/her personal vehicle. The employee would not be reimbursed for mileage in accordance with the employee personnel manual. They would instead be reimbursed in accordance with the terms of the Alternate Travel Reimbursement Agreement.

C. LODGING

1. Employees whose lodging is reimbursed by the Board of Health will be reimbursed for the actual cost of lodging (except as noted below) when an employee travels out of the County on official business and such travel requires an overnight stay. Overnight stays within sixty (60) miles or less of the Board of Health offices will not be approved.
2. Employees whose lodging is reimbursed by Ohio Department of Health grant funds may be reimbursed up to \$80.00 per night plus taxes. This reimbursement rate is a per person rate, e.g., two employees lodging together may be reimbursed up to \$160.00 per night plus taxes. When lodging at less than the maximum allowable rate is not available, the Division of Finance and Human Resources may make other arrangements to assure lodging for authorized travel. Receipts are required for reimbursement.

3. Government rates and state tax exemption should always be requested when making reservations. The Division of Finance and Human Resources has a list of hotels in the Columbus area in which direct bill accounts have been set up.
4. Employees of the same sex attending a meeting or conference are encouraged to share a room.

D. MEALS

An employee authorized to travel on official business may claim reimbursement for meals up to an amount as determined by the Office of Budget and Management of Ohio based on the location of out-of-town travel (includes tax and up to a 15% gratuity). Meals will be reimbursed only if overnight lodging is required. Itemized receipts are required for reimbursement. Restaurant receipt stubs or credit card receipts where only the total amount is indicated are not acceptable for reimbursement.

E. REQUEST FOR REIMBURSEMENT

Requests for reimbursement of travel and other expenses are to be made on the "Expense Reimbursement Form" and are to be submitted to the employee's supervisor. Receipts for all expenditures must be attached. Except for meals, sales tax paid by an employee will not be reimbursed to the employee unless documentation of the vendor's refusal to honor the Blanket Certificate of Exemption form is attached. See Article 23 Section 1E of the collective bargaining agreement for a list of non-reimbursable items.

F. TRAVEL REPORTS

Employees attending seminars, conferences or other meetings outside of Mahoning County are to submit written travel reports to their supervisors within five (5) days of their return.

G. MILEAGE REPORT RECORD

Employees who use their personal vehicle for official Board of Health business shall complete a "Mileage Report Record" form and submit it to their supervisor no more than on a monthly basis. Employees who are paid from more than one funding source should complete separate forms for each funding source mileage is requested to be paid from.

Effective: February 1, 2008

Section 4.6

SALARY PLAN

- A. The Board of Health offers a salary plan for management and administrative positions based on a periodic survey of local health districts and relevant state agencies similar in size of budget, population served, and program scope.
- B. A salary range is established for each position with the midpoint between the minimum and maximum rates as the rate ideally paid to the average fully qualified employee in that position.
- C. Salary increases within the ranges are dependent on two factors:
 - 1. The availability of funds for cost-of-living raises for all management and administrative positions.
 - 2. Employee performance documented in the employee's annual written performance appraisal conducted in January.
- D. In May of each year the Health Commissioner will recommend to the Board of Health a salary schedule for the year beginning in June which takes into consideration the factors described above.
- E. The current salary plan is effective June 1, 1993.

DAILY TIME REPORT

- A. The Daily Time Report is the bi-weekly payroll record used by the Board of Health to calculate and process accurately the payroll.
- B. Each Employee, on a daily basis, should record their beginning work time, lunch period, ending work time and total hours.
- C. The Division of Finance and Human Resources shall route to respective divisions Daily Time Reports. It is the employee's responsibility to accurately complete and submit his/her Daily Time Report.
- D. If any employee requests paid time off such as sick hours, vacation hours, holiday hours, compensatory hours, professional hours, bereavement hours, please complete the appropriate portion of the time sheet listing the dates and entering the fringe hours requested in the "total hours" column.
- E. The employee shall sign their Daily Time Report and route the completed Daily Time Report to his/her Supervisor.
- F. Supervisors shall review the employee's Daily Time Report and approve additional work hours/overtime and requested fringe benefits by initialing the Daily Time Report in the "Management Approval" column.
- G. Division/Program Directors shall sign off on the Daily Time Report for employees under their direction. Division/Program Directors shall route Daily Time Reports by 10:00 a.m. on the Monday following the end of the pay period to the Division of Finance and Human Resources.
- H. Employees must still complete Request for Leave forms when requesting time off. All approved Request for Leave forms should be routed to the Division of Finance and Human Resources or attached to the Daily Time Report.
- I. Incomplete or inaccurate Daily Time Reports may cause normal pay to be short the disputed amount and adjusted on the next pay period. Employees not submitting a time sheet (unless for a justified reason) may not receive a paycheck for that particular pay period. Adjustment will not be made until the next pay period.

SECTION 5

BENEFITS

Section 5.1	Insurance
	Health Insurance
	Life Insurance
	Ohio Public Employees Retirement System (OPERS)
	Worker's Compensation
Section 5.2	Vacation
Section 5.3	Holidays
Section 5.4	Sick Leave
Section 5.5	Bereavement Leave
Section 5.6	Court Leave
Section 5.7	Military Reserves
Section 5.8	Unpaid Leaves
	Leave of Absence
	Medical Leave
	Active Duty Military Leave
Section 5.9	Employee Assistance Program
Section 5.10	Vacation Leave Donation Program

INSURANCE

A. HEALTH INSURANCE

1. Full-time permanent employees are eligible for health, life and dental insurance under the policies chosen by the Board of Health for its employees. Full-time temporary employees whose appointments are for 120 days or longer are eligible for health insurance coverage upon appointment.
2. For the purpose of benefits, full-time employees are those who regularly work forty (40) hours per week.
3. New employees are eligible to enroll in the insurance program the first of the month following thirty (30) days of employment.
4. Life and dental premiums are fully paid by the Board of Health. Employees are required to pay a ten percent (10%) uncapped premium co-share for health care through payroll deductions.
5. An employee who is eligible for hospitalization coverage and is simultaneously covered through a spouse's insurance program, is required to select one carrier or the other in order to avoid the cost of duplicate coverage.
6. Eligible employees may defer health insurance coverage for themselves or their spouses and eligible dependents if alternative coverage is available under a spouse or parent's plan. The Board of Health will pay eligible employees one-half of the net savings from the deferment of coverage under the Board of Health plan, calculated as one-half of the average net cost each year of all options under the health insurance plan (calculated as total premium cost less 10% premium co-share) The opt-out payments will however, not exceed 2006 amounts. Payments will be made on the first pay of each month. An eligible employee who suffers a loss of coverage under an alternative plan may be re-enrolled in the Board of Health plan subject to the plan's requirements. If there is a delay in re-enrollment, such as an exclusion for pre-existing conditions, the Board of Health will pay up to twelve (12) months of the COBRA cost for the employee to maintain his/her alternative coverage until the employee is eligible for the Board of Health insurance plan.
7. Details of coverage are outlined in the health-care and dental-care plan booklets.

B. LIFE INSURANCE

The Board of Health provides a fully-paid group life insurance policy on each full-time permanent employee, not to exceed forty thousand dollars (\$40,000) in coverage.

C. RETIREMENT

1. OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM (OPERS)
 - a) OPERS enrollment is mandatory for all employees who do not participate in another public retirement system.
 - b) The Board of Health pays the employee's OPERS contribution unless otherwise approved by the Board of Health. An employee's contribution is held in his/her own account. The employer's contribution is held in the general fund of OPERS. When an employee leaves public employment, he/she may request a refund of his/her own

contribution. Funds contributed by employers are not refundable. An employee may choose to leave his/her contribution in the fund and receive retirement benefits upon qualification.

- c) An employee may name a beneficiary for his/her account. If no one is named as beneficiary, the law requires the spouse to be the beneficiary; or, if there is not a spouse, the children; or if there is neither a spouse nor children, parents; or if no spouse, children or parents, then the estate.
- d) Employees having any questions regarding this program, should call or write to:
Ohio Public Employees Retirement System 277 East Town Street
Columbus, Ohio 43215 (614) 466-2085

D. WORKERS' COMPENSATION

State law provides that every Board of Health employee is eligible for Workers' Compensation for injuries arising out of or in the course of his/her employment. Guidelines for administering Workers' Compensation are set forth below.

1. Should an employee be injured during the course of employment with the Board of Health, he or she must complete an injury report. His/her supervisor is to notify the Division of Finance and Human Resources as soon as the supervisor learns of the injury. If the employee is unable to complete an injury form his/her supervisor is to complete it. This report must be completed, regardless of the apparent seriousness of the injury, and regardless of whether or not medical attention is required. Such report must be forwarded to the Division of Finance and Human Resources within forty-eight (48) hours of the accident.
2. Should an employee's injury require medical attention, the supervisor will provide the injured employee with a Doctor's Report of Injury form, which is to be completed by the attending physician. This completed report must be forwarded to the Division of Finance and Human Resources at the earliest possible date.
3. In the event of serious injury, the injured employee's supervisor is to notify the Division of Finance and Human Resources immediately so that an investigation may be initiated.
4. The employee is responsible for providing the Division of Finance and Human Resources with his/her expected date of return as soon as it is known, and keeping the employer apprised of his/her condition.
5. An employee who is injured in the line of duty and must leave work before completing the workday will be paid at his/her regular rate for the balance of time left in the scheduled workday. Injured employees are required to comply with all treatment plans of the attending physicians and cooperate fully in returning to work as soon as possible. Failure to cooperate may result in disciplinary action or discharge.
6. An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments from Workers' Compensation. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from Workers' Compensation.

Revised: November 17, 2006

Section 5.2

VACATION

- A. All full-time employees will receive vacation benefits as shown on the chart below. Vacation is prorated for part-time employees in proportion to the regularly scheduled hours of work.

Years of Service Worked*	Vacation Days	Hours Accrued Per 80 Hours
Less than 1 year	None	None
after one (1) year	10 Workdays	3.08
Employees hired before March 1, 1998: after four (4) years	15 Workdays	4.616
Employees hired after March 1, 1998: after five (5) years	15 Workdays	4.616
after ten (10) years	20 Workdays	6.16
Employees hired before March 1, 1998: after fifteen (15) years	25 Workdays	7.696
Employees hired after March 1, 1998: after twenty (20) years	25 Workdays	7.696

* Vacation begins to accrue at the higher rate after the 4th, 5th, 10th, 15th and 20th anniversary dates.

- B. After one (1) full year of service with the Board of Health, an employee will be credited with vacation earned during the first year of employment. Vacation may be taken only after one (1) full year of employment. If an employee terminates his/her employment before serving one (1) full year with the Board of Health, he/she will receive no vacation pay.
- C. Service time for the purpose of calculating vacation will be determined according to the total prior service with the State or any political subdivision thereof. In either case, prior service need not be continuous. Prior service credit will not apply to an employee who has retired and is rehired after June 24, 1987.
- D. Employees can accumulate up to two times what they earn per year in vacation hours. No additional vacation credits will accrue to an employee who has two (2) years of unused vacation credit. As a grace period, employees will have until February 1, 2013 to get vacation balances at or below maximum allowable. Accrual will resume once the employee begins to use the accrued vacation. Employees hired or promoted to a management position on or after June 1, 1993 will take at least one (1) week (5 days) of vacation, personal leave, or compensatory time on consecutive days during each employee's anniversary year of employment.
- E. Vacation leave request must be submitted in writing to the employee's immediate supervisor for approval.
- F. When two or more employees request the same vacation date and all requests cannot be granted, the most senior employee's request will be granted, provided the request is submitted a minimum of one (1) month in advance. Leaves requested less than one (1) month in advance will be granted in order received. Once an employee has received approval for vacation leave, he/she may not be displaced by a more senior employee.
- G. Vacation leave may be denied during a specific period, if the workload dictates.

- H. While on vacation, if an employee is disabled due to illness, injury or experiences a death in the family that would qualify for paid sick or bereavement leave, he/she may request time off charged to sick or bereavement leave by showing documented proof of eligibility.
- I. An employee may convert up to one year's vacation accrual into a cash payment for vacation time accrued during a calendar year. For OPERS purposes, vacation time accrued during a calendar year less vacation time used during that calendar year equals an amount that is OPERS earnings eligible. The remainder is non-OPERS earnings eligible. This payment will be paid at the employee's current hourly rate of pay on the last pay of January in the following year.
- J. Employees will receive three "personal days" per year after one year of service with the Board of Health. Employees hired after February 1, 2012 will receive two "personal days" per year after one year of service with the Board of Health. These personal days may be taken for any reason. Personal leave requests must be submitted in writing to the employee's immediate supervisor for approval. Personal days may not be carried over from the benefit year ending May thirty-first to the next.

Revised: January 25, 2012

Section 5.3

HOLIDAYS

A. Employees shall receive the following paid holidays:

- | | |
|-----------------------------|-------------------------------|
| New Year's Day | Columbus Day |
| Martin Luther King, Jr. Day | Veteran's Day |
| Presidents' Day | Thanksgiving Day |
| Memorial Day | Friday after Thanksgiving Day |
| Independence Day | Christmas Eve |
| Labor Day | Christmas Day |

B. If a holiday falls on Sunday, it is observed on the following Monday. If a holiday falls on a Saturday, it is observed on the preceding Friday.

C. Only employees on active pay status will receive holiday pay. An employee who is not on active pay status the day before a holiday will not receive holiday pay.

D. Seasonal and intermittent employees are not eligible for holiday pay.

Effective April 1, 2003

Revised: September 24, 2009

SICK LEAVE

- A. All full-time and regular part-time employees accrue sick leave at 4.616 hours for each eighty (80) hours of service. Sick leave is earned only when an employee is on active pay status, (i.e. for only those days for which the employee is actually paid). The amount of sick leave an employee may accrue is unlimited.
- B. An employee who transfers from another public agency to the Board of Health, or who is reappointed or reinstated, is credited with the unused balance of his/her accumulated sick leave (to a maximum of three hundred (300) hours if transferring) provided the time between separation and reappointment does not exceed ten (10) years. "Public agency," as used above, includes the State, counties, municipalities, boards of health, boards of education, public libraries and townships within the State of Ohio. Documentation of employee transfers must be submitted to the Auditor's office.
- C. Sick leave must be requested on the approved sick leave form (see Appendix A) as soon as the employee returns to work. When an employee will be on extended sick leave he/she must notify the supervisor of his/her probable return date.
- D. An employee who is absent three (3) or more consecutive days may be required to present a physician's note verifying the illness. An employee who is on extended sick leave under a physician's care must submit a monthly statement from the physician stating the status of the illness/injury. Upon return to work, the employee must furnish a statement from the physician certifying his/her ability to perform the job duties.
- E. The Board of Health has by law the authority to investigate the reasons for an employee's absence.
- F. If an illness or disability continues beyond the time covered by earned sick leave, an employee may use earned vacation leave or may request an unpaid Leave of Absence. (See **Section 5.8 LEAVE OF ABSENCE**)
- G. An employee fraudulently obtaining sick leave or falsifying sick leave records is subject to disciplinary action. (See **Section 10 DISCIPLINE**)
- H. Sick leave may be used for:
 - 1. Illness or injury of the employee or illness or injury of a member of the employee's immediate family, where the presence of the employee is reasonably necessary;
 - 2. Exposure of employee to a contagious disease that would have the potential of jeopardizing the health of the employee or the health of others;
 - 3. Medical, dental or optical examinations or treatment of the employee or a member of the employee's immediate family, where the presence of the employee is necessary, and the appointment cannot be scheduled during non-work time;
 - 4. Pregnancy, childbirth or related medical conditions;
or
 - 5. Care of employee's wife or children during the post-natal period.

- I. "Immediate family" is defined as mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandmother-in-law, grandfather-in-law, legal guardian or other person who stands in place of a parent. This list includes step-relatives.
- J. An employee absent on sick leave is paid at his/her regular hourly or bi-weekly rate.
- K. An employee may convert up to one year's sick leave accrual into a cash payment for sick leave accrued during a calendar year. For OPERS purposes, sick leave accrued during a calendar year less sick leave used during that calendar year equals an amount that is OPERS earnings eligible. The remainder is non-OPERS earnings eligible. Hours requested to be converted will be paid at a reduced amount of 25% of hours requested and paid at the employee's current hourly rate of pay on the last pay of January in the following year.
- L. Employees hired prior to June 1, 1993 who retire under the provisions of the Public Employees Retirements System after completion of ten (10) years of continuous service with the Board of Health are entitled to convert twenty-five percent (25%) of accrued but unused sick leave into a cash payment at the time of retirement. Employees hired or promoted to a management position on or after June 1, 1993 are entitled to convert twenty-five percent (25%) of accrued but unused sick leave up to a maximum of sixty (60) days into a cash payment at the time of retirement. Employees hired or promoted to a management position on or after September 24, 1998 are entitled to convert twenty-five percent (25%) of accrued but unused sick leave up to a maximum of thirty (30) days into a cash payment at the time of retirement (See **Section 11.3 A. SICK LEAVE CONVERSION**).

Section 5.5

BEREAVEMENT LEAVE

- A. Employees will be granted three (3) consecutive days bereavement leave in the event of death in the employee's immediate family. (See **Section 5.4 I. SICK LEAVE**)
- B. Employees will be granted a single day of bereavement to attend the funeral or services for a niece, nephew, aunt, or uncle. This includes "steps" but not "greats".

Revised: October 26, 2006

COURT LEAVE

- A. An employee will receive full pay when subpoenaed for court or jury duty by the United States, the State of Ohio or a political subdivision.
- B. Any compensation received from the court must be paid to the Board of Health.
- C. An employee who must appear in court in his/her own behalf may use vacation or may request an unpaid leave of absence.

MILITARY RESERVES

Ohio National Guard, Defense Corps, Naval Militia and all U.S. Armed Forces reserve component members are authorized up to thirty-one (31) days paid leave per calendar year for training purposes. The employee must submit a copy of the Active Duty for Training Orders with the request for leave and complete the required leave papers.

LEAVES OF ABSENCE**A. FAMILY OR MEDICAL LEAVE**

1. An employee who has worked 1250 hours in a calendar year and has been employed with the Board of Health a minimum of twelve (12) consecutive months is entitled to a maximum of twelve (12) weeks leave in any twelve (12) month period for any of the following circumstances:

a. **CHILD CARE LEAVE**

- 1) the birth of the employee's child;
- 2) the adoption or receipt of a child into the employee's foster care.

For purposes of child care leave, the employee must take the leave within twelve months of the qualifying event. Where a husband and wife are both employed by the Board of Health, leave for child care is limited to twelve weeks between the two employees.

b. **FAMILY OR MEDICAL LEAVE**

- 1) to care for an immediate family member with a "serious health condition";
- 2) in the event that the employee has a "serious health condition".

"Serious health condition" is defined as a disabling illness, injury or impairment that requires in-patient care or continuing treatment by a health-care provider. Short-term conditions, such as illnesses lasting only a few days or outpatient hospitalization requiring only a brief recovery period, do not qualify.

For purposes of this section, immediate family member is defined as spouse, parent, child or step-child.

2. In the case of child care, family or medical leave, an employee may use accrued sick, vacation, compensatory time and other available paid leave. All paid leave will be included in the twelve (12) week leave period.

3. When an employee is granted a medical leave of absence for illness, injury or any other medical condition, the employee must furnish a written statement from his/her physician confirming that he/she is unable to work and the expected date of return to work. A physician's release will be required before the employee is permitted to return to work from a personal medical leave. When an employee is requesting leave to care for a family member, the employee must furnish a statement from the family member's doctor confirming the condition, the necessity of the employee's care and the expected date of return to work. The Health Commissioner may require recertification of disability or necessity of the employee's presence for care at any time during the leave. The employee is responsible for any cost of examination for certification or recertification as soon as possible as a condition of leave approval, or continuation of leave.

The Board of Health may require the employee be examined by a physician of the Board's choosing at the Board's expense. In case the Board and employee's physicians disagree on the necessity of a leave the Board will choose a third physician to examine the employee. The third physician's opinion will be final and binding on both the employee and the Board of Health.

4. When an employee is granted for a maternity leave for planned medical treatment, the employee must give thirty (30) days notice of the day the leave is expected to commence and the anticipated length of the leave. Employees should give as much notice as is practicable so that operational needs can be met. In the case of planned medical leave,

treatment should schedule so as to cause minimal disruption to the public services. An employee who requests and is granted a leave for a specific time and who wishes to return to work prior to the end of the leave may do so only with the approval of the Health Commissioner.

5. The Board of Health will continue to pay the employee's health insurance premiums during the leave of absence. If an employee does not return to work at the end of the leave, he/she will be required to repay the Board of Health the amount paid to retain the employee's health insurance during the unpaid portion of the leave.
6. The employee may request a reduced leave schedule or intermittent leave schedule to be granted at the discretion of the Board of Health. If an employee with a serious medical condition requests a reduced schedule or intermittent leave, he/she may be temporarily transferred to a position that better accommodates the employee's schedule.
7. An employee will be terminated if they abuse or fraudulently use this benefit.
8. An employee who fails to return to work within five (5) work days of the expiration or cancellation of an approved leave of absence, without satisfactory explanation to the Board of Health, will be terminated. The employee's termination date will be established as the starting date of the approved leave of absence.
9. An employee may not be granted family leave for any time period for which he/she is eligible for benefits under Workers Compensation. Employees are ineligible for unemployment compensation during any leave period.
10. An employee on an unpaid leave of absence does not accrue sick or vacation leave, but continues to accrue seniority.

B. OTHER LEAVES OF ABSENCE

1. A leave of absence without pay for reasons other than those described in (A) above may be granted by the Board of Health for up to six (6) months. A leave for public service or education may be granted for up to two (2) years. The request for a leave of absence must be submitted in writing. An unpaid leave of absence is discretionary, and may be granted or denied by the Board of Health.
2. Employees may use accrued sick and vacation leave to extend approved leaves of absence.
3. An employee may request an early return to work, subject to the approval of the Health Commissioner.
4. Upon return from a leave of absence, an employee will be returned to a position in the classification held at the time of separation; or if the classification no longer exists, to another similar classification. If no similar classification exists, the employee may be laid off. (See **Section 11.2 C. LAYOFF**)
5. An employee on an unpaid leave of absence does not accrue sick leave or vacation leave, but continues to earn seniority.
6. Employer-paid health care benefits cease at the end of the month in which an unpaid leave of absence begins. Continuation of coverage is available at the employee's expense. Employer contributions to health care benefits resume the first of the month following the employee's effective return to work. (See **Section 11.3 B. HEALTH CARE BENEFITS CONTINUATION.**)
7. If it is discovered that a leave of absence granted for a specific purpose is not being used for that purpose, the Board of Health may cancel the leave and direct the employee to report for

work. Failure to report for work is considered a resignation.

8. If an employee fails to return to duty within five (5) workdays of the expiration or cancellation of an approved leave of absence, without satisfactory explanation to the Board of Health, he/she will be terminated. The employee's termination date will be established as the starting date of the approved leave of absence.

C. ACTIVE DUTY MILITARY LEAVE

1. A Board of Health classified employee with more than ninety (90) days tenure who voluntarily or involuntarily enters any of the Armed Services of the United States, will be granted an unpaid military leave of absence.
2. If not accepted for active duty, the employee will be reinstated to his/her former position without loss of seniority, status or reduction in pay.
3. An employee who completes his/her active duty obligation without voluntarily re-enlisting or extending the obligation is entitled to his/her previous position within thirty (30) days of written request, provided such request is submitted within ninety (90) days of release from active duty.
4. If a temporary disability prevents the employee's performance of the essential functions of the job, he/she will be allowed up to one (1) year from the date of application to overcome the disability and return to work. If the employee has a qualifying disability under the Americans with Disabilities Act, he/she will be reasonably accommodated.
5. An employee returning to a previously held position under these provisions receives credit for military service in the areas of status, rank, rating, increments, qualifications, etc., as though employment with the Board of Health had continued during the leave.
6. Vacation, personal leave and sick leave do not accrue during active duty military leave.

Last modified: April 6, 2000

EMPLOYEE ASSISTANCE PROGRAM

It is the policy of the Board of Health to assist employees with problems that may affect their lives, their families, or their jobs. These difficulties may be the result of stress, heavy drinking, drug misuse or abuse, family or marital worries, financial or legal concerns or any number of other pressures that cause disruption at home or on the job. In order to accomplish this, the Employee Assistance Program (EAP) has been established to seek humane solutions to these problems.

This program is available to Board of Health employees and, to the extent possible, their family members, because family problems also affect the employee's job performance.

The services of the EAP include information dissemination, problem assessment, motivational counseling, referral and follow-up. The services of the EAP are provided for employees who voluntarily refer themselves for assistance. No applicant for services will be discriminated against because of age, color, handicap, national origin, race, religion, sex, sexual preference or previous conditions.

The following principles are included in this policy:

1. It is recognized that alcoholism, drug abuse, family or marital distress, social and relationship problems, mental or emotional illness, legal problems, financial problems, and related environmental conditions are illnesses or problems that can be successfully treated or resolved. Early identification of and intervention into these problems often result in the successful treatment of and recovery from serious human distress and illness.
2. The social stigma often associated with these illnesses has no factual basis. It is expected that a positive attitude and realistic acceptance of these illnesses will encourage employees to voluntarily seek and accept available treatment.
3. It is expected that through an employee awareness and educational program, employees will seek information and/or assistance on their own initiative. Such requests will be processed as voluntary and informal rather than formal referrals. In most cases, the decision to use the services of the EAP is a personal one for the individual.
4. Confidentiality of records is mandated by federal regulations and will be maintained at all times with the Employee Assistance Program. Information concerning an individual's participation in the program does not enter into his or her personnel file.

On a yearly basis during the month of April, the steering committee for the Board of Health will convene to review the usage of the Employee Assistance Program, to monitor the program's progress, and to make recommendations to improve the program.

There are many ways to gain access to the EAP - self referrals, family and peer referrals, supervisory referrals, and formal involuntary referrals as part of a last chance agreement. When an individual's safety and work performance are being affected by a personal problem, the supervisor will suggest using the EAP. A formal involuntary referral may be made by the supervisor as part of a last chance agreement offered to the employee. Supervisory referrals should be discussed with the Director of Human Resources and the EAP Provider prior to making the referral.

Special Note: The EAP is to be utilized for employee conflict resolution through mediation. Managers are encouraged to utilize this service at the earliest possible opportunity. The opinion is that managers should not allow conflict to exist between employees. Any displays of problem behavior or conflicts should immediately be referred for mediation through our EAP.

EAP Provider:

Worklife by Meridian
527 North Meridian Road
Youngstown, Ohio 44509
330-797-0074

LEAVE DONATION PROGRAM

Employees of the District Board of Health – Mahoning County may donate paid vacation, compensatory time, and personal leave to an employee who is otherwise eligible to accrue and use sick leave. The intent of the Leave Donation Program is to allow employees to voluntarily provide assistance to their co-workers who are in critical need; this need to be determined by the Health Commissioner on a case-by-case basis.

- A. An employee may receive donated leave up to the number of hours the employee is scheduled to work each pay period, if the employee who is to receive donated leave:
 - 1. Has a very serious illness or injury;
 - 2. Has no accrued sick, personal, vacation, or compensatory time;
 - 3. Has applied for any paid leave of workers' compensation for which the employee is eligible; and
 - 4. Has successfully completed his/her probationary period.

- B. Employees may donate leave if the donating employee:
 - 1. Voluntarily elects to donate leave and does so with the understanding that donated leave may not be returned;
 - 2. Donates in full days (minimum of one day).
 - a) 7.5 hours per day for union members seeking donations.
 - b) 8.0 hours per day for managers/exempt employees seeking donations.

- C. The Leave Donation Program shall be administered by the Health Commissioner and/or his designee. Employees using donated leave shall be considered on active pay status but shall not accrue sick or vacation leave in a pay period that they are using donated time. Donated leave shall never be converted into a cash benefit.

- D. Employees who wish to donate leave shall certify:
 - 1. The name of the employee for whom the donated leave is intended;
 - 2. The number of hours and type of leave to be donated;
 - 3. That the leave is donated voluntarily and the employee understands that the donated leave may not be returned.

- E. Leave donations are strictly voluntary. The Employer shall respect an employee's right to privacy. However, the Employer may inform employees of their co-worker's eligibility to receive donation leave.

SECTION 6

PERFORMANCE EVALUATION

Section 6.1	Purpose
Section 6.2	Types of Evaluation
	Annual Evaluation
	Special Evaluation
	Probationary Evaluation
Section 6.3	Procedure

Section 6.1

PURPOSE

The primary purposes of a performance evaluation is to:

- A. Uniformly and objectively rate an employee's job performance;
- B. Provide an opportunity for the employee and supervisor to recognize the employee's strengths, correct specific performance problems, and clarify the supervisor's expectations of the employee;
- C. Provide a means of communication between the employee and his/her supervisor;
- D. Provide data on which to base promotional selection decisions;
- E. Provide a means of determining job efficiency for layoff purposes;
- F. Provide a basis on which to make salary decisions;
- G. Reveal conditions that contribute to poor morale or low productivity; and
- H. Enable the supervisor to detect gaps and limitations in his/her own supervisory performance.

TYPES OF EVALUATION

A. ANNUAL EVALUATION

Each regular employee is evaluated in January of each year. Evaluations cover the proceeding year, or in the case of new employees, the completion of the remainder of the year following the probationary period.

B. SPECIAL EVALUATION

Special evaluations may be performed at any time at the discretion of an employee's supervisor.

C. PROBATIONARY EVALUATION

A probationary employee is evaluated twice during the probationary period. The first written evaluation is prepared and submitted at the end of the first half of the probationary period. The second written probationary evaluation is prepared and submitted approximately fifteen (15) days before the end of the probationary period.

Section 6.3

PROCEDURE

- A. Supervisors have the primary responsibility for initiating, scheduling and completing performance appraisals.
- B. Each employee will be evaluated against the established position description for his/her assignment.
- C. The supervisor will meet with the employee to review concerns, expectations, duties, responsibilities and to set measurable objectives for the next period. The employee will be given the opportunity to read the appraisal, ask questions and comment in writing on the appraisal document. The employee must sign the document indicating he/she has been given this opportunity.
- D. The completed performance appraisal, including any employee comments, will be placed in the employee's personnel file. Copies will be given to the supervisor and the employee.

SECTION 7

EMPLOYEE DEVELOPMENT

- Section 7.1 Continuing Education
- Section 7.2 Participation in Professional Organizations
- Section 7.3 Tuition Assistance Program

Section 7.1

CONTINUING EDUCATION

- A. The Board of Health will grant sufficient release time and reimburse employees up to \$750 in registration and travel expenses each year for its employees who require continuing education credits to maintain the licensure, certification or registration required to perform the duties of their job classification. For accounting purposes, expenses will be determined based on the date that the event occurs as opposed to when the expense is incurred or reimbursed. The year is defined as June 1 to May 31. In addition, any amount unused in one year may be used in the next year, but reimbursable expenses may not exceed \$1,500 in any one year. Unused amounts from one year must be used in the following year or they will be lost.

- B. The Board of Health will reimburse employees who complete courses in epidemiology and biostatistics on their own time at an accredited college or university. Courses selected by an employee for tuition reimbursement under this policy must meet with the prior approval of the Health Commissioner. An employee must receive a passing grade in the course to qualify for tuition reimbursement.

- C. Employees who enroll on their own time in a course of study leading to a Master of Public Health degree may use all or part of their annual continuing education reimbursement to defray the cost of tuition, subject to the conditions contained in Section 7.1(B) above.

Revised: October 26, 2006

Section 7.2

PARTICIPATION IN PROFESSIONAL ORGANIZATIONS

- A. Subject to prior approval by the Health Commissioner and Board of Health, up to twelve (12) days per year will be granted to an employee who holds an office in an Ohio public health-oriented professional organization. Travel expenses for these activities are reimbursable in accordance with Board of Health travel policy. (See **Section 4.5** REIMBURSEMENT OF EXPENSES)

- B. Employees who are on boards of chartered organizations or who have a fiduciary role in an outside organization shall report this activity to the Health Commissioner.

Section 7.3 TUITION ASSISTANCE PROGRAM

PURPOSE

The Board of Health encourages professional and career development for its employees. Acquiring new skills and gaining access to new knowledge improves employee productivity and strengthens commitment to the organization. To this end, the Board of Health has established a tuition assistance program that allows an approved employee to pursue undergraduate or master's degrees in the following disciplines: public health, community health nursing, environment health sciences, health education, and business administration and accounting. This program should not be confused with funding for conferences, travel workshops or staff development and training activities. Courses for personal education, hobby, personal interest or personal enrichment do not qualify. The Board of Health considers this program a privilege and not a right. Any request for tuition assistance is subject to approval or denial based solely on the availability of funding and the Board's sole determination of the appropriateness of the request. Tuition assistance payments may be subject to federal taxes.

POLICY

An employee may request tuition assistance pursuant to the requirements set forth in item (B)(3) for completed course work at an university or college accredited by an accrediting agency recognized by the U.S. Secretary of Education that is related to an employee's current position or other appropriate position leading to advancement in the organization. Participation is voluntary and under no circumstances is it a condition of continued employment nor does the granting of tuition assistance constitute any guarantee of employment for any specified period of time. The Board of Health retains the right to amend or terminate the program at any time. Assistance will be made in an amount not to exceed the annual amount budgeted for the program. Participation will be based on many factors including but not limited to seniority, job performance level of responsibility and the education request involved. Ultimately the Board of Health reserves that right to approve or deny any request.

ELIGIBILITY

- A. Employee
 1. To be eligible to request tuition assistance an employee must be a full-time management or exempt employee who has completed one (1) year of continuous service prior to the date on which the course(s) begins.
 2. Tuition assistance will be considered only for an employee who is performing at or above a satisfactory level on his/her most recent annual performance evaluation.
 3. Employees who are provided tuition assistance are expected to work for the Board of Health for a period of three (3) years immediately following reimbursement for completed coursework. The resignation, release or separation of employment for any reason or under any circumstances of an employee after enrollment in an approved course will result in the employee's automatic ineligibility for tuition assistance. In the event of a resignation, release or separation of employment, the employee is required to reimburse the Board of Health according to a repayment schedule determined by the Board of Health.
 4. Employees who receive educational tuition reimbursement must sign a promissory note for the total amount of reimbursement provided, and an agreement obligating the employee to repay any tuition assistance which was made on her or her behalf to the extent that such assistance was made within less than three (3) years from the date of their reimbursement for completed coursework.

Since the amount of tuition assistance will increase as the employee progresses through the degree program, a new note will be required to be signed by the employee each time additional assistance is provided. The note will be returned to the employee after the employee has worked for the Board of Health for three (3) years from the date of reimbursement for completed coursework. The return of the final note to the employee fully discharges the employee from any further obligation for reimbursement for the tuition assistance.

Example:

If an employee's reimbursement for completed coursework was \$9,000.00: If the employee's employment ends:

- a. 12 months after reimbursement for completed coursework repayment is \$6,000.00
- b. 18 months after reimbursement for completed coursework, repayment is \$4,500.00
- c. 24 months after reimbursement for completed coursework, repayment is \$3,000.00

B. Courses

1. Tuition assistance will only be given consideration for courses offered by accredited colleges or universities.
2. The course(s) must prepare employees for advancement within the employee's current job classification or directly develop the employee's competency in public health practice. Courses must be related to the employee's present job or any appropriate position, which is a promotional opportunity and provides a contribution to the employee's professional development in the public health service.
3. Request for tuition assistance will be considered on the following criteria:
 - a. Master's degree programs – up to \$3,000.00 per calendar year
 - b. Bachelor's degree program - up to \$2,000.00 per calendar year
 - c. Associate's degree program – up to \$1,000.00 per calendar year

C. Approval

1. Recommendation for approval of courses of study must be made in advance by the employee's supervisor.
2. If the recommendation is given by the supervisor, approval must next be granted by the Tuition Assistance Review Committee and the Board of Health. In making the determination, the Committee will ascertain the availability of funds, and the relationship of the course(s) to the employee's present job or promotional opportunity in public health. The recommendation of the Committee to the Board of Health shall be final and only subject to Board approval or rejection.
3. Course attendance must not interfere with completion of the employee's job duties. All scheduled courses must be approved by the Health Commissioner. Any situation requiring the employee's presence on the job shall take precedence over any time scheduled for course attendance.

D. Assistance

1. Once approved for assistance for course tuition and/or laboratory fees reimbursement may be obtained by obtaining a "B" or higher grade in the course work. After receiving such passing grades the employee must submit his receipts of payment and grades and thereafter shall be reimbursed for tuition and fees that have been paid.
2. No later than four (4) weeks after completion of the course(s) the employee must submit his/her original report card to the Division of

Finance and Human Resources and proof of payment.

E. Limitations

1. Tuition assistance beyond total tuition and fees may not be granted to an employee who receives a monetary benefit from another source (i.e. grants, scholarships, fellowships) for that given course. Prior to submitting an application for tuition assistance employees are expected to investigate and apply for alternate sources of tuition support and financial assistance for which they may be eligible. Information about financial assistance programs may be obtained from college/ university financial aid offices. Employees receiving tuition support or financial assistance from any alternate source must report it and the amount on the application form. The amount will be deducted from total tuition and fees before computing the allowable reimbursement. Employees who fail to report alternate sources and amounts of financial aid on the application will be considered to have committed a fraud against the Board of Health and subject to disciplinary action including termination. In addition they are required to return of the reimbursement award.
2. The following costs are not eligible or reimbursable: room and board, lab breakage fees, tutoring fees, auditing fees, late fees, transportation fees, and parking. Correspondence courses, internet courses, seminars, conferences and workshops are not included in the tuition assistance program.

PROCEDURES

- A. Employees wishing to participate in the tuition assistance program must initially discuss their plans or intentions with their immediate supervisor for guidance and direction. The employee shall submit a formal written plan to the supervisor for review which articulates how the course work will benefit the Board of Health in terms of increased knowledge, abilities and skills. All specific questions or concerns regarding the program should be addressed to the supervisor.
- B. To initiate the application process, interested employees should complete a tuition assistance application form and submit it to their supervisor at least four (4) weeks prior to registration in the course.
- C. Within one (1) week of receipt, the supervisor should issue his/her recommendation for tuition assistance to the Tuition Assistance Review Committee for review of the request.
- D. Within one (1) week from the time of review, the Committee will inform the employee and the supervisor whether the tuition assistance request was recommended to the Board of Health for approval or rejection. Approval or rejection is based upon the eligibility criteria stated in this policy and is contingent upon the availability of funding. The committee's recommendation to the Board of Health shall be final and is only subject to approval or rejection by the Board of Health.
- E. All records related to the program will become part of the employee's personnel file.
- F. The Tuition Assistance Review Committee shall consist of the:
 1. Two (2) Board of Health members
 2. Health Commissioner

Revised February 25, 2009

For Use By Tuition Assistance Review Committee

1. ____ Application Recommended for Approval
2. ____ Application Not Recommended for Approval

Reasons for Recommendation:

Health Commissioner

Date

Tuition Assistance Application Form

Date of Application _____ Name of Applicant _____
Division _____ Job Title _____ Hire Date _____

Course Type: ___ Undergraduate ___ Graduate ___
Course Name: (attach syllabus) _____
Dates of Instruction: _____

How will the school schedule impact your work schedule?

Have you previously participated in the tuition assistance program? _____
Employee Education Plan: (attach)
I am eligible for financial assistance from another source ___ yes ___ no
If yes, specify the amount _____

I understand that I am responsible for all payments relative to my education request and that I may not receive any duplication of support for my education from any source (including scholarships, grants, or other government assistance) without disclosing such funding and that such funding will result in a reduction in the amount of eligible reimbursement from the Board of Health if approved for this program. I also understand that if approved for participation in this program I must pay for my approved education expenses and only be reimbursed for such approved expenses after I have received a "B" or higher grade in any subject and upon submission of proof of payment. I further certify that I have read and agree to the terms of the attached Tuition Assistance Policy and agree to its terms including the obligation to repay any funds advanced to me under this program should I have any separation of employment within three years of receiving reimbursement for completed coursework. I further state that all information contained in this application is true and correct to the best of my knowledge.

Name of Applicant (printed) _____

Signature of Applicant _____

Date _____

Reviewed by Supervisor _____

Human Resources Recommendation _____

PROMISSORY NOTE

Amount: _____

Date: _____

FOR VALUE RECEIVED, _____ (Name), of _____
_____, (Address), _____ (County) herein after called
_____, promises to pay to the order of Mahoning County District Board of Health, 50 Westchester
Drive, Austintown, Ohio 44515 the principal sum of _____
_____ DOLLARS, lawful money of the United States of America,
payable subject to the terms of the Tuition Assistance Policy attached hereto.

In the event that any payment provided for herein shall be overdue by more than thirty (30) days, a late charge in the amount of prime plus one percent (1%) Annual Percentage Rate (APR) of such overdue payment shall be due and payable. It is agreed that the late charge will start after the payment is thirty (30) days late. It is further agreed that the late fee charge of prime plus one percent (1%) is an annualized rate and not subject to compounding. All payments shall be made in person or by mail to:

Mahoning County District Board of Health
Attn: Director of Finance and Human Resources
50 Westchester Drive
Austintown, Ohio 44515

or at such other place or places in Mahoning County, Ohio as the Payee shall reasonably request in writing from time to time.

The Undersigned reserves the right to prepay the principal balance of this Note, together with any accrued interest thereon, in whole or in part, without penalty or any payment date; provided, however, that no partial prepayment shall alter the amount and due dates of the subsequent payment until the principal of and interest on their Note are paid in full.

IN WITNESS WHEREOF, _____ (Name), intending to be legally bound, has executed this note the day and year written above.

WITNESS:

EMPLOYEE:

(Signature)

(Signature)

SECTION 8
EMPLOYEE CONDUCT

Section 8.1	Code of Ethics
Section 8.2	Attendance <ul style="list-style-type: none">Absence ReportingFrequency of AbsencesTardiness/Early DepartureWeather Related and Emergency Closing
Section 8.3	Outside Employment
Section 8.4	Department Equipment <ul style="list-style-type: none">Computer Software and Data
Section 8.5	Political Activity
Section 8.6	Sexual Harassment <ul style="list-style-type: none">Sexual Harassment Investigation Procedure
Section 8.7	Drug Free Workplace
Section 8.8	On the Job Injury
Section 8.9	Use of Telephones
Section 8.10	Garnishments
Section 8.11	Dress Standards
Section 8.12	Gambling
Section 8.13	Solicitation and Distribution
Section 8.14	Smoke Free Environment
Section 8.15	Communications
Section 8.16	Vehicle Use
Section 8.17	Controlled Substance and Alcohol Abuse by Drivers of Commercial Motor Vehicles
Section 8.18	E-mail and Internet Access Policy

Section 8.1

CODE OF ETHICS

- A. An employee must always conscientiously perform all assigned job duties.
- B. An employee must strive to be tactful, patient and courteous when conducting Board of Health business.
- C. No employee may grant special consideration to any citizen or group of citizens.
- D. No employee may engage in any outside employment or have a financial interest that will conflict with his/her duties or be detrimental to the Board of Health.
- E. No employee may request or permit the use of Board of Health vehicles, equipment, materials or property for personal convenience or profit.
- F. No employee may accept or ask for any gift or consideration that is of such a character as to manifest a substantial and improper influence upon the employee with respect to that person's duties. An employee who accepts any gift or consideration granted as a result of his/her employment with the board of health must report it to his/her supervisor.
- G. No employee may use the Board of Health name or tax exempt status for his/her personal advantage on any purchases.
- H. No employee may discuss or reveal confidential Board of Health information to anyone, under any circumstances, except within the scope of his/her job duties.

ATTENDANCE

A. ABSENCE REPORTING

1. When an employee is unable to report to work, he/she must notify his/her immediate supervisor, or the Division of Finance and Human Resources, within one-half (1/2) hour of the start of his/her scheduled working hours on the first day of absence and each day thereafter, unless emergency conditions make it impossible or prior arrangements have been made with the supervisor.
2. On the day the employee returns to work after an absence, he/she must report to his/her supervisor and complete an employee absence form. The form, and any accompanying documents, will be reviewed by the supervisor to determine if the employee's absence can be approved.

B. FREQUENCY OF ABSENCES

1. Regular attendance is expected of all employees.
2. A pattern of absences or frequent absences that affect the Board of Health's ability to provide services will result in disciplinary action.
3. An employee who develops a pattern of absences, tardiness or leaving work early will have his/her absences reviewed for possible abuse of sick leave or the attendance policy.

C. TARDINESS/EARLY DEPARTURE

1. Employees are expected to arrive at work promptly and remain at work until the end of their workday.
2. Excessive tardiness or early departure is grounds for disciplinary action.

D. WEATHER RELATED AND EMERGENCY CLOSING

1. The Health Commissioner or manager-in-charge during the Health Commissioner's absence may declare a weather-related closing or delay opening of Board of Health offices until later in the business day. The Health Commissioner or manager-in charge will inform Board of Health employees of this decision by activating the emergency recall list. If a delay or closing is ordered, the Office Manager will change the office telephone answering system to emergency mode. The Director of Health Promotion and Assessment will notify local radio and television stations. Any manager residing within the health district may initiate the process leading to closure or delay by alerting the Health Commissioner or manager-in-charge during the Health Commissioner's absence.
2. If a weather emergency is declared by the Health Commissioner, employees will be compensated for the time they were scheduled to work during the emergency period. Employees who are unable to be notified of a weather related or emergency closing or delay will not be paid overtime or earn compensatory time for that period of time of closure that they remained in work status.

3. Employees not scheduled to work because of scheduled vacation, sick leave, personal day or compensatory time will be charged for the leave regardless of the declared emergency.
4. An employee who is absent, tardy or leaves work early on a day when weather conditions interfere with travel, but when no emergency has been declared by the Health Commissioner, is absent without leave and therefore in non-pay status. The employee may, with approval of the Division of Finance and Human Resources, account for time during which he was absent from his job due to inclement weather by charging it to vacation, compensatory time or to leave without pay. Inclement weather is not a valid use of sick leave.
5. An employee may be required to work even though the Board of Health offices are closed due to an emergency. There will be no additional compensation as a result of an emergency.
6. If the main offices at 50 Westchester Drive are closed due to an emergency (power outage, fire, flood, etc.) only employees who normally work at 50 Westchester Drive are eligible to be compensated for time off due to the emergency. Employees working off site (seminars, field inspections, satellite clinic locations) or at other Board of Health permanent work locations (Mahoning County Annex, Mill Creek Community Center, Springfield Local School District, Laboratory Services) who are unaffected by the emergency closing at 50 Westchester Drive, are expected to continue their work day off site or at their current work location. If an emergency or weather related closing affects employees working at other Board of Health permanent work locations, those employees are expected to report to 50 Westchester Drive to complete their work day.

E. EMERGENCY OPERATIONS

1. During declared emergencies, Board of Health employees may be mobilized to provide and assure basic public health services. The Board of Health's scope of responsibility during emergency operations is described in Annex H (Public Health) to the Mahoning County Emergency Operations Plan.
2. The Health Commissioner or his/her designee will activate the emergency recall list. Unless otherwise directed, all Board of Health employees should report to the Board of Health offices at 50 Westchester Drive, Austintown, in the event of recall. Employees assigned radios should monitor the Disaster Services Agency frequency for further instructions.

Section 8.3

OUTSIDE EMPLOYMENT

- A. Outside employment is permitted if it is unrelated to activities of the Board of Health. If the outside employment is related to activities performed by the Board of Health, approval of the Health Commissioner is required.

- B. Performing duties of the outside employer during normal working hours is prohibited unless pre-approved vacation or compensatory time has been granted. In order to assure a clear separation of duties and to maintain the public trust, a documented record must be kept of requests for vacation and compensatory time to be used for performing duties of the outside employer. These requests must clearly indicate "outside employment request" on the leave form. As with any request for vacation or compensatory time, leave will be granted based on operational needs of the Board of Health.

- C. When an employee's supervisor has reason to believe the demands of outside employment are having negative impact upon the employee's performance or availability, the employee will be counseled. If the situation is not resolved, appropriate disciplinary action may result.

Section 8.4

DEPARTMENT EQUIPMENT

- A. Employees are responsible for all keys and other equipment assigned to them, and must return them upon termination of employment. Cellular telephone equipment must be returned when leaving employment. Employees may be required to pay for lost equipment.
- B. Lost keys must be reported immediately to the Office Manager.
- C. The use of Board of Health equipment, machines and property for purposes other than official business is strictly prohibited. This includes, but is not limited to, the use of typewriters, duplication or copying machines, bulletin boards, computers, facsimile machines and telephones.
- D. Equipment or supplies removed from Board of Health offices or premises must be recorded by the supervisor, noting when it is removed, when it will be returned, and the individual responsible for its return.
- E. **COMPUTER SOFTWARE AND DATA**
 - 1. It is the responsibility of each employee to ensure that software and hardware computer resources owned, leased by or licensed to the Board of Health are properly secured and controlled.
 - 2. No employee may misuse his/her authority over any such computer resources.
 - 3. No employee may reproduce or make personal use of proprietary software purchased by and licensed by the Board of Health.
 - 4. No employee may use the Board of Health's computer resources for private purposes, including family and friends, or for playing games.
 - 5. No software, data or information may be removed from the Board of Health premises in the form of tape, diskette, print or other media, unless the removal is related to Board of Health business.
 - 6. All computer software, data and information relating to the conduct and operation of the Board of Health are considered proprietary information belonging to the Board of Health and cannot be appropriated, altered, sublicensed, copied or used for other than official business.
 - 7. Personal passwords are regarded as confidential and may not be given to others. Any suspected loss or misuse of passwords is to be reported immediately to the Office Manager.

Section 8.5

POLITICAL ACTIVITY

- A. Classified employees are prohibited from participating in partisan political activities (Ohio Administrative Code 123:1-46-02).

- B. Political activities **permitted** to classified employees include:
 - 1. Registering and voting;
 - 2. Expressing opinions, either oral or written;
 - 3. Making voluntary financial contributions to political candidates or organizations;
 - 4. Circulating nonpartisan petitions stating views on legislation;
 - 5. Attending political rallies;
 - 6. Signing nominating petitions in support of individuals; or
 - 7. Displaying political stickers, badges and buttons or other materials;

- C. Political activities **prohibited** to classified employees include:
 - 1. Participating in a partisan election as a candidate for office;
 - 2. Declaring candidacy for an elected office that is filled by partisan election;
 - 3. Circulating official nominating petitions for any candidate for an office filled by partisan election.
 - 4. Holding an elected or appointed office in any partisan political organization;
 - 5. Accepting appointment to any office normally filled by partisan election;
 - 6. Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan political office, when such activities are directed toward party success;
 - 7. Soliciting, either directly or indirectly, an assessment, contribution or subscription for any party or candidate for partisan office;
 - 8. Soliciting the sale or selling political party tickets, materials or other political matter; or
 - 9. Engaging in partisan political activities at the polls, such as soliciting votes, serving as a recorder, checker, watcher, challenger, judge, or board of election pollworker;
 - 10. Participating in partisan political caucuses or political action committees which support partisan activity.

SEXUAL HARASSMENT

- A. Sexual Harassment is defined as any unwelcome sexual advance, request for sexual favor or other verbal or physical conduct of a sexual nature, when:
1. Submission to the conduct is made a condition of employment or promotion;
 2. Submission to or rejection of the conduct is used as the basis for an employment decision;
or
 3. The conduct interferes with job performance or creates an intimidating, hostile or offensive working environment.

Sexual harassment does not refer to generally acceptable, pleasant, friendly or even mildly flirtatious interactions, as long as no reasonable person is offended. Common courtesy, common sense and observation of others' reactions to what is said and done encourages a friendly work environment free of sexual harassment.

The Board of Health neither condones nor tolerates sexual harassment in the workplace, whether committed by supervisory or non-supervisory employees. No one is permitted to imply or threaten that cooperation or refusal of advances of a sexual nature will have any effect on the individual's status, advancement, assignment, career development, compensation or any condition of employment or appointment.

B. **SEXUAL HARASSMENT INVESTIGATION PROCEDURE**

Whenever an employee believes he/she is a victim of sexual harassment, the following investigation procedure is to be followed:

1. An employee who believes that he/she is a victim of sexual harassment is to contact the Division of Finance and Human Resources to file a complaint. If the Health Commissioner is the subject of a complaint, the Board of Health President will conduct the investigation. If the Board of Health is subject of the complaint, the County Prosecutor will conduct the investigation. If the Division of Finance and Human Resources becomes aware of alleged sexual harassment, either on the basis of a written or verbal report, a thorough investigation of the situation will be made in the following manner:
 - a) The complainant is to file a written report with the Division of Finance and Human Resources. The report will include a factual description of the incident or statement.
 - b) If the Division of Finance and Human Resources, after a discussion with the complainant, finds that the report is credible and may constitute sexual harassment, the alleged offender will be required to meet with an investigating officer from the Division of Finance and Human Resources. The employee will be advised of the complaint(s) and be given an opportunity to respond. If, at the conclusion of that discussion, the investigating officer has reason to believe the reported acts did occur, the employee will be advised that such conduct is improper and in violation of federal and state law.
 - c) Any employee, including any supervisor or management employee, who is found, after appropriate investigation, to have engaged in sexual harassment of another employee or a member of the public is subject to disciplinary action up to and including discharge.

2. A member of the public who believes he/she is a victim of sexual harassment of an employee of the Board of Health is encouraged to file a complaint with the Health Commissioner. Investigation and action will take place in accordance with the written complaints procedure.
3. No employee will be discriminated against in any job decision as a result of filing a good faith charge of sexual harassment.
4. It is a violation of this Sexual Harassment Policy to take any punitive action against an employee for filing a good faith charge of sexual harassment.

DRUG FREE WORKPLACE

- A. The use, sale, distribution, possession or manufacture of illegal drugs or alcoholic beverages on the premises of the Board of Health, in any of its vehicles or by an employee while on duty is prohibited.
- B. Employees are prohibited from being under the influence of alcohol, behavior altering prescription drugs or illegal drugs during work hours. Employees are also prohibited from being under the influence of these substances when they are representing the Board of Health at meetings or in the community. Employees involved in accidents requiring medical attention are subject to testing for alcohol and illegal drug use. Both employees and Board of Health-owned equipment and containers under their control are subject to search and surveillance at all times while on Board of Health premises or while conducting official business, if the occasion warrants such measures.
- C. An employee who must use prescribed drugs which could impair his/her ability to perform the job duties must report this fact to his/her supervisor along with acceptable medical documentation. A determination will then be made as to whether the employee should be able to perform his/her job safely and properly.
- D. The Board of Health will not knowingly hire an individual whose current use of alcohol would prevent him/her from performing the job or who would constitute a direct threat to the property or safety of himself/herself or others. The Board of Health will not knowingly hire an individual who is currently using illegal controlled substances. The Board of Health requires pre-employment testing for illegal drug use. Job applicants will be informed of the test requirement in writing before the test is administered. Certain specific job classifications may require random post-employment testing for the presence of such substances.
- E. **Procedure to follow when an individual is reasonably suspected to be under the influence of drugs or alcohol while on duty:**
 - 1. An employee who suspects that another employee is under the influence of drugs or alcohol should notify the employee's supervisor or the Division of Finance and Human Resources.
 - 2. The supervisor will observe the employee and determine through observation and questioning if the employee is ill, fatigued, under the influence or prescribed drugs, reacting to environmental substances such as smoke or fumes, or possibly under the influence of illegal drugs or alcohol. The supervisor will record his/her observations and any information gathered from the employee.
 - 3. If the supervisor determines that there is reason to believe the employee is under the influence of alcohol or illegal drugs, he/she will contact the Division of Finance and Human Resources.
 - 4. The Division of Finance and Human Resources may conduct a further investigation or require drug testing according to the procedure outlined below.
 - 5. Prior to testing the employee will be given a written statement documenting the specific objective facts leading to reasonable suspicion. The employee will be given an opportunity to read and understand the reasons for requiring a test and will have the opportunity to respond and/or provide a written statement. The employee may be accompanied by another employee during such an explanation.
 - 6. The employee will lose no straight time pay during the drug testing process. Refusal to submit to a required test will result in disciplinary action.

7. **Testing procedure:**

- a) Testing will be done by a laboratory certified by the State of Ohio as a medical and forensic laboratory that complies with the scientific and technical guidelines for federal drug testing programs.
- b) Specimens will be collected by the laboratory or hospital where the specimen is to be tested, according to the laboratory's established procedures to ensure procedural integrity and a chain of evidence.
- c) If the test results show the employee was under the influence of drugs or alcohol while on duty, the appropriate disciplinary action will be administered (See **Section 11 DISCIPLINE**).
- d) If the test results are below the levels set by the laboratory as positive, the results will be reported as negative and all documentation regarding supervisor's observations and testing will be destroyed.

F. An employee experiencing problems resulting from drug or alcohol abuse or dependency should seek counseling. Counseling will be kept confidential and will have no influence upon performance appraisal. Job performance alone will be the basis of all performance appraisals.

G. If the Health Commissioner has reasonable suspicion that an employee is dependent upon controlled substances, he/she may require that an approved alcohol/drug rehabilitation program evaluate the employee. The employee will be required to submit to the evaluation before his/her return to work.

The employee will be placed on paid administrative leave during the evaluation process, so long as he/she reports for the evaluation at the appointed time. If the employee refuses to promptly submit to an evaluation, he/she will be placed on unpaid leave of absence until the evaluation is completed.

If an employee is found to be dependent upon controlled substances, he/she may use accrued sick leave or request an unpaid leave of absence during the treatment program and until he/she is released by his/her physician to return to work.

H. Failure to cooperate with an established treatment plan may result in discipline, up to and including discharge.

I. An employee convicted of any criminal drug violation occurring in the workplace must report such conviction to the Division of Finance and Human Resources within five (5) days.

ON THE JOB INJURY

An employee who is injured or involved in an accident during employment with the Board of Health must notify his/her supervisor immediately and must complete an incident report recording all pertinent and factual information about the accident. This report must be completed on each work-related injury, whether or not the employee requires medical attention. The report is to be forwarded to the Division of Finance and Human Resources within one (1) workday of the incident. A Workers' Compensation claim for an unreported injury will not be certified unless the injury required immediate medical attention, the employee was tested for alcohol or illegal drug use, and the accident was documented by the supervisor. (See **Section 5.1 D. WORKERS' COMPENSATION**)

Revised July 22, 1999

Section 8.9

USE OF TELEPHONES

- A. Personal use of office telephones is discouraged.
- B. Personal toll calls are prohibited.
- C. Use of Board of Health cellular telephones for making and receiving personal calls is prohibited.
- D. Employees assigned Board of Health cellular telephones will leave their cellular telephones "on" and ready to receive calls at all times during working hours while out of the office.

GARNISHMENTS

- A. A court ordered legal claim by a creditor against the wages of a Board of Health employee for non-payment of a debt which is served to the Board of Health by the constituted legal authority is a garnishment and will be recognized and executed by the Board of Health.
- B. When a garnishment is received by the Board of Health, a representative from the Division of Finance and Human Resources will discuss the garnishment with the employee. Every reasonable effort will be made to assist the employee in resolving his/her financial difficulties through referral to assistance agencies.

Section 8.11

DRESS STANDARDS

Employees are expected to dress in an acceptable, professional manner. Clothing must be clean, neat, in good repair and appropriate for the assigned duties. Each supervisor will determine the proper dress standards for his/her employees.

Section 8.12

GAMBLING

The Board of Health does not permit gambling in any form by its employees during work time. Participation in or sponsorship of lotteries or raffles for philanthropic purposes is an exception to this policy.

Section 8.13

SOLICITATION AND DISTRIBUTION

- A. Unauthorized persons are not permitted on Board of Health property for solicitation or distribution.
- B. Solicitation, distribution or selling by non-employees is prohibited, except by authorized vendors engaged in sales of equipment and supplies to the Board of Health.
- C. Sales efforts by vendors are allowed when scheduled and authorized by the Division of Finance and Human Resources.
- D. Solicitation, distribution or selling between employees are allowed only when authorized by the Health Commissioner.

Section 8.14

SMOKE FREE ENVIRONMENT

The Board of Health maintains and supports a smoke-free environment for employees, patients and clients. To this end, smoking is not permitted in Board of Health facilities and vehicles.

COMMUNICATIONS

- A. A clear policy for handling communications with the news media and public officials helps to insure that all management and staff are well informed on matters of public importance in which the Board of Health is involved and also enables the Board of Health to explain its policies and actions to its clients, funding sources and the community in a consistent manner and in harmony with the Board of Health's stated mission.

Pursuant to this policy, several procedures are established:

1. Program directors will forward copies of correspondence from federal, state and local officials to the Health Commissioner for information.
2. Press releases and other publications such as newsletters, issued by the Board of Health, or publications issued by others in which the Board of Health is listed as a sponsor, will be reviewed and approved by the Public Information Officer before release.
3. Employees will immediately inform the Public Information Officer of news media interview requests. Employees will grant requests for news media interviews only on subjects for which the employee has some responsibility or expertise.

Last modified: November 3, 2004

VEHICLE USE

- A. Board of Health vehicles are to be driven only by employees to whom vehicles are assigned unless authorized by program supervisors.
- B. Employees assigned Board of Health vehicles are responsible for the safe operation, cleanliness and minor maintenance, including fueling, oil, fluid level, and tire pressure checks, of their assigned vehicles.
- C. The Board of Health pays for fuel, maintenance, repairs, cleaning and liability insurance for its vehicles.
- D. Accidents involving Board of Health vehicles must be immediately reported to the employee's supervisor. Accidents involving the Adult Day Care van must be reported to the District XI Area Agency on Aging within five (5) days by the project director.
- E. Vehicle maintenance will be performed at the County garage according to the maintenance schedule prescribed by the garage. Employees are responsible for delivering Board of Health vehicles to the County garage for regular maintenance.
- F. In the event that an employee receives a traffic citation while operating a Board of Health vehicle, the employee must inform his or her supervisor within 48 hours. Payment of any fine for the citation is the employee's responsibility.
- G. Board of Health vehicles are only to be driven on Board of Health business, to and from work, and to lunch.
- H. Seatbelts must be worn by all occupants of Board of Health vehicles.
- I. Smoking is not permitted in Board of Health vehicles.
- J. Gasoline is to be purchased at the County garage unless an employee is traveling outside of Mahoning County. Gasoline credit cards are issued to employees assigned Board of Health vehicles for vehicle cleaning and in the event gasoline must be purchased while traveling.
- K. Board of Health vehicles are to be parked during non-working hours at Board of Health offices. Employees may drive Board of Health vehicles to and from home only when authorized by their supervisors.

**CONTROLLED SUBSTANCE AND ALCOHOL ABUSE
BY DRIVERS OF COMMERCIAL MOTOR VEHICLES**

I. Statement of Policy

The Board of Health is required to comply with Department of Transportation Regulations designed to establish programs to help prevent accidents and injuries by drivers of commercial motor vehicles. To accomplish that end, the Board of Health will not tolerate any of the following behavior by its drivers:

1. Use of illicit drugs.
2. Abuse of legal drugs (prescription and over the counter).
3. Abuse of alcohol.
4. Sale, purchase, transfer, use or possession of illegal drugs, or prescription drugs obtained illegally.
5. Arrival for work under the influence of legal drugs, to the extent that job performance may be affected, or alcohol.

In the event of controlled substance (drug) or alcohol abuse, the Board of Health will use constructive disciplinary measures to motivate the driver to seek assistance, and will direct the drivers to appropriate resources that are available.

As with any policy that is dictated or directly influenced by governmental regulation, this policy is subject to change. These changes will be immediately incorporated into this policy. The Health Commissioner will make these changes and inform all affected personnel through verbal or written communications.

Procedures described herein are in accordance with Part 40 and Part 382 of the Federal Motor Carrier Safety Regulations.

The testing of a driver's urine for drugs and the testing of a driver's saliva/breath for alcohol is an effective method to identify those in need of counseling, treatment or disciplinary action; however the urine testing program and the saliva/breath testing program is intended to supplement, not replace, other means by which the use of drugs and/or alcohol can be detected.

II. Drug and Alcohol Testing

A. Frequencies and Patterns Under Which a Driver May Be Tested

1. Pre-Employment Drug Testing:
 - a. At the time of the first interview, all applicants will be notified by the interviewer that a pre-employment drug test is required prior to a final offer of employment.
 - b. The interviewer will provide the prospective employee with a copy of the informed consent document (Attachment A) at that time.
 - c. The interviewer will explain the form to the applicant and afford the applicant an opportunity to ask questions. As part of the interview process, the interviewer will document any questions asked and the response given.
 - d. The applicant will be afforded the opportunity to review a complete set of company policies relating to substance abuse. The interviewer will afford the applicant the opportunity to ask questions that may arise. If the interviewer cannot answer a specific question that has been asked, the applicant will be referred to the Health Commissioner or his/her designee for clarification. Both the interviewer and the Health Commissioner or his/her designee will document in writing any question and the responses that were given.
 - e. The applicant will be asked to complete the consent document, sign and date it. Following the signing by the applicant, the interviewer must also sign and

date the document. A failure or refusal on the part of the applicant to sign the consent form will result in the immediate cessation of the employment process. After the applicant signs the consent document, the document will be placed in the applicant's file. A failure or refusal to sign must be documented in writing on the interview form by the interviewer.

- f. The applicant will be instructed to go directly to the designated urine collection site by the interviewer. The applicant will then provide to the collection site all necessary paperwork for the completion of the test.

2. Random Testing:

- a. The Board of Health will select fifty (50) percent of the qualified drivers at random for drug testing each year. Thirteen (13) percent will be tested for drugs on a quarterly basis in a random manner. Twenty-five (25) percent of qualified drivers will be selected for random alcohol testing each year on a quarterly basis. All drivers qualified under the testing requirements will be subject to testing each time random selection of drivers is made. The Board of Health has contracted a firm to perform the periodic selections of drivers for inclusion in random testing pools. The Board of Health will provide employee names and social security numbers or employee identification numbers to be used in random selection drawings. The selecting firm will, in turn furnish the Board of Health with a list of individuals to be tested at the beginning of each selection period. It is the responsibility of the Health Commissioner or his/her designee to notify each driver who has been selected with the time random testing specimens are to be collected. When notified, it is the responsibility of the driver to provide a urine or breath/saliva specimen for testing. A failure to comply with the request for random specimens will result in the driver being deemed medically unqualified.
- b. At the time of notification, the driver will be instructed to go directly to the designated collection site. The employee will notify the collection site that they have been selected and are ready to provide a specimen for random testing.

3. Post-Accident Testing:

- a. Certain drivers are required to undergo drug and alcohol testing following their involvement in an accident.
- b. The Board of Health will require the driver to provide a urine sample to be tested for the use of drugs as soon as possible, but not later than thirty-two (32) hours after an accident, if the driver of the commercial motor vehicle is cited for a moving violation arising from the accident, or if the accident involved the loss of human life.
- c. The Board of Health will require the driver to provide a breath/saliva sample to be tested for the use of alcohol within two (2) hours, but no later than eight (8) hours after an accident, if the driver of the commercial motor vehicle is cited for a moving traffic violation arising from the accident, or if the accident involved the loss of human life.
- d. If a urine or breath/saliva sample is necessary, the driver will be instructed to report to the designated collection site.
- e. In the event that the driver is injured, the Board of Health retains the right to contact any treating medical facility and request that a drug and alcohol test be obtained; or be obtained from the drivers medical records, the result of any such test obtained during the course of treatment. The refusal of any driver to allow the collection of these specimens or to attempt to block the

release of these specimens will result in the medical unqualification of the driver.

- f. Any driver who fails to report an accident to the Board of Health and/or who fails to comply with the post-accident testing requirements of this policy will be presumed to be positive for the presence of alcohol and one or more of the controlled substances as listed in Part B. This will result in the driver being deemed medically unqualified.

4. Reasonable Cause Testing:

- a. All drivers who are subject to testing may be required to undergo reasonable cause testing to ensure their continued fitness for duty. These drivers will be required to submit to drug or alcohol testing at the request of the Health Commissioner or his/her designee as part of the overall program.
- b. The Health Commissioner or his/her designee may request that certain drivers undergo drug or alcohol testing. Any drivers who exhibit behavior and/or actions that can be clearly identified as arising from the possible abuse of drugs or alcohol must be tested. Management employees of the Board of Health who have received documentable training in the recognition of substance abuse behaviors and controlled substance identifications, may, upon direct observation of a typical behavior, consult with a second person who has had like training. In all cases, the individual requesting the specimen must prepare written documentation describing the witnessed behavior and/or actions. This documentation must be prepared within twenty-four (24) hours of the time of specimen collection and in all cases prior to the release to the Board of Health of any test results. This documentation must be provided to the Board of Health's designated Medical Review Officer for consideration when reviewing the test findings. Suspicion of alcohol use must be documented in writing immediately.
- c. The first priority of the Board of Health is to remove the suspected individual from the work environment. This is done to prevent the individual from causing harm to himself/herself, other persons in the work place and/or any other persons. The Health Commissioner or his/her designee will instruct the driver to accompany him/her to a private area that is removed from the individual co-workers. Once this has been done, the Health Commissioner or his/her designee will make a specific request to the driver for a urine or breath/saliva specimen on the grounds that there is reasonable suspicion that a substance abuse problem may exist.
- d. When notified by the Health Commissioner or his/her designee, it is the responsibility of the driver to provide a urine or breath/saliva specimen for drug testing. A failure to comply with the request for a specimen will result in the immediate medical unqualification of the driver.
- e. At the time of notification, the driver will be escorted to the designated collection site by an employee designated by the Health Commissioner.
- f. The employee who has escorted the driver to the collection site, will return the driver to the workplace and instruct him/her that he/she will be notified of the results of the testing when they have been received by the Board of Health. Until the results of the testing have been received, the driver is temporarily suspended with pay, if the test results are negative, and is not to return to the workplace until notified by the Health Commissioner or his/her designee of the outcome of the test. If the test results are positive and this is the first offense, the driver may use sick leave during the temporary suspension. It is further the responsibility of the Health Commissioner or his/her designee to ensure that the driver is capable of

safely leaving the work place unattended. If there is any question, the driver will be instructed that transportation will be provided to the driver, at Board of Health expense, to any reasonable destination.

5. Return to Duty Test:

a. Following a verified positive drug test or an alcohol test of 0.04 or greater, and at the direction of a substance abuse professional, a driver will report to a designated collection site to be tested for the drugs listed in Part B of this policy or for alcohol. This return to duty test will be coordinated by the substance abuse professional and the Board of Health as to the date and time of such test.

6. Follow-Up Testing:

a. At the direction of a substance abuse professional, a driver identified as needing assistance with drug or alcohol use will be subject to unannounced follow-up testing. A minimum of six (6) tests must be performed in the first twelve (12) months following a negative return to duty test. The maximum number of tests will be determined by the substance abuse professional but cannot exceed sixty (60) months.

B. Identification of Substances to be Testing in the Urine

Urine drug testing will be conducted in conjunction with each of the categories listed in Section A to determine and/or identify the presence of any controlled substance (or category of controlled substance) listed below.

1. Marijuana
2. Cocaine
3. Opium
4. Phencyclidine (PCP)
5. Amphetamine

C. Detection Thresholds for Abused Substances

1. Drugs

a. Detection thresholds consistent with the available technology have been established for each of the drugs/drug groups listed in Section B. These detection thresholds will be used uniformly in the interpretation of all drug tests. In all cases, the testing will utilize a two-tiered technique. Initially, all specimens will be subjected to a screening analysis using FDA approved drug screening reagents. If a specimen procures a positive result at or above the detected threshold, that specimen will then be subjected to a second level confirmation procedure utilizing gas chromatography/mass spectroscopy technology. Only if both screens and the GC/MS are positive at or above their respective detection thresholds will the urine be considered positive for that drug(s). If substance will be reported as non-detectable (i.e. negative in the urine).

b. The detection thresholds shown below will be used to differentiate between positive and negative findings. These thresholds will be applied uniformly and without bias to all urine being tested. It is the responsibility of the lab to

verify at the levels specified. Results will indicate only the presence or absence of the substance in question and will give no indication of semi-quantitative levels.

Substance	Screen Threshold	Confirmation Threshold
1. Marijuana	50 ng/ml	15 ng/ml
2. Cocaine	300 ng/ml	150 ng/ml
3. Opium	300 ng/ml	300 ng/ml
4. Phencyclidine (PCP)	25 ng/ml	25 ng/ml
5. Amphetamine	1000 ng/ml	1000 ng/ml

2. Alcohol

- a. Alcohol testing will be done on a two (2) tiered technique.
 - 1) Screening Test: Using a DOT approved Saliva Screening Device or a DOT approved Evidential Breath Testing device.
 - 2) Confirmation Test: Using a DOT approved Evidential Breath Testing device.
- b. If the screening test shows an alcohol concentration of less than 0.02, the test is a negative test for the presence of alcohol. No further testing is authorized.
- c. If the screening test shows an alcohol concentration of 0.02 or greater, a confirmation test using an Evidential Breath Testing device must be utilized.

D. Testing Exclusion

The Board of Health specifically limits its testing to the drugs listed in Section B when determining the following:

- 1. Temperature of the specimen at the time of collection.
- 2. Specific Gravity of the specimen.
- 3. Ph of the specimen.
- 4. Urine Creatinine of the specimen.

These additional tests will be conducted to ensure that the specimen provided by the driver meets the technical quality requirements for the testing and that no attempt has been made on the part of the driver to adulterate or substitute any specimen. The Board of Health specifically prohibits the urine to be used for any other reason than to determine the presence of controlled substances listed in Section B. Specifically prohibited is testing for alcohol, pregnancy, diabetes, any genetic disease and/or trait, and any other disease or medical condition that could be detected in the urine specimens using established clinical technology.

E. Review of Test Results

- 1. To ensure that every driver that is subject to testing is treated in a fair and impartial manner, the Board of Health has retained the services of a medical review officer (MRO). This MRO is a M.D. or D.O. licensed to practice medicine. It is the MRO's responsibility to review the results of each drug test performed by the laboratory prior to the results being made available to the Board of Health.
- 2. In the event that any driver tests positive for any of the drugs at or above the

specified thresholds, the driver will be afforded the opportunity to explain the findings to the MRO prior to the issuance of a positive report to the Board of Health. Upon receipt of a positive finding, the MRO will contact or attempt to contact the driver by telephone or in person. The MRO will inform the driver of the positive finding and afford the driver an opportunity to rebut or offer an explanation of the findings. The MRO can request information on recent medical history and on medications taken within the last thirty (30) days. In the event the MRO finds support in the explanation offered, the driver may be asked to provide documentary evidence to support the driver's claim. A failure of the driver to provide this evidence will result in the issuance of a positive report to the Board of Health with no apparent medical explanation. At this time, the MRO will inform the driver that he/she may request that a split specimen be analyzed on a verified positive. The driver has seventy-two (72) hours to inform the MRO of the decision for the split specimen to be tested. The MRO will then provide a written request to the laboratory. The split specimen is then sent to a second federally certified lab where the split analysis is conducted using GC/MS only; no DHHS cutoffs. The split result is reported to the MRO and will either reconfirm a positive or fail to reconfirm. Remaining portions of the split and primary are to be stored for at least one (1) year. Any failure to reconfirm is reported to the Board of Health, the driver and the Department of Transportation. Failure to reconfirm, inability to locate split, or lack of split collection requires cancellation of the test result.

3. In cases where appropriate documentary evidence is provided to the MRO, a negative report will be issued to the Board of Health.
4. If the driver fails to contact the MRO within five (5) days of having been instructed to do so, the MRO will issue a positive report to the Board of Health.

F. Reporting of Test Results

1. All results of drug testing will be reported to the MRO prior to their issuance to the Board of Health. The MRO will receive from the testing laboratory, a detailed report of the findings of the specimen. Each drug tested for will be listed along with the results of the testing. The Board of Health will not receive a copy of this report from the MRO. The Board of Health will receive a summary report only; that will indicate that the driver has passed or failed the drug test. The Board of Health will be notified of the specific drug(s) for which the driver tested positive.
2. All alcohol test results will be reported directly to the Health Commissioner or his/her designee in a confidential manner.
3. To protect the confidentiality of the driver, all results of drug and alcohol testing will be stored separate from the driver's personnel file. These records shall be maintained under lock and key at all times. Access is limited to Board of Health employees with a need to know. The information in these files will be utilized only to properly administer these policies and to provide for review by certifying agencies as required under Federal law.
4. Any driver tested under these policies has the right to view and/or receive a copy of the test results. Within a period not to exceed six (6) months from the date of testing, any driver may request in writing that a copy of the test results be provided to them. The Board of Health will promptly comply with this request and will issue to the driver a copy of these results by certified mail.

G. Quality Assurance

1. The Board of Health recognizes the responsibility to its drivers to ensure that drug testing is performed at the highest possible standards. The Board of Health has established a policy that blind samples will be submitted to its testing laboratory. The blind samples will be submitted by its consortium or third party administrator at a rate of three (3) percent. The testing laboratory will receive these specimens in a manner that will not allow them to distinguish the blind samples from actual urine tests. Any failure on the part of the testing laboratory to properly perform blind specimen testing will result in an immediate review by Board of Health of its agreement with the third party administrator.

H. Positive Drug and Alcohol Test Results

1. Drivers who are found to have a confirmed positive drug test or alcohol test level greater than or equal to 0.04 will be immediately suspended and subject to disciplinary action as described in **VII. Disciplinary Action**. In the absence of compelling reasons for a contrary result, such driver will not be permitted to perform a safety sensitive function.
2. Drivers testing greater than 0.02 but less than 0.04 for alcohol will be placed off duty immediately and remain off duty for a period of not less than twenty-four (24) hours.

III. Refusal to Test

No driver shall refuse to submit to a post-accident drug or alcohol test, a random drug or alcohol test, a reasonable suspicion drug or alcohol test, or a follow-up drug or alcohol test. Any driver refusing such tests will be considered to have tested positive.

IV. Referral, Evaluation, and Treatment

1. Any driver who has engaged in conduct prohibited by this policy will be advised by the Health Commissioner or his/her designee of the resources available to the driver in evaluating and resolving problems associated with the drug and alcohol abuse.
2. Any driver who has engaged in conduct prohibited by this policy must be evaluated by a substance abuse professional, who will determine what assistance a driver may need in resolving problems associated with drug and alcohol abuse.
3. It will be at the determination of the substance abuse professional, when the driver may take a return to duty test, type of treatment necessary and when any follow up testing will be done.

V. Safety Sensitive Function

The phrase "safety sensitive function" used throughout this policy, is defined as follows:

1. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched unless the driver has been relieved from duty by the motor carrier.
2. All time inspecting equipment, servicing or conditioning any commercial motor vehicle.

3. All driving time in a commercial motor vehicle.
4. All time, other than driving time, in or upon any commercial motor vehicle, except time spent in a sleeper berth.
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

VI. Immediate Removal from Safety Sensitive Functions

Any driver participating in conduct prohibited by this policy will be immediately removed from performing any and all safety sensitive functions.

VII. Disciplinary Action

Drivers testing positive for substance abuse are subject to the following disciplinary actions:

First Offense: the driver must enroll within ten (10) days and complete a rehabilitation program and receive approval to return to work from a substance abuse professional. The driver may use sick time for time off from work under this category of offense.

Second Offense: a ten (10) day suspension without pay, completion of a rehabilitation program, and receive approval to return to work from a substance abuse professional.

Third Offense: termination

VII. Drivers Receipt of Policy

All drivers must sign, and the Health Commissioner or his/her designee must witness, the Driver's Receipt of Policy attached hereto as Attachment B.

September 9, 1996

ATTACHMENT A

INFORMED CONSENT DOCUMENT

I am the holder of a commercial drivers license (CDL) and am applying for a position with the Mahoning County General Health District. This position requires that I operate a commercial motor vehicle (CMV). I agree to submit to and must pass a drug and alcohol test prior to commencing employment with the Mahoning County General Health District.

Applicant's Signature

Applicant's name (printed)

Date

ATTACHMENT B

CONFIRMATION OF RECEIPT

ACKNOWLEDGEMENT

I have received a copy of the Mahoning County Board of Health's policies and procedures regarding controlled substance and alcohol abuse by drivers of commercial motor vehicles.

Date

Employee's Signature

Employee's name (printed)

Please sign and return to the Director of Finance and Human Resources.

Section 8.18 E-mail and Internet Access Policy

E-Mail Section

Purpose and Goals

E-mail is one of the District Board of Health's methods of internal and external communication. The purpose of this policy is to ensure that e-mail systems support agency business functions to their fullest capacity. E-mail helps improve the way we conduct business by providing a quick and cost-effective means to create, transmit, and respond to messages and documents electronically. Well-designed and properly managed e-mail systems expedite business communications, reduce paperwork, and automate routine office tasks, thereby increasing productivity and reducing costs. However, transmitting confidential client information requires that special precautions be taken to protect such information.

This policy advises staff and management of their responsibilities and provides guidance in managing information communicated by e-mail.

Access to E-mail Services

E-mail services are provided to all employees as resources allow. To request access, contact your supervisor.

Use of E-mail

E-mail services, like other means of communication, are to be used to support agency business. Staff may use e-mail to communicate informally with others in the agency so long as the communication meets professional standards of conduct. Staff may use e-mail to communicate outside the agency when such communications are related to legitimate business activities and are within their job assignments or responsibilities. Limited personal use of e-mail on an employee's own time, comparable to occasional personal telephone calls, (as outlined in the employees manual, Section 8.9, are acceptable; however, if this use becomes excessive, it may be restricted. Staff will not use e-mail for illegal, disruptive, unethical or unprofessional activities, or for personal gain, or for any purpose that would jeopardize the legitimate interests of the agency.

Privacy and Access

The information communicated over agency e-mail systems is subject to the same laws, regulations, policies, and other requirements as information communicated in other written forms and formats.

E-mail messages should not be considered private. E-mail system administrators will not routinely monitor individual staff member's e-mail and will take reasonable precautions to protect the privacy of e-mail. However, managers and network administrators/technical staff may be authorized to access an employee's e-mail:

- For a legitimate business purpose (e.g., the need to access information when an employee is absent for an extended period of time;
- To diagnose and resolve technical problems involving system hardware, software, or communications;
- And/or investigate possible misuse of e-mail when a reasonable suspicion of abuse exists or in conjunction with an approved investigation.

A staff member is prohibited from accessing another user's e-mail without his or her permission.

E-mail messages sent or received in conjunction with agency business could be released to the public under the terms of the Freedom of Information statute. E-mail messages including personal communications may be subject to discovery proceedings in legal actions.

Security

E-mail security is a joint responsibility of computer technical staff and e-mail users. Users must take all reasonable precautions to prevent the use of the account by unauthorized individuals by changing their passwords when prompted to do so by computer technical staff. Users can reduce the risk and damage from virus attacks by not opening e-mail attachments with an unknown file type or unusual name, or sent by someone unknown to the user.

Confidential Client Information and E-mail

E-mail transmitted over the Internet (as opposed to within the agency's e-mail system) is not considered secure. **Confidential client information should not be transmitted via the Internet** without using an encryption method that has been approved by the relevant state or federal agency that may have jurisdiction over the record.

No electronic or paper records shall be released to comply with a Freedom of Information request or other discovery action without prior review by the agency to determine if they include information that is protected by law from being released. The County Prosecutor can provide guidance to clarify what information cannot be leased and review agency decisions about information that is being withheld.

Management and Retention of E-mail Communications

E-mail created in the normal course of official business and retained as evidence of official policies, actions, decisions or transactions are records subject to records management requirements of Ohio law and specific program requirements.

Records communicated using e-mail need to be identified, managed, protected, and retained as long as they are needed to meet operational, legal, audit, research or other requirements. Records needed to support program functions should be retained, managed, and accessible in a separate filing system outside the e-mail system in accordance with the program's standard practices.

Transient messages that would not normally be considered public records, similar to phone messages, announcements of social events, personal messages, and copies of documents distributed for convenience can and generally should be deleted from the e-mail system when they are no longer needed.

Roles and Responsibilities

Program managers will maintain proper record keeping practices in their area of responsibility in accordance with the agency's approved records retention schedule with respect to e-mail. They will train staff in appropriate use and be responsible for ensuring the security of physical devices, passwords, and proper usage.

The agency's network administrator is responsible for backup and disaster recovery for active e-mail messages in the department's post office but does not cover those deleted files by the user. The user is able to set the time frame when deleted files are to be permanently deleted from the system. Therefore,

these files are not the network administrator's responsibility should those files not be available on backup.

All e-mail users shall:

- Be courteous and follow accepted standards of etiquette, including e-mail etiquette as outlined in the employee handbook.
- Avoid messages or jokes that could be construed as harassment or offensive.
- Refrain from using e-mail for operating any privately-owned business or commercial enterprise.
- Protect other's privacy and confidentiality.
- Consider organizational access before sending, filing, or destroying e-mail messages.
- Protect their passwords.
- Comply with agency, and program policies, procedures, and standards.
- Comply with all state and federal laws and regulations.

Employees accessing the agency's e-mail system, network, or the Internet are representatives of the District Board of Health, and are expected to behave accordingly. Employees who are unsure of what constitutes appropriate behavior should ask themselves the question: "Will my actions reflect well on the District Board of Health?"

Internet Access Section

The growth of the Internet and World Wide Web provides a virtually unlimited supply of resources and information to District Board of Health employees, but also places an enormous responsibility on all users. This document is intended to clarify the agency's policies as they apply specifically to Internet usage. Any user must adhere to the same code of ethics that governs all other aspects of agency activities. Any actions performed or initiated through the County's Internet Access must reflect integrity, honesty, and compliance with the agency's rules of conduct.

The following policies exist to ensure the ethical and appropriate use of the Internet through the computers in the District Board of Health:

1. Connecting to the Internet and the World Wide Web via the agency's computers is a privilege that facilitates access to valuable work-related information. This privilege can be revoked if it is abused. Employees accessing the Internet via the agency's computers are representatives of the District Board of Health and are expected to behave accordingly. Employees who are unsure of what constitutes appropriate behavior should ask themselves the question: "Will my actions reflect well on the District Board of Health?" Any use of the Internet is subject to review and monitoring by management.
2. To ensure that managers are aware of the purpose and amount of time employees spend accessing the Internet, employees should obtain authorization from their supervisor before first using the Internet. Managers may determine if they need to be consulted before each use or may grant blanket permission to individuals to use the Internet for certain approved purposes or time periods. They may also restrict access for any employee.
3. All existing laws, regulations, and policies apply to using agency computers and related technologies. Improper use or distribution of information is prohibited. This includes copyright violations such as software piracy. Using agency Internet access for illegal activities is prohibited.
4. Limited personal use of the Internet is acceptable under the following conditions which are subject to change:
 - Use shall be on the employee's own time.

- Work-related use shall always have priority over personal use on shared computers.
 - Users shall not access sites that would be inappropriate or reflect negatively on the District Board of Health. Such sites would include, but not limited to sites that include pornography or promote illegal activities or discrimination against groups or individuals.
 - Users shall not use District Board of Health Internet access to operate businesses or commercial enterprises for personal gain.
 - Personal use may be restricted or revoked at any time by the supervisor.
5. Employees shall refrain from using Internet access until they have received a minimum level of training as outlined by the District Board of Health's Internal Data Team. They must also be familiar with these policies and have demonstrated sufficient knowledge of training to ensure that they can comply with them.

Policy Review and Update

The District Board of Health Internal Data Team will periodically review and if necessary update this policy as new technologies and organizational changes are planned and implemented. This policy is subject to change if it conflicts with agency policies or becomes unworkable for any reason. Questions or suggested changes concerning this policy should be directed to the Internal Data Team for review.

Current Meeting Schedule

The District Board of Health Internal Data Team meets every other month and more frequently as needs arise.

District Board of Health Internal Data Team Mission Statement

The goal of the District Board of Health is to become data versatile through computerization and to take advantage of new technology as it becomes available to improve productivity. In order to accomplish this goal, annual review of all computer software, hardware, and training needs will become part of the budgetary process. Purchase/lease decisions shall be made on a case-by-case basis. Software will be standardized in order to facilitate training, expedite clerical workloads and office procedures, and enable network sharing. Outside consultants may be utilized in the area of network expansion or in other areas which may require more technical advice.

Effective: April 4, 2001

SECTION 9

COMPLAINT PROCEDURE

Section 9.1	Definition of a Complaint
Section 9.2	Complaint Procedure

Section 9.1

DEFINITION OF A COMPLAINT

- A. A complaint is any disagreement with management about the employment relationship.
- B. A formal complaint exists when an informal resolution to a dispute cannot be achieved, and the employee making the complaint has submitted a written complaint to his/her immediate supervisor.
(See **Section 9.2 COMPLAINT PROCEDURE**)

COMPLAINT PROCEDURE

- A. Complaints are to be settled at the earliest possible step of the procedure. The employee must proceed through each step of the complaint procedure in proper order and within the prescribed time limits. Employees who fail to comply with their "chain-of-command" in this complaint procedure may be subject to disciplinary action. Where a complaint cites issues of law that the individual hearing the complaint cannot address, the complaint will be sent to the Prosecutor's office for an opinion before proceeding. All time limits stated in this procedure will be held in abeyance until a response from the Prosecutor is received. A complaint regarding alleged violations of civil rights (discrimination on the basis of race, color, age, religion, sex, national origin or disability) should be brought to the attention of the Health Commissioner.

- B. Nothing in this policy is intended to deny an employee any rights available by law, including the right to appeal to the State Personnel Board of Review, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a complaint on a matter over which another appeals body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that appeals body.

- C. A complainant may be accompanied by one (1) other employee during any meetings held to resolve the complaint.

- D. A written complaint must state the reason for the complaint and the requested resolution.

- E. The following procedure will be followed in processing a complaint:
 - 1. Informal Resolution
Within five (5) workdays of the event prompting the complaint, the employee will meet with his/her supervisor to try to resolve the issue.

 - 3. Level Two: If the Level One response is not acceptably resolved, he/she may, within five (5) workdays of its receipt, appeal in writing to the Health Commissioner.

The Health Commissioner will respond in writing within five (5) workdays of receipt of the appeal.

 - 4. Level Three: The decision of the Health Commissioner may be appealed to the Board of Health within five (5) working days. The Board of Health will meet and/or conduct an investigation within ten (10) workdays of receipt of the appeal. The Board of Health will respond in writing, within three (3) workdays following the conclusion of the investigation.

- F. When management does not respond within the established time limits, the employee may appeal the complaint to the next level. When an employee does not appeal within the established time limits, the complaint is deemed settled with the last management response.

SECTION 10

DISCIPLINE

Section 10.1	Disciplinary Authority
Section 10.2	Progressive Discipline
Section 10.3	Pre-Suspension, Reduction or Discharge Procedure
Section 10.4	Appeals

Section 10.1

DISCIPLINARY AUTHORITY

Employees may be reduced in pay or position, suspended, terminated or otherwise disciplined by the Board of Health for among other reasons, incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of departmental regulations or any other failure of good behavior or for any other act of misfeasance, malfeasance or nonfeasance in office.

The Board of Health is obliged to investigate the nature of alleged infractions to determine if a violation of law or policy has occurred. Employees must provide complete and accurate information during any investigation.

PROGRESSIVE DISCIPLINE

- A. Employees are hereby advised of expected job behavior, the types of conduct that are unacceptable and the penalties for unacceptable behavior.
- B. Supervisors are to follow an established system of progressive discipline when correcting job behavior. Each offense is to be documented and dealt with objectively.
- C. The progressive discipline policy is established as a guide for management employees to use in administering discipline in a uniform manner. The discipline policy in no way limits the statutory rights enumerated in the Ohio Revised Code.
- D. This policy provides standard penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all-inclusive, and merely serve as a guide.
- E. The standard penalties provided in this policy do not prevent the application of a greater or less severe penalty for a given infraction when circumstances warrant. In instances where a penalty deviates from the recommended standard penalty, the reason for deviation should be noted.
- F. Documentation of verbal instruction and counseling will be logged by the employee's supervisor. Records of verbal instruction/counseling will become inactive after twelve (12) months if there are no subsequent or related violations, but will remain in the employee's personnel file. If there are subsequent violations, the verbal instruction/counseling will remain in effect until twelve (12) months after the most recent incident.

Written disciplinary action will remain active in the employee's file and be counted in the progressive scheme of discipline for twenty-four (24) months. If at the end of a twenty-four (24) month period, there have been no further instances of the same or a related offense, the action will become inactive but, will remain in the employee's personnel file. If there are subsequent violations, the written disciplinary action will remain in effect until twenty-four (24) months after the most recent incident.

- G. Different offenses within the same group and related offenses within different groups are to be disciplined progressively (that is, each incident is disciplined at the next higher level).
- H. Unrelated offenses in different groups are to be considered individually.
- I. Progressive Discipline Offenses

1. GROUP 1 OFFENSES

- a) Group 1 offenses are minor in nature and cause minimal disruption.
- b) Group 1 offenses include:
 - 1. Failure to call in an absence;
 - 2. Excessive absences;
 - 3. Unexcused absence from a scheduled staff meeting;
 - 4. Chronic tardiness;
 - 5. Starting late, or leaving early;
 - 6. Making preparations to quit work before the appropriate quitting time;
 - 7. Leaving the assigned work area without authorization;
 - 8. Interfering with the work of others;
 - 9. Malicious mischief, horseplay, wrestling, or other

- boards;
- 13. Unauthorized use of Board of Health property or equipment;
- 14. Performing private work on Board of Health time;
- 15. Unauthorized solicitation or distribution on Board of Health property;
- 16. Obliging the Board of Health for any expense or service without authorization;
- 17. Failure to report an accident, injury, or equipment damage;
- 18. Refusing to give testimony in accident or incident investigations;
- 19. Making or publishing false, vicious or malicious statements about the Board of Health, its employees or operations;
- 20. Excessive garnishments;
- 21. Actions detrimental to patient care.

c) Appropriate disciplinary action for Group 2 offenses includes:

First Offense	Written reprimand and a two (2) or three (3) day suspension without pay
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Second Offense Five (5) to Fifteen (15) day suspension without pay

Third Offense	Discharge
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3. GROUP 3 OFFENSES

a) Group 3 offenses are of a very serious or possibly criminal nature and cause critical disruption to the operation of the Board of Health.

b) Group 3 offenses include:

1. Failure to maintain required licenses or registrations;
2. Absence from duty without leave;
3. Insubordination by refusing to perform assigned work or comply with written or verbal instructions of supervisors;
4. Wanton or willful neglect of patients or assigned duties;
5. Instigating, leading or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work, or other concerted curtailment, restriction, or interference with work;
6. Gambling during work hours;
7. Possessing, using or selling illegal drugs;
8. Carrying or possessing firearms, explosives or weapons on Board of Health premises without prior authorization;
9. Fighting or attempting to injure other employees, supervisors, or the public;
10. Threatening, intimidating, coercing, or interfering with other employees;
11. Abuse or deliberate destruction of Board of Health property or equipment, or of the property or equipment of other employees;
12. Stealing, destroying, damaging or concealing property of the Board of Health or of another employee;
13. Dishonesty or dishonest action such as theft, pilfering, opening desks assigned to others, making false statements, making inaccurate or false reports concerning absences, etc;
14. Giving false information or withholding pertinent

Whenever the Health Commissioner, or his/her designee, determines that an employee may be disciplined for just cause by suspension, reduction or discharge, a predisciplinary conference will be scheduled to give the employee an opportunity to offer an explanation for the alleged misconduct. When an employee's behavior requires immediate removal from the premises, the Health Commissioner may suspend the employee with pay for the remainder of the workday. The employee must report to work the next workday, or at a time established by the Health Commissioner.

Predisciplinary conferences will be conducted by a hearing officer who will be selected by the Health Commissioner, or his designee, from those supervisors not directly in the chain of command of the employee. The hearing officer may also be an impartial outsider who has not direct interest in the issue at hand.

Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the Health Commissioner will provide to the employee a written outline of the charges which may be the basis for disciplinary action. The employee must choose to: (1) appear at the conference to present an oral or written statement in his defense; (2) appear at the conference and have a chosen representative present an oral or written statement in defense of the employee; or (3) elect in writing to waive the opportunity to have a pre-disciplinary conference.

At the predisciplinary conference, the hearing officer will ask the employee or his representative to respond to the allegations of misconduct which were outlined to the employee. Failure to respond or respond truthfully may result in further disciplinary action.

At the conference the employee or his representative and the employer may present any testimony, witnesses, or documents which explain whether or not the alleged misconduct occurred. The employee shall provide a list of witnesses to the hearing officer as far in advance possible, but not later than one (1) hour prior to the conference. It is the employee's responsibility to notify witnesses that their attendance is desired.

The employee and/or his representative and the employer will be permitted to question witnesses. A written report to the Health Commissioner will be prepared by the hearing officer concluding as to whether or not the alleged misconduct did occur. A copy of the hearing officer's report will be provided to the employee.

The Health Commissioner will recommend appropriate disciplinary action, if any, to the Board of Health. If the Health Commissioner is the subject of a disciplinary investigation, the Board of Health shall appoint a hearing officer to conduct a predisciplinary conference in accordance with this policy. The Board of Health shall determine appropriate disciplinary action.

APPEALS

- A. Personnel actions such as removals, suspensions of more than three (3) days, reduction in pay or position and layoffs may be appealed through the in-house hearing procedure. (See **Section 9.2 COMPLAINT PROCEDURE**) Classified employees may choose to appeal to the State Personnel Board of Review. Should an employee choose to appeal to the State Personnel Board of Review, the in-house hearing procedure may not be used. An employee who wishes to appeal suspension of three (3) days or fewer may use the COMPLAINT PROCEDURE only.

- B. Appeal of a removal, reduction in pay or position or suspension of more than three (3) days may be filed with the State Personnel Board of Review within ten (10) days of receipt of the order. Appeal of a layoff must be made within (10) days of the notice of layoff.

- C. The State Personnel Board of Review maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the Board may affirm, disaffirm or modify personnel decisions made by the Board of Health.

SECTION 11

SEPARATION FROM EMPLOYMENT

- Section 11.1 Voluntary Separation
 - Resignation
 - Abandonment
 - Retirement
 - Disability Separation
- Section 11.2 Involuntary Termination
 - Probationary Discharge
 - Disciplinary Discharge
 - Layoff
- Section 11.3 Termination Benefits
 - Sick Leave Conversion
 - Health Care Benefits Continuation (COBRA)
 - PERS - Disability and Survivor Benefits
 - Accrued Leave
- Section 11.4 Exit Interview

VOLUNTARY SEPARATION

A. RESIGNATION

1. Resignation in good standing by classified employees requires a minimum of four (4) weeks notice.
2. Resignation is to be in writing and submitted to the Health Commissioner for acceptance.
3. An employee who does not resign in good standing is ineligible for reinstatement.

B. ABANDONMENT

1. An employee who is absent from duty without leave for five (5) consecutive days is deemed to have resigned his/her position. The resignation will be reported to the Department of Administrative Services.
2. If at any time within thirty (30) days of termination for abandonment a classified employee makes to the Board of Health a satisfactory explanation of the cause of his/her absence, he/she may be reinstated.
3. An employee who has abandoned his/her position is not eligible for future employment with the Board of Health.

C. RETIREMENT

1. PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

- a) An employee who has five (5) years credit and is at least sixty (60) but less than sixty-five (65) years old, can retire and receive monthly benefits at a reduced benefit level. At age sixty-five (65) and thereafter, there is no reduction in payment due to age.
- b) Members who have thirty (30) years of credit may retire at any age and receive full benefits. A member who is age fifty-five (55) and has twenty-five (25) years credit may retire on a reduced basis.
- c) Benefits are calculated on the basis of age, final average salary and service credit. Proof of age is required when benefits are calculated. "Final Average Salary" is the average of the employee's three (3) highest years of earnings. Service credit is the total time the employee has worked in jobs covered by the system. Part-time work earns part-time credit. An employee who continues to work after earning (thirty) 30 years credit continues to receive service credit. The maximum benefit paid is one hundred percent (100%) of final average salary and is received after forty-five (45) years of service.
- d) Persons with ten (10) years of service credit who receive benefits are entitled to a health care plan that provides hospital and physician care as well as drugs and medicines. There is no cost to the primary recipient; dependents of the recipient may be covered through premium deductions.
- e) Employees are required to give a minimum of four (4) weeks notice of their intention to retire.

D. DISABILITY SEPARATION

1. During an extended, incapacitating illness or disability, including problem pregnancy, an employee may request an unpaid leave of absence. (See **Section 5.7 UNPAID LEAVES**)
2. If an employee has exhausted his/her leave of absence benefits and is unable to return to work, he/she may be given a disability separation.
3. To qualify for disability separation, an employee must have exhausted all accumulated sick leave and be hospitalized or institutionalized, be in a period of convalescence following hospitalization or institutionalization or be declared incapable of performing the essential functions of his/her job. (See **Section 3.5 DISABILITY ACCOMMODATION**)
4. Upon written request, an employee will have a right to reinstatement within three (3) years of the original date of a disability leave. Acceptable medical documentation must substantiate the employee's ability to perform the job duties. Cost of the medical examination is to be paid by the employee.
5. Upon return from a disability separation, an employee will be returned to a position in the classification held at the time of separation; or if that classification no longer exists, to another similar classification. If no similar classification exists, the employee may be laid off.
6. Abuse of disability separation may render an employee ineligible for reinstatement.
7. An employee who fails to apply for, or is unable to be reinstated from a disability separation will be deemed permanently separated as of the date disability separation was originally granted.

INVOLUNTARY TERMINATION

A. PROBATIONARY DISCHARGE

A newly-appointed probationary employee may be terminated at any time during the second half of the probationary period when, in the judgement of the employee's supervisor, the employee's fitness and/or quality of work do not merit continuation in the job. He/she may be separated for cause at any time during the probationary period. Such action may not be appealed and is not subject to the complaint or grievance procedure.

B. DISCIPLINARY DISCHARGE

1. Discharge is a serious disciplinary measure taken when less severe methods of discipline have not produced appropriate behavior, or when a serious infraction so warrants.
2. The discharge of a classified employee may be appealed to the State Personnel Board of Review. (See **Section 10.4 APPEALS**)

C. LAYOFF

Whenever it becomes necessary for the Board of Health to reduce it's workforce, the Board of Health will lay off employees and recall employees in accordance with Sections 124.321 through 124.327 of the Ohio Revised Code.

TERMINATION BENEFITS

A. SICK LEAVE CONVERSION

1. At the time of retirement from active service, an employee hired before June 1, 1993 with then (10) or more years service with the Board of Health may choose to be paid in cash for one-fourth (1/4) the value of his/her earned but unused sick leave credit. Employees hired or promoted to a management position on or after June 1, 1993 may choose to be paid in cash for one-fourth (1/4) the value of their earned but unused sick leave credit up to a maximum of sixty (60) days. Employees hired or promoted to a management position on or after September 24, 1998 may choose to be paid in cash for one-fourth (1/4) the value of their earned but unused sick leave credit up to a maximum of thirty (30) days.
2. Payment is based upon the employee's rate of pay at the time of retirement.
3. Payment will eliminate all sick leave credit accrued by the employee at the time of payment. Such payment may be made to an employee more than one time if the employee returns to public service and accrues additional sick leave.
4. An eligible employee who dies is considered to have terminated his/her employment as of the date of death. Sick leave conversion will be paid according to Ohio Revised Code Section 2113.04, or paid to the employee's estate.

B. HEALTH CARE BENEFITS CONTINUATION (COBRA)

In certain instances, employees and their families have the right to temporarily extend their health care benefits at group rates.

1. An employee covered by the Board of Health health care plan has a right to choose this continuation coverage if he/she would lose group coverage because of:
 - a) A reduction in hours of work below the minimum required for eligibility under the plan; or
 - b) Termination of employment for any reason other than gross misconduct.
2. An employee's spouse and dependent children covered by the Board of Health health care plan have the right to continuation coverage if group health care coverage under the plan would be lost due to a "qualifying event" such as:
 - a) Death of an employee;
 - b) Termination of the employee's employment for any reason other than gross misconduct;
 - c) Reduction in the employee's hours of work below the minimum required for eligibility under the plan;
 - d) Divorce or legal separation;
 - e) Employee becoming entitled to Medicare; or

- f) Dependent child ceasing to be a "dependent child" under the terms of the County's health care plan.
3. Any person who is covered under the employee's plan on the day before a qualifying event, and who will lose coverage, will be considered a "qualified beneficiary."
4. If the qualified beneficiary does not choose continuation coverage, group health care coverage will end.
5. Qualified beneficiaries need not show they are insurable in order to qualify for continuation coverage.
6. Qualified beneficiaries must pay the Board of Health the full premium at applicable rates. Late payments may result in loss of coverage.
7. Questions about this policy may be directed to the Division of Finance and Human Resources.
8. Employees are responsible for notifying the Division of Finance and Human Resources of any change in status including, for example, marital status, dependent status or residence.
9. **The following procedure will be used for notifying employees of COBRA rights:**
- a) Each employee will be notified of his/her COBRA rights at the time he/she begins coverage under the Board of Health's health care plan.
- b) Spouses of all covered employees will be notified of this policy and its provisions at the time family or spouse coverage begins under the Board of Health health care plan.
- c) Notification of an employee's spouse will be deemed to serve notice on all dependent children.
- d) Within thirty (30) days, the Division of Finance and Human Resources will notify the Mahoning County Risk Management Coordinator of any of the following "qualifying events":
- Employee's death;
 - Employee's termination;
 - Employee's reduction in hours, making him/her ineligible for benefits;
 - Employee's eligibility for Medicare.
- e) Within sixty (60) days, the employee is responsible for notifying the Division of Finance and Human Resources of any of the following "qualifying events:"
- Divorce;
 - Legal separation;
 - Loss of dependent eligibility under the plan requirements (age or student status)
- f) The employee/dependent must notify the Division of Finance and Human Resources

of his/her decision to extend benefits within sixty (60) days of the qualifying event or the date of eligibility notice.

C. PUBLIC EMPLOYEES RETIREMENT SYSTEM - DISABILITY AND SURVIVOR BENEFITS

1. If an employee, at the time of death, has at least eighteen (18) months of credit in the Public Employees Retirement Service, his/her spouse, children or parents may be entitled to survivor benefits.
2. If an employee has five (5) years of credit, is under age sixty (60) and is permanently and totally disabled, he/she may receive disability benefits. Disability payments are a minimum of thirty percent (30%) of the employee's final average salary.

D. ACCRUED LEAVE

At the time of separation, an employee will be paid at his/her current hourly rate of pay for all vacation credit.

EXIT INTERVIEW

- A. Upon separation from employment, an employee must meet with his/her supervisor and with the Division of Finance and Human Resources to process paperwork and return Board of Health property.
- B. The Division of Finance and Human Resources will inform the employee of all termination benefits, verify forwarding addresses for the employee and any dependents, and get necessary signatures.
- C. The employee will relinquish all identification cards, equipment and keys.
- D. If the separation is voluntary, the employee will be asked to complete an exit interview questionnaire and discuss his/her answers during an exit interview with the Health Commissioner. Information gathered in exit interviews is used to evaluate Board of Health practices and identify areas requiring action to make the Board of Health a more attractive employer.

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