

**CHAPTER 169**  
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**169.01 PURPOSE.**

(a) Purpose. This Chapter shall be applicable to all County of Summit appointing authorities, offices, departments, divisions and units. This Chapter does not apply to judicial offices or where a collective bargaining agreement takes precedence. This Chapter shall apply to both classified and unclassified employees, except in Sections 169.04(b), 169.04(d), 169.08, 169.09, 169.10, 169.11, 169.13, 169.16, 169.20, which apply only to classified employees.

(b) Appointing Authorities' Rights. Each appointing authority shall retain the right to enact any additional policies or work rules as deemed appropriate within their jurisdiction. However, no appointing authority may enact any policy that contravenes these Codified Ordinances, State of Ohio or Federal law.

(c) No Implied Contract. Nothing in this Chapter should be construed as creating an express or implied contract or promise concerning the policies and procedures, which the County of Summit has implemented or will implement in the future.

## 169.02 DEFINITIONS.

Unless otherwise indicated in this Chapter, the following definitions shall apply:

(a) "Appointing authority" means the elected office holders as described in Article III, Section 3.03(10) of the County of Summit Charter, who are authorized by law to make appointments to positions.

(b) "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 in some circumstances (e.g., Manager).

(c) "County" means the County of Summit, State of Ohio.

(d) "Position" means a group of duties and responsibilities assigned or delegated by competent authority to be performed by one person.

(e) "Supervisor" means an individual who has been authorized by the appointing authority to oversee and direct the work of lower level employees on a daily basis.

(f) "Classified" means the general group of employees of the County not in the "unclassified" service.

(g) "Unclassified" means those positions ~~set forth in Section 124.11(A) of the Ohio Revised Code, unless otherwise provided by ordinance,~~ which are considered "at-will" and are not included in the classified service.

(h) "Seniority" means an employee's continuous service with an appointing authority, provided that such continuous service shall be uninterrupted by any break in service of one (1) year or more. A break in service of one (1) year or more shall result in new seniority date; that begins on the date of return.

(i) "Transfer" means a lateral move between one position or work station and another position or work station.

(j) "Promotion" means a move to a higher classification which results in an increase in salary and responsibility.

(k) "Demotion" means a change to a lower classification that reduces the scope of responsibility and/or salary.

(l) "Active Pay Status" includes an employee currently receiving compensation from the County of Summit for hours worked or approved leave which includes but is not limited to, vacation leave, sick leave, leave donation, personal leave, compensatory time, election judge leave, non-personal court leave, holiday and administrative leave.

**169.03 ETHICS OF PUBLIC EMPLOYMENT.**

(a) Ohio Revised Code. The ethical requirements for elected officials and public employees are set forth in Chapter 102 of the Ohio Revised Code.

(b) Filing of Disclosure Statements.

(1) "Compensation" means money, thing of value, or financial benefit.

(2) Duty to File Disclosure Statement with Human Resource Commission.

~~The following~~ All unclassified employees and any other employee as designated by the Human Resource Commission ("HRC") and recommended to Council shall file an annual financial disclosure statement with the Human Resource Commission HRC on a form prescribed by the Commission HRC.

~~Chief of Staff, Executive~~

~~Directors of Administration~~

~~Senior Administrators~~

~~Assistant Directors of Administration~~

~~Assistant Administrators~~

~~Director—Department of Administrative Services~~

~~Deputy Director—Capital Projects~~

~~Deputy Director—Community Services~~

~~Deputy Director—Physical Plants~~

~~Animal Control Manager~~

~~Director—Department of Communications~~

~~Deputy Director—Communications~~

~~Director—Department of Community and Economic Development~~

~~Deputy Director—Building Standards~~

~~Deputy Director—Development~~

~~Deputy Director—Planning~~

~~Director—Department of Law, Insurance and Risk Management~~

~~Deputy Director—Public Safety~~

~~Director—Department of Environmental Services~~

~~Deputy Director—Engineering~~

~~Deputy Director—Operations~~

~~Deputy Director—Administration~~

~~Director—Department of Finance and Budget~~

~~Deputy Director—Finance~~

~~Deputy Director—Purchasing~~

~~Director—Department of Human Resources~~

~~Deputy Director—Labor Relations~~

~~Director—Department of Law, Insurance and Risk Management~~

~~Director—Department of Job and Family Services~~

~~Assistant Director—Job and Family Services~~

~~Assistant County Job and Family Services Administrator~~

~~Medical Examiner~~

~~Chief Deputy Medical Examiner~~

~~Deputy Medical Examiner~~

~~Director of Consumer Affairs~~

~~Chief of Staff, Council~~  
~~Chief of Staff, Clerk of Courts~~  
~~Chief Deputy Clerk, Court of Common Pleas (Legal)~~  
~~Legal Division Manager~~  
~~Chief Deputy Clerk, Court of Common Pleas (Title)~~  
~~Title Division Manager~~  
~~Chief Deputy Engineer~~  
~~Engineer/General Counsel~~  
~~Highway Maintenance Superintendent~~  
~~Director of Administration—Government Affairs~~  
~~Director of Administration—Support Services Activities~~  
~~Deputy Director—Engineering Services~~  
~~Deputy Director—Maintenance Administration~~  
~~Chief of Staff—Fiscal Office~~  
~~Chief Deputy Fiscal Officer~~  
~~Assistant Fiscal Officer~~  
~~Deputy Fiscal Officer—Administration~~  
~~Deputy Fiscal Officer—Document Recording~~  
~~Deputy Fiscal Officer—Finance~~  
~~Deputy Fiscal Officer—Real Estate~~  
~~Deputy Fiscal Officer—Services~~  
~~G.I.S. Director~~  
~~M.I.S. Director~~  
~~Software Engineering Administrator~~  
~~Director of Department of Internal Auditing~~  
~~Assistant Director—Department of Internal Auditing~~  
~~Deputy Director—Department of Internal Auditing~~  
~~Human Resource Commission Director~~  
~~Chief Counsel~~  
~~Chief Assistant Prosecuting Attorney~~  
~~Director of Child Support Enforcement Agency~~  
~~Assistant Sheriff~~  
~~Executive Director of Port Authority~~  
~~Engineer Project Manager~~

(3) Contents of Disclosure Statement. The annual financial disclosure statement shall contain:

A. The name of the person filing the statement and the name of members of the reporting party's immediate family and all names under which such persons or members of his/her family conduct business.

B. Identification of every source of income received by the reporting person during the preceding calendar year and a description of the nature of the services rendered. Such statement shall disclose the identity of any person and/or firm from whom the reporting person received income. This section is not intended to cause the disclosure of information made confidential by a recognized code of ethics applicable to the profession of the reporting party or the reporting party's spouse.

C. The names of all persons residing or transacting business in the State to whom the reporting party owes more than ten thousand dollars (\$10,000), excluding debts relating to personal residence, vehicles, student loans, VISA, Master Card, American Express, Discover or major retail store credit.

D. The source of each gift of more than two hundred dollars (\$200.00) in value received during the preceding calendar year, excluding gifts from a spouse, parent, grandparent, child, grandchild, sibling, niece, nephew, aunt, uncle or in-law.

(4) Filing.

A. The disclosure statements required under this section shall be filed by April 15 of each calendar year, beginning April 15, 2000.

B. No person required to file a disclosure statement shall purposely fail to file a statement or purposely fail to disclose information required to be disclosed.

(5) Penalties.

A. If a financial disclosure statement required under this section is not timely filed, the Human Resource Commission may, following notice and a hearing, assess a late fee as follows:

1. For employees who are in substantial compliance with this section and/or the Rules of the Human Resource Commission, up to five dollars (\$5.00) per day for each calendar day on which the report was not timely filed.

2. For employees who are not in substantial compliance with this section and/or the Rules of the Human Resource Commission, up to twenty-five dollars (\$25.00) per day for each calendar day on which the report was not timely filed.

B. Violation of this section shall subject the official or employee to disciplinary action up to and including termination as determined by the Human Resource Commission.

(6) A. The Human Resource Commission shall examine each disclosure statement to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interest of the person, as indicated by the disclosure statement, interferes with the public interest the person is required to service in the exercise of the person's office or position with the County. If the Human Resource Commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall arrange for a formal hearing at the next scheduled Human Resource Commission meeting unless that meeting has been scheduled to occur less than two weeks from the date of notice. If the notice is provided less than two weeks prior to the scheduled meeting, then the hearing will take place at the following scheduled Human Resource Commission meeting. If it is determined at the hearing that a conflict of interest exists, the Human Resource Commission shall notify the appointing authority and refer the matter to the Ohio Ethics Commission.

B. The officials or employees filing a Disclosure Statement shall provide any additional information and/or clarification on their Disclosure Statement to any reasonable request made by the Human Resource Commission.

Failure to submit the required information within ten calendar days shall subject the official or employee to a fine of five dollars (\$5.00) per day for each calendar day that the information is not submitted to the Human Resource Commission.

C. The disclosure of financial disclosure statements to the public shall be governed by Section 149.43 of the Ohio Revised Code, as amended.

(7) Rules.

A. The Human Resource Commission shall deposit all funds collected pursuant to this section into the General Fund of the County.

B. The Human Resource Commission shall make all rules necessary to carry out this section.

(c) Prohibition of Outside Employment for Certain Officials/Employees.

(1) Definitions.

~~(1)~~ A. "Outside employment" means work outside an official's or employee's employment with the County of Summit government, whether it be as an employee, independent contractor, consultant or owner, for which compensation is paid.

~~(2)~~ B. "Compensation" means money, thing of value or financial benefit. Compensation does not include reimbursement for the actual or necessary expenses incurred as a volunteer.

~~(3)~~ C. "Designated County official or employee", as used in this section shall refer to the following positions with the County:

~~A.~~ ~~(i)~~ 1. Chief of Staff, Executive.

~~(ii)~~ 2. Director, Department of Law, Insurance and Risk Management.

~~B.~~ 3. Director, Department of Environmental Services.

~~C.~~ 4. Director, Department of Finance and Budget.

~~D.~~ 5. Director, Department of Job and Family Services.

~~E.~~ 6. Assistant Director, Department of Job and Family Services.

~~F.~~ 7. Director, Department of Communications.

~~G.~~ 8. Medical Examiner.

~~H.~~ 9. Director, Department of Community and Economic Development.

~~I.~~ 10. Director, Department of Human Resources.

~~J.~~ 11. Director, Department of Administrative Services.

~~K.~~ 12. Director, Department of Insurance and Risk Management.

~~L.~~ 13. Director, Human Resource Commission.

~~M.~~ 14. Director of Consumer Affairs.

~~N.~~ 15. Chief of Staff, Council.

~~O.~~ 16. Chief of Staff, Fiscal Office.

~~P.~~ 17. Deputy Fiscal Officer, Finance.

~~Q.~~ 18. Software Engineering Administrator.

~~R.~~ 19. ~~(i)~~ Chief of Staff, Clerk of Courts.

20. ~~(ii)~~ Chief Deputies, Clerk of Courts.

~~S.~~ 21. Chief Counsel, Civil Division, Prosecutor's Office.

~~T.~~ 22. Chief Counsel, Criminal Division, Prosecutor's Office.

~~U.~~ 23. Director of the Child Support Enforcement Agency.

~~V.~~ 24. Assistant Sheriffs.

~~W.~~ 25. Chief Deputy Fiscal Officer, Fiscal Office.

~~X.~~ 26. Chief Deputies, Engineer.

~~Y.~~ 27. General Counsel for Engineer.

~~Z.~~ 28. Director of Internal Auditing.

~~AA.~~ 29. Assistant Director of the Department of Internal Auditing

~~BB.~~ 30. Deputy Director of the Department of Internal Auditing.

31. HRC Administrator.

(d) Prohibition Against Outside Employment. No designated County official or employee as defined in this section may hold outside employment if either of the following applies:

(1) The employment is with or for a person or entity which has a contract with or does business with the County; or

(2) The employment is with or for a person or entity that is funded in whole or in part with County funds.

(3) Penalties. Violation of this section shall subject the official or employee to disciplinary action up to and including termination, as determined by the Human Resource Commission.



**169.05 TYPES OF EMPLOYMENT.**

(a) Employee Status. All employees of the County of Summit County shall be categorized as either full-time, or part-time, and either temporary, intermittent, seasonal, student or interim regular as defined below:

(1) "Full-time employee" means an employee who works thirty-six five to forty (40) hours per week or averages 70-80 hours per pay period on a regularly scheduled basis.

(2) "Part-time employee" means an employee who works less than thirty-six five (36 35) to forty (40) hours per week or averages less than seventy (70) hours per pay period.

(3) "Temporary employee" means an employee ~~who is not a part time or full time employee and may include the following categories:~~

A. ~~"Intermittent employee" means an employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable.~~

B. ~~"Seasonal employee" means an employee who works on a reoccurring, but temporary basis annually.~~

C. ~~"Student employee" means an employee who is a student at an educational institution, working in a position not necessarily related to the content or level of the person's education.~~

D. ~~"Interim employee" means a person employed who works for a period of time shall continue only during such not to exceed six (6) months within a one (1) year period of sickness or disability.~~

(4) "Regular employee" means an employee who is not temporary.

(b) ~~Written Notice.~~ All employees shall be informed of their status upon hiring. A written acknowledgment may be required.

**169.06 HOURS OF WORK; OVERTIME; FAIR LABOR STANDARDS ACT.**

(a) Work Day. The standard County work day shall consist of eight (8) hours of work with at least a thirty (30) minute but no more than one (1) hour unpaid lunch period, to be scheduled by the appointing authority, except as otherwise may be defined in a collective bargaining agreement. ~~Thirty-six~~ five (~~36~~ 35) to forty (40) hours of work are considered the normal work week and Monday through Friday the normal work period.

(b) Pay Period. ~~There are usually twenty-six (26) pay periods per year.~~ All employees are paid every other Friday for the pay period ending one week prior. If a holiday should occur on a Friday on which a pay day falls, then paychecks shall be issued on the preceding Thursday. Pay advances are not permitted.

(c) Overtime; Fair Labor Standards Act. Non-exempt employees, as defined by the Fair Labor Standards Act (29 U.S.C. §§ 201-219, as amended) ("FLSA"), shall be entitled, with the prior approval of the appointing authority, to overtime or compensatory leave at one and one-half (1 1/2) times their regular rate of pay for hours actually worked in excess of forty (40) hours per work week. Holidays, sick leave, vacation or other paid leave shall not be considered time actually worked for the purposes of calculating overtime. The County of Summit complies fully with the provisions of the FLSA, which establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments. FLSA compliance and administration shall be enforced by the County Executive's Human Resource Department ("HRD") in accordance with the FLSA and overtime policies and procedures adopted by the HRD.

**169.08 CLASSIFICATION AND COMPENSATION PLAN.**

(a) Introduction. The County of Summit, in an effort to provide fair and equitable compensation for classified, non-bargaining unit employees, established compensation systems as follows:

Plan	Category Of Employee
Category 1	Entry-level clerical and other supportive job classifications
Category 2	Specialized clerical, technical, paraprofessional and lower level supervisory classifications
Category 3	Administrative, management and professional classifications

The plans developed cover all classified non-bargaining unit employees who are under the jurisdiction of the following appointing authorities:

Clerk of Courts  
County Council  
Engineer  
Executive  
Fiscal Officer  
Prosecutor  
Sheriff

The plan will be administered by the Human Resource Commission. As existing classifications are revised or new classifications are created, the Director of the Department of Human Resources shall determine the category to which the classification will be assigned. The Director of the Department of Human Resources will evaluate the new or revised classification in accordance with the criteria established in the point factor manual appropriate to the category.

(b) Plan Structure - Categories 1, 2 And 3 Classifications. Each of the three (3) categories of job classifications has been assigned to a pay schedule. Each pay schedule features several pay grades. Within each pay grade, a minimum rate, midpoint rate, and a maximum rate have been identified. This structure will enable the County Council to grant increases on a percentage basis between the minimum and maximum rates.

Each non-bargaining classification has been assigned to a pay grade within the assigned pay schedule. These assignments have been the result of the point factor analysis of each classification and consideration of labor market factors. Employees shall advance through their assigned pay grade by way of receiving periodic general increases as authorized by the County Council and with the approval of the appropriate appointing authority.

In order to better illustrate the systems, the following discussion will examine each component.

(c) Minimum Rate, Midpoint Rate and Maximum Rate. The minimum rate for each pay grade, and the classifications assigned to that pay grade, is the base or starting rate. New employees shall normally be hired at the minimum rate for their

classifications. Exceptions may be made for new employees who possess outstanding qualifications and/or experience. No new employee may be hired at a rate which exceeds the midpoint of the employee's pay grade unless authorized specifically by the County Council. The maximum rate is the top rate for a classification. No employee may be paid at a rate which exceeds the maximum rate for the employee's classification. The exception to this rule is any employee who is making more than the maximum rate at the time the new pay schedules are implemented.

Following an initial placement, promotion or reassignment of an existing employee, the employee will advance through pay grade by the granting of a general increase, based upon this decision of the County Council and the concurrence of the employee's appointing authority.

(d) General Pay Increases. The amount and frequency of general pay increases will be determined by the County Council. This general increase may include an adjustment of minimum or maximum rates. Decisions to increase minimum and/or maximum rates in any schedule should be based upon periodic wage survey data. The HRD shall conduct periodic surveys of comparable employers in order to provide input to the County Council in this decision making process.

In addition to any annual general increase to all classifications that may be approved by the County Council, upon the recommendation of the Director of the Department of Finance and Budget, the Director of the HRD and the HRC, Council recognizes the need to reward employees for their meritorious service. Any employee that has not reached the maximum of the pay grade may receive a discretionary increase of up to five percent (5%) per calendar year for exemplary service, as may be determined by the elected officeholder.

(e) Implementation. For purposes of implementing the new salary schedule, an employee will be assigned to a rate within the pay grade in accordance with the departmental employee rosters provided to the elected officeholders as a component of this plan. Initial and other step adjustments shall become effective as identified.

(f) Probationary Increases. An appointing authority shall be permitted to grant a newly hired employee, excluding promotions and reassignments, an increase of up to five percent (5%) upon successful completion of the employee's probationary period. However, such increase may not cause an employee's rate of pay to exceed the midpoint of the employee's pay grade. Probationary increases are not available for employees who are hired at a rate of pay at or beyond the midpoint for the employee's classification.

(g) Movement Between Pay Grades.

(1) Promotion. A promotion is the act of placing an employee in a classification, which requires greater skills, knowledge and abilities to perform more complex and responsible work than the employee was required to perform in the employee's previous position. When an employee is promoted, the employee will be advanced to whichever is the greater of the following:

- A. The minimum rate for the employee's new classification; or
- B. A rate of pay which is seven percent (7%) greater than the employee's current rate of pay provided that said increase does not exceed the maximum rate of pay established for the classification.

(2) Demotion. When an employee is reassigned to a lower classification, or reclassified to a lower classification, or demoted other than as a result of a disciplinary action or probationary reduction, or voluntarily accepts a reduction, the employee shall be placed at a rate in the new pay grade which does not exceed the employee's prior rate of pay. If the employee is reduced during the probationary period, the employee shall be returned to the former pay grade and placed at the rate that the employee would have been in if the employee had not accepted the ~~demotion~~ promotion. If the employee is reduced for disciplinary reasons, the appointing authority shall assign the appropriate rate of pay.

(3) Transfer. A transfer is the act of moving an employee from a position in a work unit to a position with the same classification title in another work unit. A transfer may also result in a change in work location and/or supervisor, but not a change in significant job duties. An employee's rate of pay will not change as a result of this type of action.

(4) Lateral Movement. A lateral movement is when an employee is assigned to a position, which is in a different classification than the employee's former position, but the classifications are assigned to the same pay grade and schedule. An employee's rate of pay will not be affected by such change.

(5) Temporary Assignments. A temporary assignment is the act of assigning an employee to a job classification different than the employee's own for a temporary period of time. Such assignments normally occur because of illness, emergencies or other special circumstances. An employee temporarily assigned to a classification with a lower rate of pay will not be reduced in pay. An employee temporarily assigned to a classification with a higher rate of pay should be advanced to whichever is the greater of the following:

A. The minimum rate for the classification to which the employee has been temporarily assigned; or

B. A rate of pay which is at least seven percent (7%) greater than the employee's current rate of pay.

However, no temporary increase will exceed the maximum rate of pay established for a classification.

NOTE: In order to receive a temporary increase, an employee must be temporarily assigned the full duties and responsibilities of the higher level classification. Temporary assignment of partial duties and responsibilities of the higher-level classification will not qualify an employee for a temporary increase. Also, an employee who is temporarily assigned partial duties and responsibilities of a lower classification will not be eligible for additional compensation.

**169.14 SEPARATION FROM EMPLOYMENT.**

(a) Resignation/Retirement. An employee choosing to resign or retire from service with an appointing authority shall:

(1) Notify the employee's immediate supervisor at least two (2) weeks in advance of the effective date of resignation or at least two (2) months in advance of the effective date of retirement; and

(2) File a formal letter of resignation or retirement prior to the effective date of such resignation or retirement, which shall contain the effective date of the resignation or retirement and shall be signed and dated by the employee at the time submitted.

(b) Eligibility For Reinstatement/Rehire. Failure to comply with subsection (a)(1) and (a)(2) may result in ineligibility for reinstatement or rehire.

(c) Implied Resignation. Employees who absent themselves for more than three (3) consecutive working days without an authorized leave of absence shall be presumed to have resigned and may be removed from County service.

(d) Workers' Compensation. If an employee is unable to return to active pay status within one (1) year from the date of injury the employee will be separated from employment with the County of Summit.

(e) Exit interview. Upon receiving notification of a resignation, the appointing authority may conduct an exit interview with the employee prior to the employee's last day of work.

(f) County Property. An employee leaving employment with the County shall return all County property to the employee's immediate supervisor.

### **169.15 BENEFIT COVERAGE.**

(a) Eligibility. All regular full-time employees, as defined by Section 169.05(a)(1), shall receive health benefits after ninety (90) calendar days of employment unless a shorter period of time is requested of the Appointing Authority by the employee and approved by the Executive. Elected officials shall be eligible to receive health benefits effective on the first day of the term of office.

(b) Cost. All regular full-time employees shall pay ~~a~~ the employee's portion of the premium costs of such health benefits as established by either a collective bargaining agreement or the County Council. The County Fiscal Officer shall deduct from the bi-weekly pay of all employees an amount representing the employee's portion of the premium cost of health benefits.

In the event the employee's pay is not sufficient to cover the employee's portion of the premium cost, the employee must make direct payment to the County for their portion of the premium cost within thirty (30) calendar days.

(c) Benefit Continuation.

(1) Family and Medical Leave Act Leave. Employees granted leave under the Family and Medical Leave Act (5 U.S.C. §§ 6381-6387, 26 U.S.C. §§ 2601, 2611-2619, 2631-2636, 2651-2654, as amended) shall continue to receive health benefits for the duration of the approved leave. The employee shall be responsible for the employee's portion of the premium cost for the duration of the leave. An employee who fails to return to work, for reasons other than a continued serious health condition, shall be required to reimburse the County for the ~~actual cost of~~ employee and employer's portion of the insurance premiums ~~incurred.~~

(2) Workers Compensation. Employees who sustain a work-related injury while employed with the County and are removed from ~~active pay status~~ Active Pay Status as a result of the work-related injury, shall continue to receive health benefits for a period not to exceed three (3) months. The employee shall be responsible for the employee's portion of the premium cost for the three (3) month period.

(3) Separation From Employment. The Consolidated Omnibus Reconciliation Act (7 U.S.C. §§ 1314g, 1314h, 1445-3, 10 U.S.C. § 1095, 15 U.S.C. §§ 687k, 6871, 697a, 697b, 1530, 19 U.S.C. § 58c, 29 U.S.C. §§ 1001b, 1085a, 1143a, 1161-1168, 1369, 1370, 33 U.S.C. § 883j, 38 U.S.C. § 1703, 42 U.S.C. §§ 238m, 300bb-1 to 300bb-8, 677, 1396r-3, 1395dd, 1395w-1, 1396v, 8287, 8287a-8287c, 47 U.S.C. § 158, as amended) ("COBRA") governs continuation of health benefits after separation from employment. Additionally, an employee is eligible for COBRA while on unpaid leave.

(4) Unpaid Leave of Absence. Employees on an unpaid leave of absence as defined in 169.22 (1) who purchase county health benefits through payroll deduction and go on unpaid leave status shall retain their benefits for 30 consecutive calendar days (retention period) provided that the employee pays their applicable premiums. The retention period begins from the first day unpaid leave approved by the Appointing Authority or their designee is taken by the employee. This can be granted only one (1) time per rolling 12 month calendar year. Benefits shall terminate at the next unpaid leave status or when the approved retention period has been completed if the employee is unable or

notice to the Human Resource Department and Department of Law, Insurance and Risk Management within one (1) working day of granting such leave.

(5) Disability Retirement. If an employee separates employment due to a pending OPERS Disability retirement, benefits will continue for an employee who continues to pay their share of the applicable premiums, until a determination from OPERS regarding Disability Retirement is made or six (6) months which ever is less. An employee shall provide the appointing authority with a copy of their application for disability benefits upon separation.

(6) Disciplinary Suspension. An employee shall retain benefits while on a disciplinary suspension. In the event the employee's pay is not sufficient to cover the employee's portion of the premium cost, the employee must make direct payment to the County for their portion of the premium cost within thirty (30) calendar days.

(d) Cafeteria Plan. A "cafeteria plan" shall be established pursuant to Section 125 of the Internal Revenue Code (26 U.S.C. § 125) to provide for various employee benefits. The County Executive shall act as administrator of the plan.

(e) Incentive Payment. An incentive payment shall be offered to each County employee eligible for health benefits who has proof of other health benefits and elects to have no County coverage. This incentive payment shall be available to all County employees, ~~including~~ except those married to other County employees. The amount of the incentive shall be established by the County Council and shall not exceed the limits as established by the Ohio Revised Code.

(f) Prescription Coverage. The prescription drug benefit co-pay amounts shall be determined by the prescription drug plan document.

(g) Life Insurance. Employees shall receive life insurance coverage paid by the County of Summit as determined by the life insurance plan document.

(h) Termination. Voluntarily or involuntarily terminated employees' benefits shall be cancelled on their last day of employment.



**169.19 ABSENTEEISM/TARDINESS.**

~~(a) — Report of Absence. Employees who anticipate being absent from work are responsible for notifying their supervisor or other designated official as established by the appointing authority.~~

~~(b) — Extended Absence. Employees are responsible for informing the appointing authority, on a periodic basis, of the status of any prolonged absence.~~

~~(c) — Implied Resignation. Employees who absent themselves for more than three (3) consecutive working days without an authorized leave of absence shall be presumed to have resigned and may be removed from County service.~~

~~(d) — Tardiness. Every employee shall be held responsible for prompt attendance. Excessive and/or habitual tardiness may result in discipline, up to and including, termination.~~

### **169.19 WORKPLACE VIOLENCE PREVENTION.**

(a) Policy. The County of Summit is committed to preventing workplace violence and to maintaining a safe work environment. . It is the policy of the County of Summit to not tolerate any form of workplace violence. The County of Summit has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises:

(1) All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from County of Summit owned and leased properties without proper authorization.

(2) Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on race, color, sex, age, religion, national origin, ancestry, veteran status, disability sexual orientation, gender identity, or any other characteristic to the extent protected by law.

(b) Reports. All threats of or actual violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, an employee should be as specific and detailed as possible. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. An employee shall not place themselves in peril. If an employee sees or hears a commotion or disturbance near their workstation, they should not try to intercede or become involved in the situation.

(c) Investigation. The County of Summit will promptly and thoroughly investigate all reports of threats of or actual violence and of suspicious individuals or activities. Investigations will be coordinated by the Department of Human Resources. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the County of Summit may place employees on Administrative Leave pending investigation. Anyone determined to be responsible for threats of or actual violence or other conduct that is in violation of this Section shall be subject to prompt disciplinary action, up to and including termination of employment.

(e) Placement on Paid Administrative Leave. Upon investigation, any employee determined to be a threat to themselves, co-workers or the public shall not be returned to duty but shall be placed on Paid Administrative Leave, pending the outcome of a Fitness for Duty examination as provided for in Section 169.32 of these Ordinances.

## **169.20 DISCIPLINE.**

(a) Appointing Authority. Each appointing authority shall have the right to treat each infraction upon its individual merit and without creating any precedent for the treatment of any case, which may arise in the future. The causes for disciplinary action, set forth in Section 169.20(c) are not to be construed as a limitation upon the rights of the appointing authority.

(b) Just Cause. Any non-probationary, classified employee of the County of Summit may be terminated, suspended, demoted or reduced in pay for just cause. Employees subject to discipline shall be notified, in writing, of the reason for the action.

(c) Causes for disciplinary action. Causes for disciplinary action shall include, but are not limited to, all causes such as incompetence, absenteeism, inefficiency, dishonesty, ~~intoxication~~ non-compliance with Chapter 169 of these Ordinances, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, misuse of County property (i.e., computer, vehicle, etc.), any violations of state or federal law, safety violations of major significance, discrimination, harassment, workplace violence, theft, fraud or any other failure of good behavior.

(d) Predisciplinary Conferences. Whenever the appointing authority determines that a classified employee may be disciplined for cause and as a result thereof, be terminated, suspended, demoted or reduced in pay, a predisciplinary conference shall be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct.

(1) Hearing Officer. Conferences will be conducted by a hearing officer who will be selected by the appointing authority, ~~or the appointing authority's designee~~, from persons not directly in the chain of command of the employee. Conferences should generally be scheduled no sooner than twenty-four (24) hours following notice to the employee. It may be necessary to ~~suspend~~ place the employee with pay on paid administrative leave for any regularly scheduled work days pending the conference.

(2) Representative. An employee scheduled for a pre-disciplinary conference may elect to have a representative present at the conference. An employee may also elect, in writing, to waive the opportunity to have a predisciplinary conference. It shall be the responsibility of the affected employee to notify the employee's representative of any predisciplinary conference and/or resulting disciplinary action. Any such representative shall be at the employee's cost.

(3) Continuances. Continuances may be granted by the hearing officer for good cause. Requests for continuances shall be made in writing by the employee or the employee's representative and submitted to the hearing officer at the earliest opportunity prior to the conference. Failure to attend the conference as scheduled without requesting and receiving a continuance as specified shall be deemed as a waiver of the conference.

(4) Written Report. The hearing officer shall issue a written report to the appointing authority and employee containing his/her findings on whether or not there is just cause for discipline within ~~five~~ ten (5 10) regular business days of the conference. A copy of the report shall be placed in the employee's personnel

file together with the appointing authority's decision with respect to such report. The appointing authority shall determine the disciplinary action to be taken.

**169.21 ANTI-DISCRIMINATION/ANTI-HARASSMENT COMPLAINT POLICY/PROCEDURE.**

(a) Policy. It is the policy of the County that there be no discrimination, with respect to hire, tenure, terms and conditions or privileges of employment or any other matter directly or indirectly related to employment, against any employee or applicant on the basis of race, color, sex, age, religion, national origin, ancestry, veteran status, disability, sexual orientation, gender identity or any other characteristic to the extent protected by law. Discrimination and harassment are violations of County of Summit policy. The County considers discrimination and harassment to be serious offenses. If it is determined that discrimination or harassment has occurred, disciplinary action, up to and including termination, shall be taken.

(b) Harassment. Harassment may occur based upon any characteristic set forth in Section 169.21(a). Harassment may include: racial, ethnic or national origin slurs; or, demeaning or derogatory comments concerning a person's disability. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(1) Submission to the conduct is made either an explicit or implicit condition of employment; **or**

(2) Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; **or**;

(3) The harassment substantially interferes with an employee's work performance or creates a pervasive, intimidating, abusive, hostile or offensive work environment.

(c) Complaint Procedure.

Step One: An employee who believes that they have been subject to discrimination or harassment shall contact their immediate supervisor within ten (10) days of the incident. If the employee does not feel comfortable bringing the complaint to the immediate supervisor, they may contact the ~~Human Resource~~ Equal Opportunity Compliance Administrator to process their complaint. In the absence of the ~~Human Resource~~ Equal Opportunity Compliance Administrator, the complaint should be filed with the Director of the Department of Human Resources, who will follow the same reporting guidelines as the ~~Human Resource~~ Equal Opportunity Compliance Administrator. Confidentiality shall be maintained to the extent possible.

Step Two: The immediate supervisor shall:

(1) Contact the ~~Human Resource~~ Equal Opportunity Compliance Administrator;

(2) Forward **and** all relevant materials to the ~~Human Resource~~ Equal Opportunity Compliance Administrator; and

(3) Furnish a written statement regarding the complaint.

Step Three: The complaint should be made in writing on the County's approved form and returned to the ~~Human Resource~~ Equal Opportunity Compliance Administrator.

Step Four: Within twenty (20) working days of the receipt of the complaint, the ~~Human Resource~~ Equal Opportunity Compliance Administrator shall begin an investigation of the complaint. The ~~Human Resource~~ Equal

Opportunity Compliance Administrator shall meet with the employee alleging the complaint. The ~~Human Resource~~ Equal Opportunity Compliance Administrator may contact any other individuals who may have knowledge of the allegations. Such individuals may be required to furnish a written statement or affidavit.

Step Five: Upon completion of the investigation, the ~~Human Resource~~ Equal Opportunity Compliance Administrator shall issue a written response to the employee who alleged the complaint.

Step Six: If the allegation is substantiated, any employee responsible for any discrimination and/or harassment shall be disciplined, up to and including, termination.

(d) Retaliation. No employee shall be retaliated against for making a good faith report of alleged discrimination or harassment or for participating in any investigation, proceeding or hearing conducted under the provisions of this section or any state agency. If an employee believes they are being retaliated against, they should follow the complaint procedure set forth herein. Any employee found to have retaliated against another employee shall be disciplined, up to and including, termination.

(e) Training. All County employees and Appointing Authorities shall receive at least two (2) hours of training, every two years, covering the County's written policy on Anti-Discrimination/Anti-Harassment and Diversity.

## **169.22 LEAVES OF ABSENCE.**

### **(a) Definitions.**

(1) **Absence.** The failure of an employee to report for work when the employee is scheduled to work.

(2) **Approved Absence.** Approved absences are listed below:

- A. **Bereavement.**
- B. **Military Obligation County Emergency.**
- C. **Jury Duty Disciplinary Suspension.**
- D. **Work-related injury/illness Election Judge Leave.**
- E. **Disciplinary Suspension Family Medical Leave Act/Americans with Disabilities Act related qualified/approved absences.**
- F. **Vacations and Holidays Jury Duty.**
- G. **Management approved leave of absence (medical or personal) as set forth by policy.**
- H. **Family Medical Leave Act/Americans with Disabilities Act related qualified/approved absences Military Obligation.**
- I. **Election Judge Leave Paid/Unpaid Administrative Leave.**
- J. **Personal Leave.**
- K. **Paid/Unpaid Administrative Leave- Vacations and Holidays.**
- M L. **County Emergency Work related injury/illness.**

(3) **Unapproved Absence.** An Unapproved Absence, which is subject to disciplinary action, up to and including termination, is defined as all other absences not listed above in Section 169.22(a)(2).

Examples of unapproved absences:

- A. **Tardiness and leaving prior to the end of the employee's scheduled work day;**
- B. **Unapproved sick leave; or**
- C. **Periods of absence in excess of approved vacation leave.**

(4) **Excused Absence.**

An Excused Absence occurs when all four of the following conditions are met:

- A. **the employee provides sufficient notice to his or her supervisor;**
- B. **the reason is found credible or acceptable by his or her supervisor;**
- C. **such absence request is approved by his or her supervisor; and**
- D. **the employee has sufficient accrued leave time to cover such absence. Employees must take earned leave time for every absence unless otherwise allowed by County policy (e.g. Leave of Absence policy, Election Judge policy, Jury Duty, Family and Medical Leave Act, etc.).**

If it is necessary for an employee to be absent or late for work because of illness or an emergency, the employee must notify their supervisor no later than 30 minutes after the employee's scheduled starting time on that same day. Only when valid reasons make prompt calling impossible should employees have to call beyond the start of the work schedule.

(5) **Unexcused Absence.** An Unexcused Absence occurs when one of the four conditions of an Excused Absence is not met.

(6) Excessive Absences. The County uses a 12-month period, the period immediately preceding the last absence, when determining an excessive amount of Excused and/or Unexcused Absences. Excessive absences may result in disciplinary action up to and including termination.

(b) Application for a Leave of Absence. All employees requesting a leave of absence shall be required to submit such request as set forth for each type of leave of absence.

~~(b)~~(c) Sick Leave.

(1) Crediting sick leave. All full-time employees, as defined in Section 169.05(a)(1), shall be entitled to and credited with four and six-tenths (4.6) hours, ~~with pay, paid sick leave~~ for each completed eighty (80) hours of service, and shall be permitted to accumulate this leave without limit. ~~Hours~~ No additional sick leave accumulation shall be credited to an employee who works in excess of eighty (80) hours in any pay period shall not count. ~~Part~~ All regular part-time employees shall receive credit, prorated based on hours worked.

Sick Leave accumulation shall be calculated based on an employee's paid hours. Employees are expected to work or use accumulated paid leave for 40 hours per week. Any employee who does not meet the 40 hour threshold shall have their sick leave prorated based on the hours actually worked and/or paid leave used.

(2) Charging sick leave. When sick leave is used, it shall be deducted from an employee's credit, or charged for each time increment the employee is absent from previously scheduled work. Sick leave payment shall not exceed the normal scheduled work day or work week earnings. Sick leave can be used in minimum increments of one quarter hour.

(3) Uses of sick leave. Sick leave shall be granted to an employee only by approval of the appointing authority and for the following reasons:

A. Illness or injury of the employee or a member of the employee's immediate family.

B. Death of a member of an employee's immediate family. Sick leave usage for this purpose is limited to five (5) working days per occurrence.

C. Medical, dental or optical examinations or treatments of an employee or a member of an employee's immediate family; or

D. If an employee is afflicted with a contagious disease or a member of an employee's immediate family is afflicted with a contagious disease and requires the care and attendance of the employee, as certified by a physician, or when through exposure to a contagious disease the presence of the employee at work would jeopardize the health of other employees.

(4) Immediate Family. "Immediate family" is defined separately for purposes of sick leave and bereavement leave.

A. Sick Leave. "Immediate family" for purposes of sick leave set forth in Section 169.22(b c)(3) includes:

- |           |               |              |               |                 |
|-----------|---------------|--------------|---------------|-----------------|
| <u>1.</u> | Spouse        | Sister       | Grandparent   | Son in law      |
| <u>2.</u> | Child (Step)  | Brother      | Grandchild    | Daughter in law |
| <u>3.</u> | Father (Step) | Half brother | Mother in law | Brother in law  |
| <u>4.</u> | Mother (Step) | Half sister  | Father in law | Sister in law   |



5. Grandparent
6. Grandchild
7. A legal guardian or other person who stands in place of a parent.
8. Domestic Partner\*
9. An individual over ~~which~~ whom an employee has a power of attorney.
10. Covered service member as defined under Family and Medical Leave Act Military Leave.
11. A legal guardian or an individual over ~~which~~ whom an employee has a legal guardianship.

B. Bereavement Leave. Immediate family for purposes of bereavement leave set forth in Section 169.22(c)(3) includes:

1. Spouse
2. Child (Step)
3. Father (Step)
4. Mother (Step)
5. Grandparent
6. Grandchild
7. Sister (Step/Half)
8. Brother (Step/Half)
9. Sister-in-Law
10. Brother-in-Law
11. Daughter-in-Law
12. Son-in-Law
13. Aunt
14. Uncle
15. Niece
16. Nephew
17. Domestic Partner\*
18. An individual over ~~which~~ whom an employee has a power of attorney.
19. Covered service member as defined under FMLA Military Leave.
20. A legal guardian or an individual over ~~which~~ whom ~~an~~ an employees has a legal guardianship.

\*Domestic Partner is defined as a personal relationship between two adults who do all of the following: (1) share a residence; (2) ~~is~~ are in a ~~sole~~ an exclusive relationship and intends to remain so indefinitely; (3) neither person is ~~not~~ married to or legally separated from another person; (4) shares responsibility for each other's common welfare; and (5) are each ~~is~~ at least 18 years of age and mentally competent and not related to each other to a degree of closeness that would prohibit marriage.

C. Proof of guardianship, power of attorney, and/or military service must be provided to the employer when leave is requested.

(5) Notification by employee. When an employee anticipates being absent from work, the employee shall notify the appointing authority of the expected absence

according to the procedures established by the appointing authority. If an employee has a prolonged illness or other reason for extended sick leave such as death or illness of the employee's immediate family, the appointing authority shall be made aware of this situation and the employee shall not be required to notify the appointing authority on a daily basis of such leave. If such notification is not made, the employee's absence may be deemed ~~unauthorized~~ unapproved and the employee subject to discipline, up to and including, termination and/or the employee's sick leave may be disapproved.

(6) Evidence required for sick leave usage. The employee shall complete, sign and return the required application for leave form. If absence due to illness is three (3) consecutive working days, the employee shall be required to furnish a certificate from a licensed physician stating that the employee was under said physician's care. During prolonged periods of illness, the employee or the employee's family may be required to submit every pay period, a written signed statement to justify payment of sick leave. At the conclusion of prolonged periods of sick leave, the employee shall submit a certificate from a licensed physician stating the employee is able to perform the essential functions of the employee's position.

A. The appointing authority may require a "fitness for duty" examination by a physician selected by the Department of Human Resources before an employee returns to work from a prolonged illness. If such examination is ordered, the County of Summit will pay the cost of said examination.

B. Sick leave may be denied or revoked for the following reasons:

1. Continual requests for sick leave not evidenced by a bona fide physician's certificate;
2. Abuse or patterned usage of sick leave; and/or
3. Failure to provide subsequent physician's certifications for an approved sick leave for medical treatment.

C. The appointing authority may investigate to determine if an application for sick leave is for a bona fide illness. Requests may be denied or allowed depending on results of such investigation.

(7) Overpayment. If an employee fails to submit a physician's certificate or a written, signed statement verifying illness, or if an application for sick leave is denied and as a result the employee has been overpaid, the employee will be responsible for the repayment of the overpayment.

(8) Abuse of sick leave. Any employee failing to comply with sick leave rules and regulations shall not be entitled to sick leave pay. Application for sick leave with intent to defraud may result in disciplinary action, up to and including termination.

(9) Transfer of Accumulated Sick Leave From Prior Public Employer. An employee, who has separated from another public employer and becomes employed with the County of Summit, shall be credited with the unused balance of accumulated sick leave up to the maximum of sick leave accumulation permitted by the County of Summit, provided that the employee has separated from the prior employment. Such re-employment must occur within the last ten (10) years following the date on which the employee was last separated from the prior public employer.

(10) Sick leave conversion at retirement/death. Employees at the time of retirement from active service with the County or death shall be paid one-half (½) of the value of their accrued but unused sick leave credit; however, the maximum of such

payment shall not exceed ninety (90) days. A retiring employee shall submit documentation from the Ohio Public Employee Retirement System showing the retirement date of the employee with a request for payment. Legal beneficiaries of a deceased employee shall submit a death certificate with a request for payment. To qualify for such payment, employees shall have had, prior to the date of retirement or death, ten (10) or more years of service with the County, the State or any of its political subdivisions and meet all requirement criteria as established by the Public Employees Retirement System of the State of Ohio. Such payment shall be based on the employee's rate of pay at the time of retirement or death, and shall eliminate all sick leave credit accrued by the employee.

(e) (d) Leave Donation Program.

(1) Purpose. The purpose of the leave donation program is to allow County of Summit County Employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to ~~serious~~ an extraordinary or severe illness or injury of the employee or the employee's spouse, child or parent. Spouse, child or parent shall be defined for the purposes of this section as such terms are defined under the Family Medical Leave Act.

(2) Employees eligible to donate leave. County of Summit County employees paid by warrant of the Fiscal Officer, except employees of judicial offices, General Health District, Board of Elections, Alcohol, Drug Addiction and Mental Health Services Board, Board of ~~Mental Retardation and~~ Developmental Disabilities, Children Services Board, Metro Parks Serving Summit County, Port Authority, or Veteran Services Commission, may donate accumulated sick leave to another employee who is also paid by warrant of the Fiscal Officer and (1) may donate accumulated sick leave pursuant to this section, (2) who is otherwise eligible to accrue and use sick leave, and (3) is eligible to receive donated leave.

A. Eligibility to receive donated leave. An employee may receive donated leave upon submission of a written request, supported by proper documentation, to the Executive Director of the Human Resource Commission, or depending on the circumstances, from an immediate family member or other person acceptable to the Executive Director. Following receipt of the request for leave donation by the Executive Director, an employee may receive donated sick leave up to the number of hours the employee is scheduled to work each pay period if the employee who is to receive the donated leave meets all of the following conditions:

1. The employee has a critical need for the donated leave due to an extraordinary or severe illness; ~~injury or impairment or an extraordinary or severe illness, injury or impairment~~ of the employee or the employee's spouse, child or parent, and such extraordinary or severe illness; or injury ~~or impairment~~ is demonstrated with documentation certified by a medical doctor;
2. The employee has no accrued paid leave;
3. The employee has applied for and exhausted any other paid leave, Worker's Compensation or benefits program for which the employee is eligible; and

4. The employee is not paid from a restricted fund, where legal restrictions would prevent an employee from receiving donated leave pursuant to the Leave Donation Program.

B. 1. Extraordinary or severe illness or injury. For the purposes of the Leave Donation Program, the following conditions/situations qualify as an extraordinary or severe illness, or injury or impairment is one that is life threatening and generally requires surgery with prolonged recovery period, or involves multiple traumatic injuries, or requires:

(A) In-patient care in a hospital, hospice or residential medical care facility or related out patient follow up care; and has caused, or is likely to cause, the employee to terminate County employment due solely to the absence of any available leave, but shall not include any mental, emotional or stress related medical condition, illness, claims or injuries, except for periods during hospitalization or institutional internment. Examples of extraordinary or severe conditions include heart attack, certain cancer conditions, and organ transplants. Examples of conditions not considered extraordinary or severe include normal pregnancy/delivery, sprained ankle, chicken pox, cold, flu, migraines or elective cosmetic surgery. for ten (10) or more days, or

(B) In-patient care in a hospital or residential medical facility with a prolonged recovery period, or

(C). Multiple traumatic injuries with a prolonged recovery period, or

(D) In-patient care in hospice, or

(E) Out-patient surgery with a prolonged recovery period, or

(F) Ongoing outpatient care for a life threatening condition such as cancer.

For the purpose of this Section, a prolonged recovery period means that it medically necessary for the employee to be off work for a period of at least ten (10) working days.

2. Use of donated leave. Donated leave may be used for funeral leave due to the death of an employee's spouse, child or parent. Such leave is limited to a total of five (5) days, and the employee must meet all other eligibility requirements.

(3) Eligibility to donate leave. An employee may donate sick leave if the donating employee meets all of the following conditions:

A. The employee voluntarily elects to donate sick leave and does so with the understanding that donated leave will not be returned;

B. The employee donates a minimum number of eight (8) hours of sick leave; and

C. The employee retains a sick leave balance of at least eighty (80) hours.

(4) Status of employees on donated leave. Employees using donated sick leave shall be considered in ~~active pay status~~ Active Pay Status and shall accrue leave and shall be entitled to all benefits that they are normally entitled to receive. An employee must use all accrued sick leave and donated sick leave before additional donated sick leave may be received. Donated sick leave time shall not be counted toward the probationary period of an employee receiving the donated leave during their probationary period. Donated sick leave shall not be converted to cash as provided in Section 169.22**(b c)**(10).

(5) Collective bargaining agreements. Members of a bargaining unit may donate or receive accumulated sick leave pursuant to this Leave Donation Program unless a collective bargaining agreement takes precedence.

(6) Transfer of leave.

A. The donated leave shall transfer in hours and shall not necessitate any transfer of funds. The hours shall be transferred on an hour- for-hour basis without regard for differences in hourly rate of pay. The donated leave shall be paid by the receiving employee's department at the employee's base rate of pay.

B. Maximum amount of leave an employee may donate or receive through the Leave Donation Program:

1. Donation. An employee may donate no more than ~~twenty-five percent (25%)~~ 480 hours of his or her accumulated leave in each calendar year.

2. Receipt. An employee, who otherwise qualifies to receive donated leave pursuant to this Section, may receive no more than two thousand eighty (2,080) hours of donated leave ~~except upon the approval of the employee's Appointing Authority per qualifying condition.~~ Once an employee has exhausted all donated leave, the employee is not eligible to receive additional donated leave for the same qualifying condition after the employee has been off work for an entire pay period with no paid leave.

(7) Use of Leave. Donated sick leave may be used intermittently only for documented treatment or follow-up care related to the original condition.

(8) Administration. ~~The Human Resource Commission is hereby directed to adopt policies and procedures to fully implement the purpose of the Leave Donation Program. In adopting policies and procedures, the Human Resource Commission may exclude employees from eligibility for receiving or donating leave if the employee is paid with restricted funds.~~ The Human Resource Commission ("HRC") shall administer the leave donation program in accordance with the procedure adopted by the HRC.

~~(d e)~~ Personal Leave. Each calendar year, all employees may elect to use up to three (3) days of accumulated sick leave as personal leave to cover any short-term absence of a personal nature. Personal days must be scheduled and pre-approved by the employee's supervisor and ~~must~~ can be used in increments of one ~~(1)~~ quarter hour. Unused personal leave shall revert back to accumulated sick leave; cannot be converted to a cash payment; and, does not carry-over to the following calendar year.

~~(e f)~~ Election Judge Leave. An employee who is granted leave by their appointing authority to serve as a judge on the day of a primary or general election shall be entitled to leave with pay, which shall not be charged against the employee's accrued vacation or personal leave.

An employee shall only be eligible if they have combined accrued vacation and sick leave of at least forty (40) hours.

An employee requesting leave to serve as an elections judge shall complete an application for leave of absence and submit such with an acknowledgement from the Board of Elections that the employee will be serving as an elections judge. Requests to serve as an elections judge may be granted at the discretion of the appointing authority based upon seniority in a department, division or section. When multiple requests for leave have been submitted, the appointing authority shall have the discretion to deny leave when it would work a manifest hardship on the appointing authority's operations, another employee or when the employee making the request has not discussed the request with their immediate supervisor or director or administrator if the supervisor is absent.

(f g) Court Leave.

(1) Personal. When it is necessary for an employee to appear in court or attend a hearing that is of a personal nature during the employee's regular scheduled hours of work, vacation or personal leave may be used. Such instances would include, but are not limited to, criminal or civil cases, traffic court, divorce proceedings, custody, or appearing as directed as parent or guardian of juveniles.

(2) Non-Personal. The appointing authority shall grant court leave with full pay to an employee who:

- A. Is summoned for jury duty by a court of competent jurisdiction; or
- B. Is subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to require the attendance of witnesses, where the employee is not a party to the action.

(3) Compensation. Any compensation or reimbursement for jury duty or for court attendance compelled by subpoena, when such duty is performed during an employee's normal working hours, shall be turned over to the appointing authority or their designee for transmittal to the County Fiscal Officer.

(4) Partial Day. An employee released from jury duty or subpoena prior to the end of the scheduled work day, shall report to work for the remaining hours, unless otherwise specified by the appointing authority.

(h) Military Leave – Reservist.

(1) ~~Length and Compensation.~~ All regular employees who are reserve members of the Ohio National Guard, defense corps, naval militia, or members of other reserve components of the armed forces of the United States, are entitled to military leave of absence from their County duties without loss of pay, for such time as they are in the military service on field training or active duty or emergency leave when so ordered by the Governor of the State of Ohio, for a period not to exceed twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours ~~within one~~ for each calendar year. The County of Summit may, by resolution, extend the leave without loss of pay.

(2) ~~Ohio National Guard Emergency Leave.~~ ~~Employees who are members of the Ohio National Guard shall be granted emergency military leave for mob, riot, flood, civil defense or similar duties to assist civil authorities when so ordered by the Governor of the State of Ohio. Such leave shall be without pay if it exceeds authorized military leave for the calendar year. The leave shall be granted for the official period of the emergency and so documented by the employee.~~



Compensation. Except as otherwise provided in Section (h)(3), any permanent public regular employee who is employed by a political subdivision, who is entitled to the leave provided under Section (h)(1), and who is called or ordered to the uniformed services, as defined in Section 5923.05 of the Ohio Revised Code, for longer than a month, for each calendar year in which the employee performed service in the uniformed services as amended, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 of the Ohio Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

A. The difference between the permanent public regular employee's gross monthly wage or salary as a permanent public regular employee and the sum of the permanent public regular employee's gross uniformed pay and allowances received that month;

B. Five hundred dollars.

(3) Limitation on compensation. No regular employee shall receive payments under Section (h)(2) if the sum of the employee's gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a regular employee for that period or if the regular employee is receiving pay under Section (h)(1).

(3 4) Request for Leave. Employees are required to submit to their Appointing Authority and/or supervisor ~~an~~ a published order authorizing the call or order to the uniformed services or statement from the appropriate military commander as evidence of military duty before military leave ~~with or without pay~~ shall be granted. This evidence shall accompany the standard County leave request form.

(4 5) Health Insurance. Employees will continue to be covered during an approved leave by the County of Summit's health insurance, if the employee was covered while employed, until such employee is eligible for military health insurance for a period not to exceed twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours.

(5 6) Accrual of Leave Time. Employees on approved leave of absence for reserve military service for field training or active duty shall continue to accrue vacation and sick leave at their current rates for a period not to exceed twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours within each calendar year. If leave is extended beyond one month, the employee will no longer accrue vacation and sick leave.

(6 7) Collective bargaining agreement. Any permanent public regular employee of a political subdivision whose employment is governed by a collective bargaining agreement with provision for the performance of service in the uniformed services shall abide by the terms of that collective bargaining agreement with respect to the performance of that service, except that no collective bargaining agreement may afford fewer rights and benefits than are conferred under this section.

(h i) Military Leave To Enter – Full-time Active Duty.

(1) Eligibility. All full-time employees, as defined in Section 169.05(a)(1), who have held a position of at least ninety (90) days shall be granted a military leave of absence without pay to be inducted or otherwise enter full-time military duty and shall be considered as a separation from County service with reinstatement rights.

(2) Reinstatement. The terms and conditions of reinstatement are governed by the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4333, 5 U.S.C. 8432, as amended, and any other applicable Federal and State of Ohio law, as amended.

(3) Health Insurance. Employees will continue to be covered during an approved leave by the County of Summit's health insurance, if the employee was covered while employed, until such employee is eligible for military health insurance for a period not to exceed twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours.

(i j) Family and Medical Act Leave.

(1) Eligibility. To be eligible for benefits under Policy. It is the policy of the County of Summit to comply with the Family Medical Leave Act (5 U.S.C. §§ 6381-6387, 26 U.S.C. §§ 2601, 2611-2619, 2631-2636, 2651-2654, as amended) ("FMLA"), ~~an employee.~~ In the event of any conflict between this Ordinance and the applicable law, employees will be afforded all rights required by law. This Ordinance is intended to be a summary of the rights and obligations of the employee and the County contained in the FMLA regulations. In any particular case, the precise rights and obligations of the employee and the County shall be governed by FMLA regulations themselves.

(2) Eligibility. To be eligible for benefits under the FMLA, an employee shall:

A. Have been employed by the County of Summit for at least twelve (12) months;

B. Have worked at least 1,250 hours over the previous twelve (12) months period immediately preceding the date when the requested leave would begin;

C. Submit the request to the Appointing Authority on the appropriate form at least thirty (30) days prior to the requested time off for foreseeable leave or as much notice as is practicable under the circumstances for unforeseeable leave; and

D. Submit the completed necessary certification forms ~~from the appropriate health care provider to verify the need in all cases involving a for leave for health reasons and childbirth/child care or submit a statement from the appropriate social service or adoption agency for all adoption/foster care requests.~~

(2 3) Calculation of the twelve weeks. An employee is entitled to twelve (12) weeks of FMLA leave within a twelve (12) month period during the year beginning on the first date FMLA leave is taken; the next twelve (12) month period would begin the first time FMLA leave is taken after the completion of any previous twelve (12) month period.

(3 4) Reasons for leave. An eligible employee shall be entitled to FMLA leave for one or more of the following reasons:

A. ~~The birth or adoption of a child (or foster care placement) within twelve months of the event;~~ Birth of the employee's child and care of the infant.

B. Placement of a child with the employee for adoption or foster care. Leave taken for the purposes described in sections 4.A. and 4.B. must be taken within 12 months of the birth or placement of the child. Intermittent leave after



the birth or placement of a child may only be taken upon approval of the appointing authority.

C. To care for a spouse, child or parent only with a serious health condition; or

D. The employee's own serious health condition that renders which makes the employee incapable of performing unable to perform the essential functions of the employee's his or her job.

E. A qualifying exigency related to an employee's spouse, child or parent's call to active duty as a service member in the Armed Forces.

F. To care for a covered service member with a serious injury or illness incurred in the line of duty. Under this provision, the employee is entitled to up to 26 weeks of leave during a single 12 month period.

(4 5) Health benefits. Employees granted FMLA leave shall continue to receive group health insurance coverage for the duration of the leave as long as the employee continues to make the employee's contribution to the plan. However, those persons who fail to return to work, for reasons other than a continued serious health condition, shall be required to reimburse the County for the cost to the County of the insurance premiums paid for the employee's health insurance coverage during the leave period.

(5 6) Reinstatement. Upon return from FMLA leave, the employee shall be returned to the employee's original or equivalent job with equivalent status, pay, benefits and other employment terms and conditions. ~~All other benefits and/or terms and conditions of employment shall remain the same unless superseded by a collective bargaining agreement.~~

(6 7) Use of sick leave paid time off. FMLA leave shall run concurrently with any sick leave. If an employee has accrued sick leave, that time shall be counted as part of the twelve (12) weeks of FMLA leave. Employees are required to use all accumulated sick leave while the employee is on FMLA leave. Employees may, but are not required to use vacation or compensatory time concurrently with Family Medical Leave. If such time is used, it shall be counted as part of the 12 week Family Medical Leave entitlement. Employees on FMLA leave shall be required to use paid leave in the following order: mandatory furlough, sick leave, compensatory leave, birthday, vacation, voluntary furlough.

(8) Worker's Compensation Leave. FMLA leave shall run concurrently with worker's compensation leave unless an employee's collective bargaining agreement specifically states otherwise.

(7 9) Spouses employed by the County. Spouses employed by the County who are eligible for Family Medical Leave are entitled only to a combined total of ~~twelve (12) weeks for childbirth~~ their Family Medical Leave for the birth of a child, adoption or placement of a child in foster care and can only be taken within twelve months of birth, to care for a parent with a serious health condition or placement to care for a covered service member.

(10) Fraudulently obtaining or using FMLA leave is prohibited. Any employee found to be in violation of this section shall be subject to discipline up to and including termination.

(8 11) Administration of FMLA leave. FMLA leave shall be administered by the Human Resource Commission ("HRC") in accordance with the procedure adopted by

the HRC.

(k) Unpaid Leave of Absence.

~~(j) Unauthorized Absence.~~

~~(1) Periods of absence from County service not covered by authorized leaves shall be considered an unauthorized leave of absence without pay. Examples of unauthorized leave without pay:~~

~~A. Tardiness and leaving prior to the end of the employee's scheduled work day;~~

~~B. Unapproved sick leave; and/or,~~

~~C. Periods of absence in excess of approved vacation leave.~~

~~(2) Employees absent without authorized leave shall be subject to discipline, up to and including, termination.~~

(1) An Appointing Authority can grant an unpaid leave of absence to any employee for a maximum duration of six (6) months for any personal reasons of the employee. Such a leave may not be renewed or extended beyond six months. When an employee requests a leave of absence, the Appointing Authority must assure that such leave does not fall within existing leave policies and does not cause a hardship to the operations of the County.

(2) Leave may be granted for a maximum period of two (2) years for purposes of education, training, or specialized experience which would be of benefit to County service by improved performance at any level; or for voluntary service in any governmentally-sponsored program of public betterment.

(3) Except for emergencies, employees must submit all leave of absence requests in writing and no later than sixty (60) days prior to the commencement of the desired leave.

(4) The authorization of a leave of absence without pay is a matter of administrative discretion. The Appointing Authority will decide in each individual case if a leave of absence is to be granted.

(5) Upon completion of a leave of absence, the employee will be returned to the same or similar classification held prior to the leave of absence.

(6) The employee must give at least two (2) weeks notice of his/her intention to return to work. If an employee fails to return to work or notify his/her supervisor in writing of his/her intentions within three (3) consecutive working days after the date the employee-requested leave expires or the employer-initiated leave is discontinued, he/she will be considered absent without official leave and subject to termination.

(7) An employee may return to work before the scheduled expiration of leave if requested by the employee and agreed to by his or her Appointing Authority.

(8) Individuals who are hired on a temporary basis to fill a position vacated by an employee who has been granted a leave of absence, shall be notified in writing that the position reverts to the previous incumbent upon his/her return from leave. Copy of such notification shall be made a part of the employee's file.

(1) Administrative Leave. Administrative leave is a leave of absence (paid or unpaid) initiated to manage special circumstances where it is in the County's best interest to retain the employee relationship for a period of time to be determined by the County.

(1) Administrative leaves may be initiated by the County, pending the outcome of a pre-disciplinary conference and/or possibly disciplinary action, for special circumstances that may be, but are not limited to:

A. Necessity to remove an employee from the work place while an internal investigation/review ensues;

B. Emergency conditions where no other administrative option exists;

C. Best Interest of the County - The County, upon the review of the Appointing Authority, the Department of Human Resources and/or the Department of Insurance and Risk Management may place an employee on administrative leave when the employee's presence in the workplace may result in damage to property, or injury to the employee or others, or would seriously impair the operations of the County, its morale and/or delivery of services, or it has been determined that it is in the best interest of the County to do so. All disciplinary procedures may be circumvented in these situations to protect County personnel and citizens.

(2) The decision of whether an administrative leave initiated by the County shall be paid or unpaid rests with the County and depends on the circumstances surrounding the request for leave. An employee shall retain benefits while on an Administrative Leave. In the event the employee's pay is not sufficient to cover the employee's portion of the premium cost, the employee must make direct payment to the County for their portion of the premium cost within thirty (30) calendar days.

(3) Administrative leave approval shall be at the County's discretion; and in collaboration with the Director of the Department of Human Resources or designee, the Appointing Authority, and may also include the Insurance and Risk Management Department and legal management.

(4) Administrative leave is not accrued.

(5) Administrative leaves do not qualify for the County Leave Donation Program.

(6) An employee may be separated, if during the administrative leave, he/she accepts other employment without prior approval of the County, or files for unemployment compensation, or if, upon return from leave, he/she refuses a job reassignment from the County.

(7) An administrative leave for investigative/review purposes shall not be given for a predetermined length of time, but shall be in effect long enough to conclude the investigation/review.

(8) Return of County Property. Staff placed on Administrative Leave shall return all County property on or before the last work day, or when commencing Administrative Leave.

(m) County Emergency Leave. In the event that the County Executive declares that a state of emergency exists in the County, such as a pandemic, natural disaster, terrorist act or other emergency condition for which it is necessary to close County offices, employees shall be entitled to leave with pay until such emergency condition has ended and County offices are reopened.

**169.23 VACATION.**

(a) Accrual. All regular full-time, non-bargaining employees, as defined in Section 169.05(a)(1), shall earn vacation leave each bi-weekly pay period while in “Active Pay Status”, except as provided in Section 169.23(c). Vacation, for full-time non-bargaining employees, is accrued as follows:

<b>Total Service</b>	<b>Accumulation Pay Period</b>		<b>Annual Credit</b>	<b>Eligible to Use Vacation</b>
<b>Payment Upon Separation**</b>				
<b>Less Than:</b>				
One Year	-0-	-0-	No*	No
<b>Completion of:</b>				
One Year	-0-	80 hours	Yes	Yes
<b>More Than:</b>				
One Year	3.1 hours	80 hours	Yes	Yes

Five Years	4.6 hours	120 hours	Yes	Yes
Ten Years	6.2 hours	160 hours	Yes	Yes
Fifteen Years	7.7 hours	200 hours	Yes	Yes

\* See 169.23(a)(3)

\*\* See 169.23(d)

Vacation Leave accumulation shall be calculated based on an employee’s paid hours. Employees are expected to work or use accumulated paid leave for 40 hours per week. Any employee who does not meet the 40 hour threshold shall have their vacation leave prorated based on the hours actually worked and/or paid leave used.

(1) Prior Service. Prior full-time service with the County of Summit, the State of Ohio or any political subdivision of the State of Ohio shall be used in determining service credit for purposes of vacation accumulation. However, no prior service credit shall be given to an employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio for the purpose of computing vacation leave.

A. Documentation. An employee claiming prior service from the County of Summit, the State of Ohio or a political subdivision of the State of Ohio, shall provide a signed document from prior employer(s) setting forth the dates of service, the hours worked and whether such service was part-time, full-time, seasonal or as an elected official. Retirement statements are not acceptable forms of documentation.

B. Part-Time Employment. Prior part-time service with the County of Summit, the State of Ohio or any political subdivision of the State of Ohio, shall be used in determining service credit for purposes of vacation accumulation. Such prior service credit shall be prorated for all years in which the employee worked.

C. Calculation of Adjusted Service Date.

1. Employees with elected or full-time prior service or who were paid on a salary basis will have their adjusted service date calculated as their current hire date minus the total prior years, months and days of prior service.

2. Employees with part-time prior service will have their adjusted service date calculated as the total number of hours

to equal the total days of prior service credit to which the employee is eligible. The adjusted service date will be calculated by counting back week days starting with the week day immediately prior to starting employment with the County of Summit.

(2) New Employee. An employee with no prior service with the County of Summit, the State of Ohio or a political subdivision of the State of Ohio, shall not be entitled to vacation leave until the completion of one (1) year of service. After the completion of one (1) year of service, such employee may use vacation as it is accrued.

(3) Prior Service Employee. An employee with approved and accepted prior service with the County of Summit, or a political subdivision of the State of Ohio, shall be entitled to use accrued vacation leave immediately upon full-time employment with the County of Summit.

(b) Use Of Vacation.

(1) Scheduling.

A. Vacation leave for more than five (5) consecutive working days shall be scheduled a minimum of fourteen (14) calendar days in advance.

B. Vacation leave for less than five (5) consecutive working days shall be scheduled a minimum of seven (7) calendar days in advance of the start of the vacation leave.

C. An employee may request non-scheduled vacation leave. Non-scheduled leave may be approved at the sole discretion of the appointing authority.

(2) Scheduling Conflicts. If a conflict occurs during the scheduling process, vacation shall be scheduled based upon seniority within the appointing authority's jurisdiction.

(3) Charging Vacation Leave. When vacation leave is used it shall be deducted from an employee's credit. Vacation leave can be used in minimum increments of one quarter hour.

(c) Maximum Accumulation. Vacation leave should be used during the year in which it is accrued. However, employees may carry over accrued vacation leave into the next year subject to the following:

(1) The maximum amount of vacation leave an employee may accumulate is three (3) times an employee's annual accrual rate.

(2) Employees forfeit their right to take or to be paid upon separation, for any vacation leave which is greater than the accrual for three (3) years.

Complete Years of Service      Maximum Accumulation

1 but less than 5

240

5 but less than 10	360
10 but less than 15	480
15 or more	600

(3) Effective April 4, 2005, employees who have reached the maximum accumulation set forth in Section 169.23(c)(1) shall be ineligible to carry over additional accrued vacation hours from one County fiscal year to the next as long as they are at the maximum accumulation. Employees who have reached the maximum accumulation shall however, continue to accrue additional vacation hours during the County fiscal year. An employee shall use all hours in excess of the maximum accumulation by December 31 of each year. On December 31 of each year, any remaining hours shall be forfeited.

~~(4) Employees who have accrued hours in excess of the maximum accumulation prior to April 4, 2005, shall retain that "excess balance" in a personal leave account until December 31, 2006, subject to the following:~~

~~A. During the period between the effective date of this section and December 31, 2005, the employee shall use at least 50% of their excess balance. If the employee is unable to use at least 50% of their excess balance due to a determination by the appointing authority that the use would have a detrimental effect upon their operations, then the employee will have the option to receive a taxable cash payment or payment into a deferred compensation plan for the unused hours, up to 50% of their excess balance, subject to the limitations of federal and State of Ohio law.~~

~~B. During the period of January 1, 2006 through December 31, 2006, the employee shall use the remaining hours in their excess balance. If the employee is unable to use the remaining hours in their excess balance due to a determination by the appointing authority that the use would have a detrimental effect upon their operations, then the employee will have the option to receive a taxable cash payment or payment into a deferred compensation plan for the unused hours, subject to the limitations of federal and State of Ohio law.~~

(d) Payment Upon Separation. Upon separation from employment, an employee shall be paid for any accrued but unused vacation leave not in excess of the maximum accrual allowed. No payment shall be made to any employee having less than one (1) year of service at the time of separation.

(e) Vacation Cancellation. In the event of operational or emergency need, it may be necessary to cancel scheduled vacation leave. Such notice shall be given to the affected employee(s) as soon as practicable. Cancellation of vacation leave shall take place only when it would result in a manifest hardship on the department or another employee.

(f) Vacation/Sick Leave. If an employee, while on vacation leave, becomes otherwise eligible for sick leave, such employee shall, upon showing of proper evidence and approval of the appointing authority, be permitted to change such leave to sick leave.



## 169.24 HOLIDAYS.

(a) Entitlement. County of Summit non-bargaining employees, as set forth in Section 169.24 (b), shall be entitled to holiday pay for those holidays set forth by resolution of the County Council.

(1) No appointing authority shall add, plan, schedule, create, change or modify the holidays established by the County Council.

(2) All full-time employees, with at least one (1) year of prior service credit shall be eligible for a birthday holiday.

(b) Eligibility.

(1) Full-time Employees. Full-time employees, as defined by Section 169.05(a)(1), in ~~active pay status~~ Active Pay Status during the week in which the holiday occurs shall receive eight (8) hours of holiday pay for those holidays set forth by resolution of the County Council.

(2) Part-time Employees. Part-time employees in ~~active pay status~~ Active Pay Status during the week in which the holiday occurs, shall receive holiday pay for those hours of any holiday for which they would normally have been scheduled to work. Part-time employees shall not be entitled to any "birthday holiday" established by the County Council.

(c) ~~Employees On Leave Of Absence Without Pay Unpaid Leaves.~~ Employees on unpaid leaves such as an approved leave Unpaid Leave of absence without pay Absence or Unpaid Administrative Leave are not considered to be in ~~active pay status~~ Active Pay Status and shall not be entitled to holiday pay during the period of leave. An employee who misses work the day before and the day after the holiday and does not receive compensation for those days shall not be entitled to holiday pay during the period of leave.

(d) Vacation /Sick Leave. Employees on approved vacation ~~or sick~~ leave shall receive holiday pay and such hours shall not be charged against vacation ~~or sick~~ leave. Employees using sick leave the day before or the day after a holiday, are required to furnish a certificate from a licensed physician stating that the employee was under said physician's care in order to receive pay for the holiday.

(e) ~~Absence Without Leave/Disciplinary Suspension.~~ Employees who are ~~absent without leave or~~ serving a disciplinary suspension shall not be entitled to holiday pay.

(f) Overtime. Holiday pay will not be considered as time worked for the purpose of overtime calculations. Holidays are not considered a day worked for purposes of calculating overtime unless work is actually performed and pre-approved by management.

(g) Holiday pay is computed at an individual employee's base rate of pay.

(h) If an employee is scheduled to work on a holiday, he or she will be paid employee's regular rate of pay plus eight (8) hours of holiday pay.

(i) Employees will not be entitled to holiday pay if he or she is in a lay-off status.

(l) Time off may be granted to employees who desire to observe a religious holiday which is not recognized by the County of Summit. The appointing authority shall have the discretion to deny leave when it would work a manifest hardship on the appointing authority's operations, another employee or when the employee making the

request has not discussed the request with their immediate supervisor or director or administrator if the supervisor is absent. Vacation time, personal time, or time off without pay may be used.

**169.25 OPERATION OF A VEHICLE FOR COUNTY OF SUMMIT BUSINESS.**

(a) Applicants. An applicant being considered for employment in a position that requires the operation of a vehicle for County of Summit business shall be required to produce an appropriate valid Ohio driver's license. An applicant who has accumulated four (4) or more penalty points, as reported by the Ohio Bureau of Motor Vehicles, for motor vehicle operation violations within the preceding twelve (12) months shall not be considered for the position.

(b) Condition of Employment. If operation of a vehicle for County of Summit business is required by the employee's position description, failure of the employee to maintain an applicable, valid State of Ohio driver's license may result in discipline, up to and including termination. The County of Summit makes no provision for "light duty" due to lack of proper licensure or the insurability of the employee.

(c) Operation of a Vehicle. During the course of employment, an employee may be required or have occasion to operate a County of Summit vehicle or the employee's personal vehicle for County of Summit business. To operate a vehicle for County of Summit business, an employee shall:

- (1) Have a valid State of Ohio driver's license or a valid State of Ohio commercial driver's license as required by the employee's position description;
- (2) Have approval from the Appointing Authority;
- (3) Maintain liability insurance in accordance with Section 4509.01 of the Ohio Revised Code, as amended, if operating a personal vehicle for County of Summit business; and
- (4) Submit information in accordance with Section 169.25(i).

(d) Authorized Operation of a County of Summit Vehicle. No employee shall operate a County of Summit vehicle for any use other than official County of Summit business. No person shall operate a County of Summit vehicle before or after an employee's regular working hours unless authorized by the Appointing Authority. Any employee who violates this section shall be subject to discipline, up to and including, termination.

(e) Designated Personnel. Each Appointing Authority shall provide to the Department of Law, Insurance and Risk Management, annually on January 31, a list of employees of whom the appointing authority anticipates will be operating a motor vehicle for County of Summit business. Such list shall be updated periodically as needed.

(f) Designated Personnel For County of Summit Vehicles.

(1) Employees whose positions regularly require travel for County of Summit business before or after their standard work hours may be assigned a County of Summit vehicle. Such vehicle may be used to travel between the employee's home and work assignment when necessary for the efficient, economical discharge of the employee's official duties. Such travel shall not be reimbursable. Personal use of such vehicles is prohibited and shall result in discipline, up to and including, termination.

(2) The County Executive shall designate, by Executive ~~o~~Order, personnel assigned to County of Summit vehicles.

(3) Designated employees shall complete a usage log for the vehicle and submit ~~the same~~ logs to their Appointing Authority's designee to be entered

~~to~~ into the Department of Law, Insurance and Risk Management's database on or before the following dates for the preceding three months: January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup>, and October 1<sup>st</sup>. Any employee performing confidential or investigative work, as certified by the Appointing Authority, shall be exempt from completing the usage log.

(g) County of Summit Pool Vehicles. The County of Summit may provide vehicles for use as pool vehicles. The County Executive shall determine the necessity and number of such vehicles for each office. Employees who are required to operate a vehicle for County of Summit business may be authorized ~~try by~~ by the Appointing Authority to operate a County of Summit vehicle. Any employee operating a pool vehicle must comply with Section 169.25(c). Any employee who uses a pool vehicle shall complete a usage log for the vehicle, ~~which shall be kept inside the pool vehicle at all times.~~ Logs shall be maintained by the Appointing Authority's designee. Information from the logs for each vehicle shall be entered into the Department of Law, Insurance and Risk Management's database on or before the following dates for the preceding three months: January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup>, and October 1<sup>st</sup>. Each Appointing Authority shall submit completed usage logs for each vehicle to the Department of Insurance and Risk Management on or before the following dates for the preceding three months: January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup>, and October 1<sup>st</sup>.

(h) Applicable Law. Employees who operate vehicles during the course of their employment are subject to all traffic laws of the State of Ohio, County of Summit and municipalities. If an employee is required to drive out of State for County of Summit business, the employee is subject to the traffic laws of those states, counties and/or municipalities.

(i) Traffic Violations.

(1) Notice. Employees shall notify their supervisor and the Department of Insurance and Risk Management, within twenty-four (24) hours, after receiving a moving traffic citation related to a County owned vehicle. Failure to provide proper notice shall result in discipline, up to and including, termination. Employees shall notify their immediate supervisor of any tickets and/or citations resulting from the operation of any vehicle regardless of whether that vehicle is being operated for the purpose of County business as soon as practicable but no more than 5 work days from the date of incident, provided that driving is an essential function of the employee's job with the County of Summit. The supervisor shall immediately notify the Department of Insurance and Risk Management. Failure to provide proper notice shall result in discipline, up to and including termination.

(2) Official warnings. Employees shall notify their supervisor and the Department of Law, Insurance and Risk Management, within twenty-four (24) hours, after receiving a written warning from the Ohio Department of Motor Vehicles related to a County owned vehicle. Failure to provide proper notice shall result in discipline, up to and including, termination.

(3) Penalty points. No employee shall operate a vehicle for County of Summit business if they have eight (8) or more penalty points, as reported by the Ohio Bureau of Motor Vehicles. Employees who drive a vehicle for County of Summit business, regardless of whether such vehicle is owned by the County of

Summit or is the employee's personal vehicle, must report all penalty points accumulated to their supervisor and the Department of Insurance and Risk Management as soon as practicable. Failure to report penalty points shall result in discipline, up to and including, termination. If operation of a vehicle is required by the employee's position description and the employee accumulates six (6) penalty points, such employee shall be required to complete driver education and/or safety course approved by the Department of Law, Insurance and Risk Management at the employee's cost. Failure to complete any such required course shall result in discipline, up to and including, termination. If operation of a vehicle is required by the employee's position description and the employee accumulates eight (8) or more penalty points, as reported by the Ohio Bureau of Motor Vehicles, such employee shall be subject to discipline, up to and including, termination.

(4) Driving under the influence. Suspension of license. If operation of a vehicle is required by the employee's position description and such employee's license is suspended for any reason ~~is cited for driving under the influence~~ such employee may be reassigned to a position that does not require operation of a motor vehicle, or disciplined, pending disposition of the case. If an employee however, is not in violation of (i)(3) of this Section but has a suspended license, that employee may be permitted to drive at for work if a court grants driving privileges "for work purposes." If a court however, grants driving privileges limited strictly "to and from" work, the employee shall be deemed to be unable to meet a requirement of operation of a vehicle regardless of the reason for the license suspension.

(5) Operating a motor vehicle while under the influence. If the employee pleads guilty to or is convicted of the offense of operating a motor vehicle while under the influence, the employee shall be subject to disciplinary action, up to and including termination.

(6) Payment of tickets, fines and penalties. Any tickets, fines or penalties received by an employee while operating a County vehicle are solely the responsibility of the employee and shall be paid immediately. An employee who fails to pay a ticket, fine or penalty shall be subject to discipline, up to and including termination.

(j) Uninsurable Unacceptable Risk. If operation of a vehicle is required by the employee's position description, and the employee ~~becomes uninsurable under the fleet insurance of the County of Summit~~ is in violation of (i)(3) of this Section, unless stricter restrictions are required by the County's insurance policy/carrier, the employee shall be deemed an unacceptable risk. Any employee deemed an unacceptable risk under this Section shall not be permitted to operate a vehicle for County of Summit business and such employee ~~is~~ shall be subject to disciplinary action, up to and including termination.

(k) Accidents. An employee operating a vehicle for County of Summit business shall submit a written report regarding any accident or unusual incident, such as a mechanical malfunction involving the operation of a vehicle or destruction of equipment, to the employee's supervisor and the Department of Insurance and Risk Management within twenty-four (24) hours of the occurrence. Failure to report such

accident or incident shall result in discipline, up to and including, termination. Any employee involved in an accident may be required to complete a driver education and/or safety course approved by the Department of Law, Insurance and Risk Management. Failure to complete any such required course shall result in discipline, up to and including, termination. Any employee involved in an accident may also be required to undergo post-accident drug testing as provided in Section 169.28(h)(2). Any employee who has had more than one accident within a one-year period may be subject to discipline, up to and including, termination.

(l) Seat and Shoulder Belts. Employees who operate a vehicle for County of Summit business are required to use the complete occupant restraint system provided in such vehicle.

(m) Mileage Reimbursement. An employee who operates a personal vehicle for County of Summit business shall be entitled to mileage reimbursement if prior approval from the Appointing Authority has been obtained and upon submission of appropriate documentation. The rate of reimbursement shall be the standard mileage rate established by the Internal Revenue Service.

**169.27 DISABILITY ACCOMMODATION.**

The County of Summit will make reasonable accommodations under the Americans with Disabilities Act of 1990 (42 U.S.C. §§12101, 12102, 12111-12117, 12131-12134, 12141-12150, 12161-12165, 12181-12189, 12201-12213, 47 U.S.C. §225, as amended) for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

~~A person requesting any type of accommodation should contact the Human Resource Commission.~~

An employee requesting an accommodation shall contact their appointing authority and fill out the appropriate request form. The appointing authority shall forward the request to the Human Resource Commission (“HRC”). The HRC shall approve or disapprove the request in accordance with procedures adopted by the HRC.

## **169.28 SUBSTANCE ABUSE PREVENTION POLICY.**

(a) Purpose. The County of Summit has a strong commitment to the health, safety, and welfare of its employees, their families and the public. Widely available statistics and information establish that the incidence of drug and alcohol abuse is increasing and the effect is devastating to lives, businesses, and the community at large. The County of Summit is concerned that, in the event of substance abuse among our employees, the safety of our employees and the public could be endangered. Our commitment to maintaining a safe and secure workplace requires a clear policy and supportive programs relating to the detection, treatment, and prevention of substance abuse by employees. It is the goal of the County of Summit to provide a safe workplace by eliminating the hazards to health and job safety created by alcohol and other drug abuse. We believe this goal to be in the best interest of our employees and the general public.

(b) Implementation. The County is responsible for implementing and communicating these policies. Any questions regarding these policies should be directed to the County Executive.

(c) Voluntary Admission of Problem. Employees are encouraged to voluntarily admit problems with drugs and alcohol prior to violating these policies. Employees who voluntarily admit problems with drugs and alcohol prior to violating these policies will not have his or her job security or promotional opportunities jeopardized by a request for treatment. Employees should not read this to mean that a request for treatment will automatically excuse them from discipline or discharge where the appointing authority initiates corrective action for violation of these policies. Rather, an employee who seeks treatment on his or her own initiative is in a better position than one who brings up a drinking or drug problem for the first time in response to an investigation by the County of Summit. It will be the responsibility of the employee to comply with the County of Summit's referral for diagnosis, and it is also the employee's responsibility to cooperate with the prescribed treatment. An employee's refusal to accept referral or follow the prescribed plan of treatment may be considered insubordination. An employee who is referred to a drug rehabilitation program and fails to satisfactorily participate in the program may be terminated from employment. Referral to a rehabilitation program is designed primarily for those employees who appear to have a treatable condition, not to protect those who manufacture, distribute, or dispense drugs in the workplace.

(d) Applicability. This policy applies to all employees of the County of Summit, including all levels of management while on the job, while subject to duty, and while riding in a County owned vehicle. This policy also applies to situations where an employee's off-the-job or off-premises conduct impairs work performance. The County of Summit wants to assure that employees report to work in condition to perform their duties safely and efficiently in the interest of their fellow workers and the public as well as themselves.

(e) Violations. It is a violation of this policy to do any of the following:

- (1) Report to duty or remain on duty while having an alcohol concentration from a breathalyzer test of .02 or greater;
- (2) Report to duty or remain on duty while using a controlled substance (including prescription drugs that impair the employee's ability to



perform the assigned duties, unless such use has been approved by a physician and reported to the County Executive's designee);

(3) Test positive for controlled substances (a positive test is defined as a test showing controlled substance concentrations in excess of the threshold amounts set forth in subsection (i) hereof);

(4) Possess alcohol, controlled substances or drug paraphernalia while on duty;

(5) Use alcohol or controlled substances while on duty;

(6) Refuse to submit to a post-accident, reasonable suspicion, return-to-duty, or follow-up alcohol or controlled substance test.

(f) Consequences of a Violation.

(1) If an employee violates any of the policies set forth in this Substance Abuse Prevention Policy:

A. The employee may be disciplined, up to and including dismissal.

B. The employee may be reassigned.

C. The employee will be provided with information regarding the services available for alcohol and substance abuse.

D. The employee will be referred for an evaluation by a substance abuse professional.

E. The employee will be subject to reevaluation, return-to-duty testing, and unannounced follow-up testing.

(2) Violation of subsection (e)(6) above will result in immediate termination (See, subsection (k) below for definitions of what constitutes failure to submit).

(g) Legally Prescribed Drugs and Non-prescription Medications. The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, when taking any prescription or non-prescription medication which may interfere with the safe and effective performance of their duties, employees are encouraged to consult their physician and report such use to the County Executive's designee. Certification of fitness to work from a medical doctor may be required before the employee will be allowed to continue working.

(h) Types of Testing for Alcohol and/or Controlled Substances.

(1) Commercial driver's licenses. All employees who are required to hold commercial driver's licenses shall be subject to testing for alcohol and/or controlled substances as required by federal and State of Ohio law.

(2) Firearms. All employees who are required to carry firearms shall be subject to testing for alcohol and/or controlled substances pursuant to a testing program established by their appointing authority. Each appointing authority that has employees who are required to carry firearms shall establish a testing program and shall provide a copy of its program's policies and procedures to the County Executive.

(3) Other employees. All employees other than those described in subsections (1) and (2) shall be required to submit to testing for alcohol and/or controlled substances under the following circumstances:

A. Pre-employment Testing: Prior to an offer of employment with the County of Summit, the employee shall be tested for controlled substances. The employee shall not be hired unless the controlled substance test is negative. Any applicant who refuses a controlled substance test shall not be hired. An applicant who is not hired due to the applicant's refusal to submit to a test for controlled substances or due to a positive test for controlled substances shall be ineligible to apply for County employment for a period of one year.

1. Consent form. Prior to pre-employment testing, the appointing authority shall present a standard form issued by the County Executive to the employee consenting to the pre-employment testing.

2. Right of appeal. If the pre-employment test is positive, the employee shall have the right to file a written appeal to the Human Resource Commission concerning the validity of the test. The Human Resource Commission's rules concerning appeals of employment decisions shall apply. The Human Resource Commission may rule that the test is valid or order that a second test be performed. The order of the Human Resource Commission is final. If the test is ruled valid, the employee shall not be hired. If a second test is ordered and the test is positive, the employee shall not be hired.

B. Post-accident Testing: All employees who may have caused or contributed to an accident on the job, as defined below, and where there is reasonable suspicion of use of alcohol and/or controlled substances, as set forth in subsection C., that employee will be required to submit to drug and/or alcohol testing. The test will be administered as soon as possible after the employees involved have received the necessary medical treatment, or within 8 hours for alcohol testing and 32 hours for testing of other drugs. An accident is defined as an unplanned, unexpected, or unintended event that occurs during the conduct of County business, or during work hours, including but not limited to, an event in the course of County business that results in:

- i. A fatality,
- ii. Bodily injury requiring off-site medical treatment,
- iii. Vehicular damage where the driver is cited and requires the damaged vehicle to be towed, or
- iv. Property damage.

A positive drug test or refusal to submit to a test after an accident may affect the employee's eligibility to receive Workers' Compensation benefits under Chapters 4121 and 2123 of the Ohio Revised Code and may also result in termination.

C. Reasonable Suspicion Testing: A trained supervisor or official may require an employee to undergo testing for alcohol and/or controlled substances based upon specific, objective facts and reasonable inferences drawn from these facts in light of experience and training. Such

facts and inferences may be based on, but are not limited to, any of the following:

i. Observable phenomena, such as direct observation of drug or alcohol use, possession, or distribution, or the physical symptoms of being under the influence of drugs or alcohol, such as, but not limited to, slurred speech, dilated pupils, odor of alcoholic beverage or marijuana, changes in affect, dynamic mood swings, etc.;

ii. A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance which appears to be related to substance abuse and does not appear to be attributable to other factors;

iii. An employee being charged with unauthorized drug possession, use or trafficking;

iv. Repeated or flagrant violations of the appointing authority's safety or work rules, which are determined by a supervisor to pose a substantial risk of physical injury or property damage and which appear to be related to substance abuse or substance use and do not appear to be attributable to other factors.

(4) Transportation of employee. An employee who is being tested shall be transported to the collection facility and then home by an appointing authority-arranged neutral third party (such as a taxi).

(5) Return-to-Duty Testing: Before an employee who has been found to be in violation of this policy may return to duty, the employee must undergo testing for alcohol and controlled substances. The results of the alcohol test must show less than .02 concentration from a breathalyzer test, and the controlled substance test must be negative or such employee will not be permitted to return to duty and shall be terminated.

(6) Follow-up Testing: When an employee has been found to be in violation of this policy, the employee will be subject to a minimum of four (4) unannounced follow-up tests, in addition to the return-to-duty test, within the first twelve (12) months following the employee's return to duty. The results of any follow-up alcohol test must show less than .02 concentration and any follow-up controlled substance test must be negative or such employee shall be terminated.

(i) Substance Abuse Testing Process. All drug screening and confirmation tests shall be conducted by a laboratory certified under the United States Department of Health and Human Services "Mandatory Guidelines for Federal Workplace Drug Testing Programs:" and the National Institute for Drug Abuse ("NIDA"). The County of Summit and the laboratory shall have a clear and well-documented procedure for collection, shipment, and accessing of urine specimens. The procedures utilized by the County of Summit and the laboratory shall be consistent with the collection and testing procedures established by the United States Department of Health and Human Services and required by the United States Department of Transportation, and shall include an evidentiary chain of custody and control and split sample collection and testing. The collection site person is responsible for maintaining the integrity of the specimen collection and transfer process. All procedures shall be outlined in writing and provided to the County of

Summit's representatives and donors. There shall be a Medical Review Officer ("MRO"). The MRO is a physician specially trained in substance abuse disorders. If a test is positive, the MRO gives the employee a chance to provide a legitimate medical explanation, such as a legal prescription for the positive result. If the explanation and subsequent proof satisfy the MRO, the MRO reports a negative drug test to the County of Summit. Each specimen will be tested for the following substances and will be subject to the following cut off levels based on nanograms per milliliter:

Substance	Initial Level	Confirmation Level
<b>Amphetamines</b>		
Methamphetamine	1,000	500
Amphetamine	300	200
MDA	1,000	500
MDMA	1,000	500
<b>Barbiturates</b>		
Butalbital	300	200
<b>Cannabinoids</b>		
Secobarb	300	200
Phenobarb	2,500	5,000
<b>Benzodiazepines</b>		
Alprazolam	300	300
Oxazepam	300	300
Nordiazepam	300	300
THC-COOH	50	15
<b>Cocaine Metabolites</b>		
Benzoylcegonine	300	150
Methadone	300	300
Methaqualones	300	100
<b>Opiates</b>		
Morphine	300	300
Codeine	300	300
Hydrocodone	400	300
Hydromorphone	500	300
Oxycodone	1,000	500
Propoxyphene	300	300

**Drug test panel required by Department of Transportation (DOT) 49 CFR Part 40**

<u>SUBSTANCE</u>	<u>INITIAL LEVEL</u>	<u>CONFIRMATION LEVEL</u>
<u>Amphetamines</u>	<u>500</u>	<u>250</u>
<u>Phencyclidine (PCP)</u>	<u>25</u>	<u>25</u>
<u>Marijuana Metabolites</u>	<u>50</u>	<u>15</u>
<u>Cocaine Metabolites</u>	<u>300</u>	<u>150</u>
<u>Opiate Metabolites</u>	<u>2000</u>	<u>2000</u>
<u>6-Acetylmorphine</u>	<u>10</u>	<u>10</u>

**Additional drug test panel for non-DOT regulated employees**

<u>SUBSTANCE</u>	<u>INITIAL LEVEL</u>	<u>CONFIRMATION LEVEL</u>
<u>Methadone</u>	<u>300</u>	<u>300</u>
<u>Methaqualones</u>	<u>300</u>	<u>100</u>
<u>Propoxyphene</u>	<u>300</u>	<u>300</u>
<u>Barbiturates</u>	<u>300</u>	<u>200</u>
<u>Benzodiazepines</u>	<u>300</u>	<u>300</u>

(j) Alcohol Testing Process. Alcohol tests shall be administered using a breath or saliva initial screen with a confirmatory evidential breath test ("EBT") administered by a trained breath alcohol technician ("BAT") or a law enforcement officer certified to conduct such tests. All tests shall be administered in accordance with federal standards for alcohol testing.

(k) Refusal to Submit to a Test. Refusal to submit to any of the alcohol or controlled substance tests required by this policy shall result in the employee's immediate termination. Actions constituting a refusal to submit to a test include:

- (1) Failing to provide adequate breath for alcohol testing;
- (2) Failing to provide adequate urine for controlled substance testing;
- (3) Engaging in conduct that clearly obstructs the testing procedure;
- (4) Failing to remain readily available for a post-accident test;
- (5) Attempting to substitute and/or adulterate the specimen;
- (6) Attempting to delay a test.

(l) Compensation of employees subject to testing. Employees subject to random testing shall be compensated while away from the job undergoing testing unless the result is positive. Employees subject to reasonable suspicion testing shall not be compensated while away from the job undergoing testing or while awaiting test results unless the test result is negative. An employee subject to reasonable suspicion testing cannot resume job duties until the test result is received. If a test result is positive, the employee cannot return to work until the employee has:

- (1) successfully completed treatment in the Employee Assistance Program treatment provided by the County Executive pursuant

to the County of Summit's directives and policies, including disciplinary policies; and

(2) a negative return to duty test result is received by the County of Summit.

(m) Employee Training. All employees shall receive at least one (1) hour of ~~annual~~ training every two years covering the County of Summit's written policy and the dangers of, and signs and symptoms associated with, substance abuse. Each employee shall receive and sign an acknowledgment of receipt of the County of Summit's written policy and the required training annually. The training will be presented by a qualified trainer, or a person supervised by a qualified trainer holding one of the following substance-use credentials:

- (1) Substance Abuse Professional (SAP),
- (2) Certified Employee Assistance Professional (CEAP),
- (3) Certified Chemical Dependency Counselor (CCDCIII),
- (4) Ohio Certified Prevention Specialist (OCPS 1 or 2).

(n) Supervisor Training. All supervisors and selected union officials shall receive two (2) hours of initial training and refresher training ~~annually~~ every two years thereafter, on the supervisor's role and responsibility in administering this program. New supervisors shall receive at least two (2) hours of training within six (6) weeks of becoming a supervisor, and will not be involved in testing responsibilities until trained. The training shall include the following topics: how to recognize a possible alcohol or drug problem; how to document behaviors that demonstrate an alcohol or drug problem; how to confront employees with the problem; how to initiate reasonable suspicion testing; how to make appropriate referrals for assessment or assistance; how to follow up with employees returning to work after a positive test; and how to operate consistently with collective bargaining agreements. The training will be presented by a qualified trainer, or a person supervised by a qualified trainer, holding one of the following substance-use credentials:

- (1) SAP,
- (2) CEAP,
- (3) CCDCIII,
- (4) OCPS 1 or 2

(o) Employee Resources. Information regarding the effects of alcohol and controlled substance use on an individual's health, work, and personal life, and information about drug and alcohol counseling, rehabilitation, and employee assistance programs is available through the County Executive, and will be periodically provided to employees.

(p) Confidentiality of Records. All non-DOT records relating to an employee's testing shall be maintained as confidential medical records. DOT records shall be maintained separately as required by DOT regulations. A tested employee must provide written authorization before his or her test results may be provided to any person, other than the County of Summit.

(q) Relationship to Other Provisions of Law. The terms of this policy do not alter any employment-at-will relationship with employees. All employees subject to this policy remain subject to all other policies, procedures, rules, regulations, and collective bargaining agreements established by the appointing authority under its independent

authority, which are not inconsistent with the requirements herein. All employees also remain subject to all other relevant federal, state, and local laws and regulations. Commercial Drivers License holders shall abide by this policy as well as the Department of Transportation guidelines for alcohol and drug testing.

(r) Cost of Testing. The cost for all testing under this Policy is the responsibility of the County of Summit. However, if a tested employee disagrees with the result of a test and desires an additional test, the employee may have an additional test at the employee's expense.

**169.29 FEE AND TUITION REIMBURSEMENT FOR ANY JOB-RELATED UNDERGRADUATE COURSES PROGRAM.**

(a) Full-time employees, as defined in Section 169.05(a)(1), ~~on active pay status in Active Pay Status~~ in the departments under the authority of the County Executive, County Council, Fiscal Officer, Clerk of Courts, County Engineer, Prosecuting Attorney, Sheriff, ~~Common Pleas Court and the Board of Elections~~ and full-time employees ~~in active pay status~~ in the Department of Internal Auditing, Office of Consumer Affairs and County Law Library in "Active Pay Status", are eligible for reimbursement ~~for~~ of fees and tuition expenses ~~of job-related~~ for associate, undergraduate, graduate or doctoral level degree courses that are job-related or aid in career growth with the County. Employees shall attend a college, university or joint vocational school accredited through either the "U.S. Department of Education" ([www.ed.gov](http://www.ed.gov)), "The Higher Learning Commission of the North Central Association of Colleges and Schools" ([www.ncahigherlearningcommission.org](http://www.ncahigherlearningcommission.org)) or the "North Central Association Commission on Accreditation and School Improvement" ([www.ncacasi.org](http://www.ncacasi.org)) to the extent and in the manner provided in this Section. Any reimbursement under this Section shall be made at the discretion of the Appointing Authority and is subject to the availability of funds.

(b) Tuition and fees are reimbursable subject to the following:

(1) The Eligibility. An employee shall receive be employed by the County of Summit for at least one (1) year of continuous service prior to submitting a C average request for Tuition Reimbursement.

(2) Employees shall obtain the prior written approval of their appointing authority.

(3) ~~A course~~ The degree shall relate to an employee's job duties, offer growth in an area related to his or her current position, and ~~to~~ benefit the County.

(4) Employee shall have degree program and coursework approved by their appointing authority as a prerequisite for reimbursement eligibility.

(5) Employee shall immediately update the appointing authority on any and all degree program or coursework changes. The appointing authority shall approve the changes before the employee is eligible for reimbursement.

(6) Any courses taken shall not conflict with an employee's working hours.

(~~§ 7~~) Employees shall be reimbursed up to two thousand five hundred dollars (\$2,500) per calendar year ~~at the following schedule:~~ , together with associated fees, for any classes or courses for which the employee received a final grade received A — 100% reimbursed; final grade received of "B" — 75% reimbursed; final grade received C — 50% reimbursed or above or received a pass in a pass/fail course. Reimbursement shall be paid upon the verification and completion of the course.

~~(e)~~ (8) On-line educational course work (course work taken via the Internet) taken through an approved school as stated above is reimbursable.

(9) Applicants for tuition reimbursement should be aware that any reimbursement above the limit prescribed by the IRS will be processed as taxable income to the employee.



(c) Exclusions and Limitations.

(1) Credit courses taken on an audit basis are not reimbursable.

(2) Except as noted below, employees enrolled in a college or university as a candidate for degree are eligible for reimbursement for all subject area requirements of an undergraduate degree program, regardless of whether a specific course is career-related.

(3) In no event shall credit or non-credit recreation, physical education, hobby or personal interest courses of study, whether required for a degree program or not, be eligible for reimbursement under this program.

(d) Repayment. Employees who receive tuition reimbursement from the County shall work a minimum of one year with the County after receiving reimbursement. If an employee leaves County employment or is discharged for cause, excluding layoff, before said service requirement is completed, the employee shall repay to the County all of the tuition that was paid to the employee. The requirement to work a minimum of one year with the County after receiving reimbursement is not an assurance of continued employment by the County.

If an employee leaves County employment or is discharged for cause, excluding layoff, and a repayment amount is owed by the employee, and the employee does not otherwise repay the amount, the employee agrees to have the repayment amount deducted from the employee's paychecks that are issued after the termination decision occurs.

Each employee, upon receiving a reimbursement, will be required to sign an agreement for repayment as outlined in Section 169.29(d.)

(e) This Section does not apply to tuition reimbursement programs that are funded by the State of Ohio or United States government.

### **169.30 TRAVEL AND REIMBURSEMENT.**

(a) Authority for Travel.

(1) Pre-Approval. Travel on official County business shall be approved in advance regardless of whether reimbursement will be requested. Such approval shall be obtained by completing Part I of the County of Summit's travel form. The purpose of the review of the Part I is to determine whether the travel is beneficial for the County and whether funds are available. A Part I is not required to attend meetings on routine County business within the County.

(2) Emergency Travel. The Appointing Authority may authorize travel, after it has taken place, if there are unusual and extenuating circumstances of an emergency provided that available funds are appropriated as verified by the Executive's Director of Finance and Budget.

(3) Travel Exceeding Two Hundred Dollars (\$200.00). Travel on official County business for which expenses exceed two hundred dollars (\$200.00), shall be approved in advance by the appointing authority, provided that funds are available for travel and have been appropriated as verified by the Executive's Director of Finance and Budget. The Executive's Director of Finance and Budget shall verify to the Appointing Authority whether funds are available for travel and have been appropriated within three (3) business days of a request for verification.

(4) Travel Two Hundred Dollars (\$200.00) Or Less. Travel on official County business for which expenses are two hundred dollars (\$200.00) or less, shall be approved in advance by the Appointing Authority.

(5) Intent. Part I of the County of Summit's travel form shall not be divided so as to circumvent the intent and purpose of this section.

(b) Reimbursement for Travel.

(1) Reimbursement. Upon proper submission of Part II of the County of Summit's travel form, the County shall pay the necessary and reasonable expenses incurred by employees while on authorized travel. The purpose of Part II is to provide verification of expenses paid by an employee that were previously approved on a Part I. Part II shall be completed within thirty (30) working days after returning from travel.

(2) Receipt Required. Any request for reimbursement for items over one dollar (\$1.00) shall be accompanied by original receipts and shall be attached to Part II when submitted. Meals are reimbursed at a per diem rate; therefore, a receipt is not required.

(3) Reimbursement Exceeding Two Hundred Dollars (\$200.00). Reimbursement for expenses which exceed two hundred dollars (\$200.00), shall be approved by the appointing authority provided the amount does not exceed the amount previously authorized by the Appointing Authority in the Part I prior to payment by the Fiscal Officer. Reimbursement for expenses which exceed two hundred dollars (\$200.00) and exceed the amount previously authorized by the Appointing Authority in the Part I, shall be approved by the Appointing Authority prior to payment by the Fiscal Officer provided that funds are available for travel and have been appropriated as verified by the Executive's Director of Finance and Budget. The Executive's Director of Finance and Budget shall verify to the

Appointing Authority whether funds are available for travel and have been appropriated within three (3) business days of a request for verification.

(4) Reimbursement Two Hundred Dollars (\$200.00) Or Less. Reimbursement for expenses which are two hundred dollars (\$200.00) or less shall be approved by the appointing authority provided that the Part I request did not exceed two hundred dollars (\$200.00).

(5) Intent. Part II of the County of Summit's travel form shall not be divided so as to circumvent the intent and purpose of this section.

(6) "Cash Back Rewards" Programs. The County prohibits a "cash back reward" to an employee when an employee uses a personal credit card with a "cash back reward" program. The employee will be reimbursed for the cost of the travel item less the "cash back reward" portion.

(c) Air, Rail or Bus Travel.

(1) Lowest Available Fare. Travel by air, rail or bus shall be for the lowest available fare.

(2) Travel Agency. In the event that the County of Summit designates a travel agency as the official travel agency for the County, travel by common carrier shall be purchased through such agency. Reimbursement shall only be made for purchase through such agency.

(3) "Frequent Flyer" Programs. The County prohibits the accumulation of "frequent flyer" miles by employees earned because of County travel which is paid for or reimbursed by the County or the County will require employees to use such miles earned for future official County travel. See, Ohio Ethics Commission Advisory Opinion No. 91 -010.

(d) County Vehicle. An employee operating a County vehicle for travel shall only be reimbursed for expenses directly related to the operation of the vehicle. Use of a County credit card is restricted to purchase of gas and oil.

(e) Personal Vehicle.

(1) Mileage Reimbursement. Employees using a personal vehicle for travel may be reimbursed at the standard mileage rate established by the Internal Revenue Service., as amended. Such expenses are payable to only one (1) of the two (2) or more employees traveling in the same vehicle. The mileage rate stated herein shall be considered as the total reimbursement for all expenses incurred in the use of a personal vehicle except for parking fees, ferry charges, bridge and highway tolls.

(2) Mileage Calculation. Mileage reimbursement shall be calculated from the employee's normal workplace to the travel destination.

(3) Insurance. Employees operating a personal vehicle for work-related purposes shall be required to maintain insurance in accordance with in Section 4509.01 of the Ohio Revised Code, as amended.

(4) Limitations On Mileage Reimbursement. The limit on private vehicle mileage distance one-way shall not exceed three hundred (300) miles except where special approval is obtained in advance from the appointing authority after presenting good cause that is consistent with a public purpose for the exception. Further, no reimbursement shall be

granted to employees for travel from their homes to places of work or vice versa.

~~(5) "Frequent Flyer" Programs. The County prohibits the accumulation of "frequent flyer" miles by employees earned because of County travel which is paid for or reimbursed by the County or the County will require employees to use such miles earned for future official County travel. See, Ohio Ethics Commission Advisory Opinion No. 91-010.~~

(f) Overnight Travel. If it is necessary for an employee to stay overnight while on County business, the employee shall be reimbursed for the actual cost of their lodging at the lowest rate available. If a spouse accompanies an employee, the County shall refund at the single rate only and such rate shall be submitted. If employees share a double, one (1) employee should submit a Part II for both and make the appropriate notation.

(g) Meals.

(1) Location of Meals. Reimbursement shall only be made for meals outside the County except that meals inside the County shall be reimbursed if the price of the meal is included in a registration fee as an integral part of a conference, convention, meeting or similar working assembly.

(2) Gratuity. Reimbursement for a gratuity shall only be made when included in the price of meals which are an integral part of a conference, convention, meeting or similar working assembly, requiring the attendance of an employee.

(3) Rate of Reimbursement. Reimbursement shall not exceed the per diem rate permitted by the State of Ohio Office of Budget and Management, as amended.

(4) Timing of Meal. Breakfast is reimbursable if the employee departs before 6:00 a.m. Dinner is reimbursable if the employee returns after 7:00 p.m.

(5) Alcohol. No reimbursement for liquor costs shall be made.

(6) Registration Fee. If the price of meals is included in the conference or registration fees, no additional reimbursement for meals shall be made to the officeholder or employee.

(h) Conference Fees.

(1) Reimbursement. Reimbursement shall be made for registration fees required for attendance at a conference, convention, meeting or seminar. All such items are to be listed separately and individually on the expense report and supported by a receipt and/or cancelled check.

(2) Prospective Payment. The employee may request prospective payment directly for the organization conducting the conference, convention, meeting or seminar if the request is submitted in a timely manner.

(i) Internal Policies. Each Appointing Authority shall develop an internal travel policy consistent with this Chapter for all the offices and departments under the Appointing Authority's jurisdiction and control.

(j) Penalties. Failure to comply with any provision of this chapter shall result in denial of the reimbursement requested. Abuse or fraudulent claims for travel and reimbursement shall result in discipline, up to and including, termination.

**169.31 EMPLOYEE ASSISTANCE PROGRAM.**

(a) Availability. The County of Summit has an Employee Assistance Program (“EAP”) available to all employees and their families. Employees are encouraged to utilize the EAP for any professional or personal problems they may be experiencing.

(b) Referral. When a manager or supervisor observes a problem with an employee that is affecting job performance, and feels the employee would benefit from the EAP, a management referral may be made. Any manager or supervisor seeking to refer an employee to the EAP shall contact the Department of Human Resources. All management referrals must be approved by the Director of Human Resources.

(c) Attendance. Any employee referred to the EAP through a management referral is required to attend all scheduled counseling sessions and complete the recommended course of treatment/follow-up. If the EAP counselor determines that a fitness for duty examination should be conducted by a physician, the employee shall submit to such examination. The provisions of the Section 169.32 of these Ordinances, “Fitness for Duty,” shall apply to such situations, including an employee’s ability to submit to an examination by a physician of their choice should they disagree with the findings of the employer’s physician. Failure to comply with the EAP recommendations shall result in disciplinary action up to and including termination.

(d) Discipline. Failure to meet any of the requirements of subsection (c) may result in discipline, up to and including termination.

### **169.32 FITNESS FOR DUTY**

(a) Psychological Examination. The County of Summit has the right to require a job related physical or psychological examination in order to:

(1) determine an employees' ability to perform the essential functions of the job;

(2) identify limitations or restrictions;

(3) provide a reasonable accommodation, and/or

(4) determine if an employee poses a significant health or safety risk to the employee or others.

(b) Administrative leave. An employee required to obtain a fitness for duty examination shall remain off the job until such time as it has been determined that the employee is fit for duty. The employee shall be placed on paid administrative leave pending the outcome of the examination. The cost of the examination shall be the responsibility of the County. If the employee is determined to be unfit for duty, the paid leave status shall terminate.

(c) Determination of necessity of Fitness for Duty Examination. The Director of Insurance and Risk Management Human Resources with consultation with the EAP provider if necessary, shall determine when a fitness for duty examination is warranted, and shall schedule all fitness for duty examinations with the appropriate certified medical professional. The Director shall notify the employee in writing that a fitness for duty examination is required and provide the date and time of the examination and the name and address of the medical provider. Absent extenuating circumstances, failure to attend the medical examination as scheduled will result in disciplinary action up to and including termination. The findings of the examination shall be sent directly to the Director and will be maintained in a confidential medical file.

(d) Findings; further review. In the event the employee disagrees with the conclusion of the Employer's physician, the employee may, at their own expense, submit to an examination by a physician of their choice in the same field of specialization as the Employer's physician. Within 14 calendar days of being notified that the employee has been determined to be unfit for duty, the employee must notify the Director of the intent to submit to an examination by a physician of their choice. The examination must take place within 30 calendar days of the employee's notification to the Director. If the Employer's and the employee's physicians agree, their decision shall be final. If the Employer's and the employee's physicians disagree, the dispute may be referred to a neutral physician agreed upon by the Employer and the employee. The neutral physician shall be in the same field of specialization as the previous physicians, but shall not be affiliated with either physician. The cost will be divided equally between the Employer and the employee. The opinion of the neutral physician shall be final. The employee may use sick leave or vacation during this period.