

2015-269
AMENDED EXHIBIT A

169.01 PURPOSE.

(a) ~~Purpose.~~ Pursuant to the Charter of the County of Summit, there shall be a Department of Human Resources, which exists under the County Executive and shall serve under the direction of, and perform such functions on the behalf of the Human Resource Commission as the Commission shall prescribe. The County Human Resource Department ("HRD") shall have all powers necessary to carry out duties set forth herein or as assigned and delegated by the Human Resource Commission ("Commission").

(b) 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, ~~169.17,~~ 169.20, which apply only to classified employees.

~~(b)~~ (c) 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)~~ (d) 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) "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.

~~(a)~~ (b) "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.

(c) "Appointment" means the placement of an employee in a position.

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

~~(b)~~ (e) "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)~~ (f) "County" means the County of Summit, State of Ohio.

(g) "Domestic Partner" means a person that is in a personal relationship between two adults who do all of the following:

- (1) Share a residence;
- (2) Are in an exclusive relationship and intend to remain so indefinitely;
- (3) Neither person is married to or legally separated from another person;
- (4) Share responsibility for each other's common welfare; and
- (5) Are each at least eighteen (18) years of age and mentally competent and not related to each other to a degree of closeness that would prohibit marriage.

2015-269
AMENDED EXHIBIT A

(h) "Demotion" means a move within an appointing authority to a lower category and/or grade in the County of Summit Classification and Compensation Plan which reduces the scope of responsibility and/or salary.

(i) "Commission" means the Human Resource Commission as established under the Charter of the County of Summit.

(j) "HRD" means the Department of Human Resource set forth in the Charter of the County of Summit to carry out duties assigned by the Commission.

(k) "Lateral Reassignment" means a move within an appointing authority between one classification and another classification within the same category and grade in the County of Summit Classification and Compensation Plan.

(l) "Original appointment" means the initial appointment of a candidate that is not employed by the County at the time of the appointment.

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

(n) "Promotion" means a move within an appointing authority to a higher category and/or grade in the County of Summit Classification and Compensation Plan which results in an increase in salary and responsibility.

(o) "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.

~~(e)~~ (p) "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.

(q) "Transfer" means a move between appointing authorities within the County of Summit.

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

~~(g)~~ (r) "Unclassified" means those positions 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.~~

~~(m) "Domestic Partner" means a person that is in a personal relationship between two adults who do all of the following:~~

~~(1) — Share a residence;~~

2015-269
AMENDED EXHIBIT A

- ~~(2) — Are in an exclusive relationship and intend to remain so indefinitely;~~
- ~~(3) — Neither person is married to or legally separated from another person;~~
- ~~(4) — Share responsibility for each other's common welfare; and~~
- ~~(5) — Are each at least eighteen (18) years of age and mentally competent and not related to each other to a degree of closeness that would prohibit marriage.~~

169.04 HIRING.

(a) Policy. The County of Summit appointing authorities are firmly committed to selecting and employing qualified persons for all available positions. Discriminating against job applicants 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 is prohibited.

(b) Recruitment. Each appointing authority shall notify the HRD of the existence of any classifications that the appointing authority intends to fill that requires an announcement to be posted by the HRD. Classified positions which become open shall be filled, as practicable, by promotion of present employees of the appointing authority. If no internal candidates are found to be qualified to fill a particular position opening, then the appointing authority shall recruit suitable candidates from the general public. The overall goal is to recruit the best qualified person for the position.

(c) Age. The County of Summit will maintain the following minimum age standards: Applicants shall be eighteen (18) years of age or older, except in certain temporary or ~~seasonal jobs~~ classifications where the minimum age required is sixteen (16) years of age. Applicants enrolled in high school cooperative or employment programs, minority apprenticeship, or entry level and disadvantaged youth program can be considered at sixteen (16) years of age.

(d) Posting. Upon receipt of a requisition from an appointing authority, the HRD will post a classification announcement on the HRD employment website for the opening. All non-bargaining classified positions that require posting, shall be posted for a minimum of three (3) days. Each announcement shall identify the classification to be filled, the appointing authority under whom the classification will function, a statement of minimum qualifications, general duties, essential functions, minimum salary and/or hourly rate and whether a background check, examination(s), or drug and alcohol screening is required. Each notice must contain a posting period which includes a beginning and final date for application.

(e) Applications. Any persons interested in being considered for a posted classified position shall file ~~a written~~ an online application with the ~~Department of Human Resources~~ HRD by the end of the posting period. Employees of the appointing authority shall be given the opportunity to apply for any classified position within the jurisdiction of the appointing authority. ~~Standard application forms are available through the Department of Human Resources.~~

(1) False Statements. False statements by employees and applicants for employment shall be deemed cause for the exclusion of an applicant from employment or for discharge of an employee from service.

(2) Character and Fitness. Any evidence, deemed satisfactory by the appointing authority, that an applicant has committed acts which would be detrimental to successful performance of the employment sought shall be sufficient to exclude that applicant from consideration for employment with the appointing authority. ~~Examples~~

2015-269
AMENDED EXHIBIT A

~~include, but are not limited to: evidence of the applicant's dismissal or termination of employment under threat of dismissal, evidence of any felony conviction, and/or evidence of a conviction of a misdemeanor involving moral turpitude or that is related to the employment sought.~~

(3) Medical Examinations. Final candidates for ~~hire~~ appointment may be required to undergo a medical examination prior to appointment. Such examinations may only be required after a conditional job offer of employment.

(4) Drug and Alcohol Testing. ~~All final a~~Applicants are required to undergo drug and alcohol testing prior to original appointment.

(f) Appointments. All ~~final~~ appointments are at the sole discretion of the appointing authority of the jurisdiction where the vacancy is being filled. Appointments shall be based solely on the qualifications of applicants as ascertained through fair and practical selection methods used to determine an applicant's ability to perform the duties of the position. Those involved in the selection process shall give proper consideration to such factors as education, experience, skills and character. It is the responsibility of each appointing authority to ensure that all of these policies and procedures are followed.

(g) Outside Employment. Any full-time employee, paid by warrant of the Fiscal Officer of the County of Summit, is prohibited from simultaneously holding other full-time public employment with any County of Summit office, agency and/or department. If an employee is employed elsewhere, at no time may such employment conflict with the goals and programs of the appointing authority. Such a conflict may result in a request to refrain from such activities. A refusal may result in dismissal.

~~(h) Employment of Relatives. No person who is a member of an appointing authority's immediate family, as defined in Section 169.22(b)(4), shall be hired by that appointing authority during any term in office. A person hired in violation of this sub-section shall be subject to termination.~~

(+) (h) Staffing Report. No later than December 31st of each year, unless such time deadline is extended as set forth herein, Council shall adopt a Report on Staffing (hereinafter "Report"), which shall set each ~~job~~ classification, and within each ~~job~~ classification the number of full-time, and part-time ~~and seasonal~~ positions, either regular or temporary, for the upcoming calendar year for each County department, office, agency, authority, board and commission. No County department, office, agency, authority, board or commission may exceed the number of full-time, and part-time ~~and seasonal~~ positions, either regular or temporary, set forth in the adopted Report without amendment by County Council.

No person shall be ~~hired~~ appointed in contradiction to the annually adopted Report. The Executive's Department of Human Resources shall verify as part of any personnel action that the hiring, promotion, transfer or demotion of a person into a position with the Fiscal Officer, Clerk of the Court of Common Pleas, Engineer, Prosecutor, Sheriff, County Council, County Executive, Department of Internal Auditing, Department of Information Technology, Human Resource Commission ~~or Office of Consumer Affairs~~ is consistent with the staffing levels set forth in the Report. For each other County department, office, agency, authority, board and commission, the human resource department overseeing that entity shall verify that the hiring, promotion, transfer or demotion of a person into a position is consistent with the staffing levels set forth in the Report.

Pursuant to Section 183.03, the Report shall be submitted by the Executive to Council on or before November 15th of each year with either the proposed temporary or permanent

2015-269
AMENDED EXHIBIT A

operating budget for the next fiscal year, and may be amended by Council prior to adoption. The Report shall not be used to subvert the requirements of Section 169.13 of the Codified Ordinances of the County of Summit regarding layoffs and abolishment. Council may extend the deadline for the adoption of the Report on Staffing for a given calendar year, upon approval of 2/3 of the members of Council. In the event the deadline is extended, the Report on Staffing for the preceding year shall remain in effect until the adoption of the Report on Staffing for the new calendar year.

~~(j) — Temporary Hiring Freeze. Commencing upon the effective date of Ordinance No. 2011-204 and terminating December 31, 2012, no person shall be hired for initial employment by the Fiscal Officer, Clerk of the Court of Common Pleas, Engineer, Prosecutor, Sheriff, County Council, County Executive, Department of Internal Auditing, Human Resource Commission or Office of Consumer Affairs, except as set forth herein.~~

~~This section is not intended to limit, and shall not limit, the ability of a current employee of the County to transfer or be promoted to a vacant position in any of the aforementioned offices from within any of the aforementioned offices, between any of the aforementioned offices or from any other Summit County appointing authority, office, agency, board or commission, provided that vacant positions funded in whole or in part with general fund dollars may not be filled except through the transfer or promotion of employees currently funded in whole or in part by the general fund.~~

~~In the event any of the aforementioned offices are able to demonstrate that the filling of an existing position by hiring a new employee is necessary for the effective and continued operation of the office, County Council may adopt a Resolution authorizing the hiring of a person to fill said vacancy as an exception to this Section. Said employee shall be hired at the minimum compensation allowable by the County's Compensation and Classification Plan, Codified Ordinances and Collective Bargaining Agreements, unless established at a higher rate by a two thirds (2/3) vote of the members of Council.~~

~~Seasonal employees may be hired by any office that has historically hired seasonal employees to perform functions and responsibilities of that office, and this Section shall not be construed to prohibit or limit the hiring of said seasonal employees, provided that the employment of those employees shall terminate upon the completion of all seasonal work. Youth employees may be hired by any office as part of a Workforce Investment Act youth employment program, provided that the employment of those employees shall terminate upon the completion of their involvement in the youth employment program.~~

~~Any employee who has been laid off or whose position was abolished, at any point after August 1, 2009, as set forth in Section 169.13 of these ordinances, may apply for and be re-hired into a vacant position in any of the aforementioned offices within two (2) years from the date of layoff or abolishment, provided that either (i) the employee is being restored to his or her previous position and sufficiently appropriated funds are available to return that employee to the vacant position, (ii) the vacant position is not funded in whole or in part by the general fund, (iii) if the vacant position is funded in whole or in part by the general fund, no other current employee has applied for said position and/or no other current employee who has applied for said position meets the minimum qualifications for the position as outlined in the job description.~~

169.11 CLASSIFICATION AND COMPENSATION PLAN - MAINTENANCE.

(a) Responsibility. The primary responsibility for maintaining the classification and compensation plan for classified employees, as defined in Section 169.02(a)(6)(f), shall rest with

2015-269
AMENDED EXHIBIT A

the ~~Human Resource~~ Commission ("~~HRC~~") through the ~~Department of Human Resources~~ ("~~HRD~~").

(b) Final Decisions. Final decisions, including but not limited to advanced range hiring, revised pay grade assignments, and addition of new titles to the plan and wholesale changes to the salary schedules shall rest with the County Council, as recommended by the ~~HRC Commission~~, before implemented by the appointing authority.

The County Council shall, in addition to the responsibilities already identified, retain the authority to implement other changes to the plans in order to ensure they meet the needs of County government.

(c) Personnel Actions. Each appointing authority shall be responsible for following the Commission Rules and Chapter 169 of the Codified Ordinances when making appointments, terminating, promoting, demoting, transferring and laterally reassigning employees. ~~Hiring, firing, promoting, demoting and the transferring of employees within their respective departments/offices, following the HRC Rules, and related policies and procedure approved by the County Council, shall remain the responsibility of each appointing authority. For classified employees, such personnel actions are subject to the rules of the HRC.~~

(d) Maintenance. Each appointing authority shall retain the authority to discontinue using a classification in the appointing authority's office. However, only the County Council upon the recommendation of the ~~HRC Commission~~ will have the authority to permanently abolish or delete a classification from the classification plan. This will normally occur based upon the request of the appointing authority, and after such request is reviewed by the HRD for the plan covering classified employees of those appointing authorities defined in Article II, Section 2.03(11) of the County Charter, and after such is recommended to the County Council.

Each appointing authority shall retain the authority to request using a classification that exists under the classification plan, but has never been used in the appointing authority's office before, such is appropriate based upon ~~job~~ duties and responsibilities; ~~if such classification was not specifically written for just one jurisdiction.~~

Each appointing authority shall retain the authority to request the ~~HRC Commission~~ create an entirely new classification. This will include the County Council's approval of the new classification title, classification specification, classification number, point factor score and pay grade assignment. The classification title, classification specification, etc., will be based upon the recommendation jointly developed by the appointing authority requesting the new classification and the HRD, for the plan that covers classified employee of those appointing authorities defined in Article II, Section 2.03(11) of the County Charter.

If the appointing authority requesting the new classification and the HRD are unable to mutually agree upon the classification title, classification specification, point factoring or grade assignment within thirty (30) calendar days from the date the proposed change to the plan that covers classified employees is submitted, the Director of the HRD shall immediately inform the HRC in writing of the dispute. Such issues shall then be processed in accordance with the rules and procedures of the HRC. After hearing each side's position on the issue, the ~~HRC Commission~~ will make a recommendation to the County Council regarding the matter. The County Council will retain the authority to accept the recommendation of the ~~HRC Commission~~, or the recommendation of the appointing authority, or to modify one (1) of the recommendations, or to reject all recommendations. The County Council's action will be final.

Each appointing authority ~~will~~ shall retain the ~~ability~~ authority to ask the ~~HRC Commission~~ to change the pay grade of a classification due to increased responsibility (and

2015-269
AMENDED EXHIBIT A

corresponding point factor score) or for some other legitimate business reason. However, prior to petitioning the County Council to effect such a change, the appointing authority shall first review the proposed modification with the HRD, in order to obtain concurrence on the proposal.

If the appointing authority requesting the pay grade change and the HRD are unable to mutually agree on the proposed change for the plan that covers classified employees, within thirty (30) calendar days from the date the proposed changes is submitted, the Director of the HRD shall immediately inform the HRC Commission in writing of the dispute. Such issues shall then be processed in accordance with the rules and procedure of the HRC Commission. After hearing each side's position on the issue, the HRC will make a recommendation to the County Council regarding the matter. The County Council will retain authority to accept the recommendation of the HRC Commission, or the recommendation of the appointing authority, or to modify one (1) of the recommendations, or to reject all recommendations. The County Council's action will be final.

Each appointing authority shall retain the authority to ask the HRC Commission to make changes to the classification specifications when such appear to be justified. However, prior to petitioning the County Council to effect such change, the appointing authority shall first review the proposed modification with the HRD in order to obtain concurrence on the proposal. If the appointing authority requesting the classification specification change and the HRD are unable to mutually agree on the proposed changes for the plan that covers classified employees, within thirty (30) calendar days from the date the proposed change is submitted, the HRD Director shall immediately inform the HRC Commission in writing of the dispute. Such issues shall then be processed in accordance with the rules and procedures of the HRC Commission. After hearing each side's position on the issue, the HRC Commission will make a recommendation to the County Council regarding the matter. The County Council will retain authority to accept the recommendation of the HRC Commission, or the recommendation of the appointing authority or to modify one (1) of the recommendations, or to reject all recommendations. The County Council's action will be final.

The HRD will be authorized to make such changes to the classification specifications as may be necessary for reason of minor update and corrections as may be requested by appointing authorities or so recognized by the HRD, that have no ~~effect~~ effect upon the point factoring to change grade assignment, or to make such changes in format and/or change as may be mandated by law. Such change to the classification specifications will be coordinated with each appointing authority using the classification that is the subject of change, and distribution of final updates will be made accordingly. Record of such change will be maintained and recorded on the classification plans.

Each appointing authority shall have the responsibility of reporting all personnel actions (~~hires~~ appointments, promotions, lateral reassignments, approved pay increases or decreases, ~~removals~~, demotions, ~~resignations~~, terminations, etc.) to the Director of the HRD for approval at least two (2) weeks before the effective date. Such personnel action shall be complete in total using the form provided by the HRD, with the signatures of approval as required by the HRC Commission and Executive.

The HRD shall have the responsibility of investigating possible misuses of the plan that covers classified employees by any of those offices included in the plan as defined in Article II, Section 2.03 (11) of the Charter. If such misuses affecting classified employees are found, they will be reported to the Director of the HRD for appropriate action, in accordance with the rules of the HRC Commission.

2015-269
AMENDED EXHIBIT A

The HRD shall be authorized to monitor the system through electronic review of wage and salary data, and periodically conducting job classification audits of a random sampling of positions included in the classification and compensation plan for classified employees. In the event of alleged misuses, discrepancies, or misapplications of the plan are identified by the HRD, they will be reported to the Director of the HRD for appropriate action, in accordance with the rules of the ~~HRC~~ Commission.

The HRC shall be responsible for hearing classification appeals that have not been resolved by a classified employee and the employee's employer. No classified employee shall be permitted to file a classification appeal with the HRC until the employee first attempts to resolve the matter with the employer.

(e) County Council Compliance and Enforcement Policy. Administrative compliance provisions for the maintenance of the Standard Classification and Compensation Plan for classified employees shall rest with the Director of the HRD.

(1) The Director of the HRD shall attempt to obtain a voluntary resolution to a violation through discussion with the appointing authority as related to their area of authority and in keeping with the procedures and policy of maintenance.

(2) If unresolved and upon notification by the Director of the HRD to the ~~Human Resource~~ Commission, a written recommendation shall be made to the full County Council to issue an order to the appointing authority to take such action to correct the violation, or

(3) To issue an order to the County Fiscal Officer to withhold or correct the affected wages/benefits of the employee's pay, and/or

(4) To take such budgetary controls or other means necessary to enforce such order. Time frames for resolving such issues shall follow specific periods per the ~~HRC~~ Commission Rules and Procedures, administrative guidelines, related ordinances or resolutions, maintenance provisions of the classification and compensation plan, County Council legislative rules and orders of compliance, and reasonable periods and/or extensions of time if mutually agreed upon by the parties involved. Such will be determined on a case-by- case basis.

169.16 PROBATIONARY PERIOD.

(a) Purpose. The purpose of the probationary period is to determine the classified employee's suitability for the position to which the employee has been appointed.

(b) New Hire Original Appointment/Transfer. The length of the probationary period for a ~~newly hired, an originally appointed or transferred, full-time~~ classified employee is one hundred eighty (180) calendar days. The probationary period for a newly appointed part-time employee shall be 1040 hours worked. A newly hired, classified employee terminated during the probationary period does not have a right to appeal such termination to the Human Resource Commission. An original appointment or transferred, classified employee may be removed at any time during a probationary period. Such removal shall constitute a separation from County Service. An employee terminated during the probationary period does not have a right to appeal such termination to the Commission.

(c) Promotion. The length of the probationary period for a promoted, classified employee is one hundred eighty (180) calendar days. A promoted, classified employee who fails

2015-269
AMENDED EXHIBIT A

to satisfactorily complete the probationary period shall be returned to the employee's former position classification and rate of pay and shall have no appeal rights to the Commission.

(d) Extension. Upon request of an appointing authority and with notice to the employee, the Human Resource Director may extend an employee's probationary period for cause (e.g., performance, medical, leave of absence). The length of the probationary period, inclusive of any extension, shall not exceed one (1) calendar year.

169.17 PERFORMANCE EVALUATIONS.

(a) Non-Probationary Employees. Performance evaluations shall be administered on an annual basis by the appointing authority for all employees of such appointing authority. The evaluation shall be placed in the personnel file of each employee.

(b) Probationary Employees. Performance evaluations shall be administered at least two (2) times during the probationary period by the appointing authority for all employees on probation within the appointing authority's jurisdiction. The evaluations shall be placed in the personnel file of each employee.

(c) Appointing Authority Requirements. Each appointing authority shall have a written procedure for completing timely performance evaluations for employees working for the appointing authority.

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. Termination or suspension for more than three (3) days and reduction in pay or classification are appealable to the Commission.

(c) Causes for disciplinary action. Causes for disciplinary action shall include, but are not limited to, all causes such as incompetence, absenteeism, inefficiency, dishonesty, 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 violation of state or federal law, safety violation 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 from persons not directly in the chain of command of the employee. Conferences should generally be scheduled no sooner than

2015-269
AMENDED EXHIBIT A

twenty-four (24) hours following notice to the employee. It may be necessary to place the employee on paid ~~Administrative~~ Leave for pursuant to Section 169.22 (l) 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 pre-disciplinary conference. It shall be the responsibility of the affected employee to notify the employee's representative of any pre-disciplinary 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 ten (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.

169.22 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. Approved sick leave.

~~A. B.~~ Bereavement.

~~B. C.~~ County Emergency.

~~C. D.~~ Disciplinary Suspension.

~~D. E.~~ Election Judge Leave.

~~E. F.~~ Family Medical Leave Act ("FMLA") /Americans with Disabilities Act ("ADA") related qualified/approved absences.

~~F. G.~~ Jury Duty Court Leave.

~~G. H.~~ Management approved Unpaid leave of absence (medical or personal) as set forth by policy.

~~H. I.~~ Military Obligation Leave.

~~I. J.~~ Paid/Unpaid Administrative Leave.

~~J. K.~~ Personal Leave.

~~K. L.~~ Vacations and Holidays.

~~L. M.~~ 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:

2015-269
AMENDED EXHIBIT A

- 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 Chapter 169 of these County Policy Ordinances (e.g. Leave of Absence ~~policy~~, Election Judge ~~policy~~, Jury Duty Court Leave, 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 thirty (30) minutes ~~after~~ prior to 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 twelve (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.

(c) Sick Leave.

(1) Crediting sick leave. All regular full-time employees, as defined in Section 169.05(1), shall be entitled to and credited with four and six-tenths (4.6) hours paid sick leave for each completed eighty (80) hours of service, and shall be permitted to accumulate this leave without limit. No additional sick leave accumulation shall be credited to an employee who works in excess of eighty (80) hours in any pay period. 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 forty (40) hours per week. Any employee who does not meet the forty (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 (1/4) 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:

2015-269
AMENDED EXHIBIT A

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~~ licensed medical doctor, 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(c)(3)(A),(C) and (D) includes:

1. Spouse
2. Domestic Partner
- ~~2.~~ 3. Child (Step)
- ~~3.~~ 4. Father (Step)
4. 5. Mother (Step)
6. Brother (Step)
7. Sister (Step)
- ~~5.~~ 8. Grandparent
- ~~6.~~ 9. Grandchild
- ~~7.~~ 10. A legal guardian or other person who stands in place of a parent.
- ~~8.~~ 11. Domestic Partner
- ~~9.~~ 12. An individual over whom an employee has a power of attorney.
- ~~10.~~ 13. Covered service member as defined under ~~Family and Medical Leave Act~~ FMLA Military Leave.
- ~~11.~~ 14. A legal guardian or an individual over 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. Domestic Partner
- ~~2.~~ 3. Child (Step)
- ~~3.~~ 4. Father (Step)
4. 5. Mother (Step)
- ~~5.~~ 6. Grandparent
- ~~6.~~ 7. Grandchild
7. 8. Sister (Step/Half)
- ~~8.~~ 9. Brother (Step/Half)
10. Aunt
11. Uncle

2015-269
AMENDED EXHIBIT A

- 12. Niece
- 13. Nephew
- 14. Cousin
- 15. Any of the above mentioned individuals with relations to your spouse or your domestic partner.

- ~~9. Mother in Law~~
- ~~10. Father in Law~~
- ~~11. Sister in Law~~
- ~~12. Brother in Law~~
- ~~13. Daughter in Law~~
- ~~14. Son in Law~~
- ~~15. Aunt~~
- ~~16. Uncle~~
- ~~17. Niece~~
- ~~18. Nephew~~
- ~~19. Domestic Partner~~

~~20.~~ 16. An individual over whom an employee has a power of attorney.

~~21.~~ 17. Covered service member as defined under FMLA Military Leave.

~~22.~~ 18. A legal guardian or an individual over whom an employee has a legal guardianship.

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 unapproved and the employee subject to discipline, up to and including, termination and/or the employee's sick leave may be ~~disapproved~~ denied.

(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~~ medical doctor stating that the employee was under said ~~physician's~~ licensed medical doctor'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~~ medical doctor 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~~ licensed medical doctor selected by the ~~Department of Human Resources~~ HRD before an employee returns to work from a prolonged

2015-269
AMENDED EXHIBIT A

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~~ licensed medical doctor's certificate;
2. Abuse or patterned usage of sick leave; and/or
3. Failure to provide subsequent ~~physician's~~ licensed medical doctor'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~~ approved depending on results of such investigation.

(7) Overpayment. If an employee fails to submit a ~~physician's~~ licensed medical doctor'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 within the last ten (10) years.

(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 (1/2) 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 ("OPERS") 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~~ OPERS. 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.

(d) Leave Donation Program.

(1) Purpose. The purpose of the leave donation program is to allow County of Summit employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to an extraordinary or severe illness or injury of the employee or the employee's spouse, Domestic Partner, child or parent. Spouse, child or parent shall be defined for the purposes of this ~~s~~Section as such terms are defined under the ~~Family Medical Leave Act~~ FMLA and Domestic Partner shall be defined for the purposes of this section as such term is defined in Section 169.02(m).

2015-269
AMENDED EXHIBIT A

(2) Employees eligible to donate leave. County of Summit 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 Developmental Disabilities, Children Services Board, Metro Parks Serving Summit County, ~~Port~~ Development Finance 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~~ Commission. Following receipt of the request for leave donation by the ~~Executive Director~~ Commission, 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 or injury of the employee or the employee's spouse, Domestic Partner, child or parent, and such extraordinary or severe illness or injury is demonstrated with documentation certified by a licensed medical doctor;
2. The employee has no accrued paid leave or voluntary or mandatory furloughs;
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 ~~L~~ Leave D ~~donation P~~ rogram.

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;

- (A) In-patient care in a hospital or residential care facility 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.

2015-269
AMENDED EXHIBIT A

For the purpose of this Section, a prolonged recovery period means that it is 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, Domestic Partner, 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 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(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 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 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~~ ("~~HRC~~") shall administer the leave donation program in accordance with the procedure adopted by the HRC Commission.

2015-269
AMENDED EXHIBIT A

(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 can be used in increments of one quarter (1/4) 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.

(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~~ cause 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.

(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)~~ (3) 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. 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, 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

2015-269
AMENDED EXHIBIT A

hundred seventy-six (176) hours for each calendar year. The County of Summit may, by resolution, extend the leave without loss of pay.

(2) Compensation. Except as otherwise provided in subsection (h)(3) ~~of this Section~~, any regular employee who is entitled to the leave provided under ~~Section subsection~~ (h)(1) of this Section, 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 regular employee's gross monthly wage or salary as a regular employee and the sum of the 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).

(4) Request for leave. Employees are required to submit to their ~~Appointing Authority~~ and/or supervisor 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 shall be granted. This evidence shall accompany the standard County leave request form.

(5) Health insurance. ~~Employees, and their eligible dependents,~~ will continue to be covered during an approved leave by the County of Summit's health insurance, if the employee, ~~and the employee's eligible dependents, were~~ ~~was~~ covered while employed ~~or, in the case of a dependent become eligible during the leave as a result of a qualifying event, for a period of up to twenty-four (24) months.~~ ~~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.~~

(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.

(7) Collective bargaining agreement. Any regular employee 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.

(i) Military Leave - Full-time Active Duty.

(1) Eligibility. All full-time employees, as defined in Section 169.05(a)(1), who have held a position ~~of~~ for at least ninety (90) days shall be granted a military leave

2015-269
AMENDED EXHIBIT A

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, and their eligible dependents, will continue to be covered during an approved leave by the County of Summit's health insurance, if the employee, and the employee's eligible dependents, were ~~was~~ covered while employed or, in the case of a dependent become eligible during the leave as a result of a qualifying event, for a period of up to twenty-four (24) months. ~~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.~~

(j) Family Medical Act Leave.

(1) 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"). 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 ~~A~~appointing ~~A~~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 to verify the need for leave.

(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.

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

A. Birth of the employee's child and care of the infant.

B. Placement of a child with the employee and/or Domestic Partner for adoption or foster care. Leave taken for the purposes described in subsections

2015-269
AMENDED EXHIBIT A

(j)(4)A. and 4-B. of this Section must be taken within twelve (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, Domestic Partner, child or parent only with a serious health condition; or

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

E. A qualifying exigency related to an employee's spouse, Domestic Partner, 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 twenty-six (26) weeks of leave during a single twelve (12) month period.

(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.

(6) Reinstatement. Upon return from FMLA leave, the employee shall return to the employee's original or equivalent job position with equivalent status, pay, benefits and other employment terms and conditions.

(7) Use of paid time off. FMLA leave shall run concurrently with any leave. If an employee has accrued leave, that time shall be counted as part of the twelve (12) weeks of FMLA leave. Employees are required to use all accumulated leave while the employee is on FMLA leave. 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.

(9) Spouses or Domestic Partners employed by the County. Spouses or Domestic Partners employed by the County who are eligible for ~~Family Medical Leave~~ FMLA are entitled only to a combined total of their ~~Family Medical Leave~~ FMLA leave for the birth of a child, adoption or placement of a child in foster care, to care for a parent with a serious health condition or 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.

(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 Commission.

(k) Unpaid Leave of Absence.

(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

2015-269
AMENDED EXHIBIT A

employee requests a leave of absence, the ~~A~~ppointing ~~A~~uthority must ~~assure~~ ensure 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 ~~A~~ppointing ~~A~~uthority 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 ~~A~~ppointing ~~A~~uthority.

(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 ~~A~~ppointing ~~A~~uthority, the ~~Department of Human Resources~~ HRD and/or the Department of Law, 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~~ appointing authority and depends on the

2015-269
AMENDED EXHIBIT A

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 appointing authority's discretion; and in collaboration with the Director of the Department of Human Resources HRD 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 classification 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 Employees placed on Administrative Leave shall return all County property on or before the last work day, or when commencing Administrative Leave.

(9) Except when circumstances prevent an appointing authority from providing prior written notice, any appointing authority placing an employee on administrative leave shall first provide prior written notice of such action to the Fiscal Officer. Said notice shall include the name of the employee being placed on administrative leave, whether the leave is paid or unpaid and the effective date the employee will be placed on leave. In the event circumstances prevent the appointing authority from providing prior written notice, the appointing authority shall provide the notice to the Fiscal Officer as soon as practical, and, in addition to the information listed above, shall further state in the notice the circumstance preventing the transmission of the notice prior to placing the employee on administrative leave. Written notice shall be further provided by the appointing authority to the Fiscal Officer prior to removing an employee from administrative leave. The Fiscal Officer may promulgate a policy or policies to implement the provisions of this subsection that are not inconsistent with this subsection.

(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.

169.25 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 State of Ohio driver's license. An applicant who has accumulated four (4) or more penalty points, as reported by the Ohio Department of Public Safety-Bureau of Motor

2015-269
AMENDED EXHIBIT A

Vehicles (“BMV”), 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 County determining the employee to be an unacceptable risk as defined by subsection (j) of this Section ~~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 ~~A~~appointing ~~A~~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 ~~A~~appointing ~~A~~authority. Any employee who violates this section shall be subject to discipline, up to and including, termination.

(e) Designated Personnel. Each ~~A~~appointing ~~A~~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 ~~F~~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. Individuals taking their designated or pool car home will be charged \$1.50 each way to comply with Internal Revenue Service publication 15B, commuting rules. 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 Order, personnel assigned to County of Summit vehicles.

(3) Designated employees shall complete a usage log for the vehicle and submit logs to their ~~A~~appointing ~~A~~authority's designee to 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 1st, April 1st, July 1st, and October 1st. Any employee performing confidential or investigative work, as

2015-269
AMENDED EXHIBIT A

certified by the ~~A~~appointing ~~A~~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 by the ~~A~~appointing ~~A~~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. Logs shall be maintained by the ~~A~~appointing ~~A~~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 1st, April 1st, July 1st, and October 1st.

(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 Law, 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 five (5) work days from the date of incident, provided that driving is an essential function of the employee's ~~job~~ position with the County of Summit. The supervisor shall immediately notify the Department of ~~Law,~~ 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~~ BMV 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~~ BMV. 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 Law, 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

2015-269
AMENDED EXHIBIT A

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~~ BMV, such employee shall be subject to discipline, up to and including, termination. Upon employee's completion of the required drivers education and/or safety course, employee shall be permitted to operate a vehicle for County of Summit business and shall no longer be in violation of this subsection for purposes of subsection (j) of this Section, provided employee does not have ten or more points, as reported by the Ohio Bureau of Motor Vehicles.

(4) 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 such employee may be reassigned to a position that does not require operation of a motor vehicle or disciplined, up to and including termination. If an employee however, is not in violation of subsection (i)(3) of this Section but has a suspended license, that employee may be permitted to drive 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) Unacceptable Risk. If operation of a vehicle is required by the employee's position description, and the employee is in violation of subsection (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 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 Law, 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)(3)B. 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.

2015-269
AMENDED EXHIBIT A

(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 Section 169.30 (e)(1).~~

(n) Use of County Fuel Card. Fuel Cards may be assigned to a specific vehicle or employee for usage. Fuel cards are not to be used for personal use. Failure to comply shall result in disciplinary action, up to and including termination.

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~~ controlled substance 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 by alcohol and other drug~~ substance abuse. We believe this goal to be in the best interest of our employees and the general public.

(b) Implementation. The County Executive is responsible for implementing and communicating ~~these~~ Substance Abuse policies and procedures. Any questions regarding these policies should be directed to the County Executive and/or designee.

(c) Voluntary Admission of Problem. Employees are encouraged to voluntarily admit problems with ~~drugs~~ controlled substances and alcohol prior to violating these policies. Employees who voluntarily admit problems with ~~drugs and alcohol~~ substance abuse prior to violating these policies will not have his or her ~~job~~ employment 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~~ substance abuse 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~~ duty, 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~~ off duty or off-premises conduct impairs work performance. The County of Summit wants to

2015-269
AMENDED EXHIBIT A

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~~ licensed medical doctor 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~~ of this Section);

(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 pre-employment, 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~~ termination.

B. If the employee is disciplined in any other way than being terminated under subsection A. above:

~~B. 1.~~ 1. The employee may be reassigned.

~~C. 2.~~ 2. The employee will be provided with information regarding the services available for ~~alcohol and~~ substance abuse.

~~D. 3.~~ 3. The employee will be referred for an evaluation by a substance abuse professional.

~~E. 4.~~ 4. The employee will be subject to reevaluation, return-to-duty testing, and unannounced follow-up testing.

(2) Violation of subsection (e)(6) ~~above~~ of this Section will result in immediate termination (See, subsection (k) ~~below~~ of this Section for definitions of what constitutes ~~failure~~ refusal 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 nonprescription medication which may interfere with the safe and effective performance of their duties, employees are encouraged to consult their ~~physician~~ licensed medical doctor and report such use to the County Executive's designee. Certification from a medical doctor that an employee is able to perform the normal functions of their position 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.

2015-269
AMENDED EXHIBIT A

(2) Firearms. All employees who are required and/or permitted to carry firearms in the course of their employment 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 (h)(1) and (2) of this Section 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 applicant for employment shall be tested for controlled substances and alcohol. The applicant shall not be hired unless the controlled substance and alcohol tests are negative. Any applicant who refuses a controlled substance and/or alcohol 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 and/or alcohol or due to a positive test for controlled substances and/or alcohol 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 applicant consenting to the pre-employment testing.

2. Right of appeal. If the pre-employment test is positive, the applicant 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 applicant shall not be hired. If a second test is ordered and the test is positive, the applicant shall not be hired.

B. Post-accident Testing: All employees who may have caused or contributed to an accident on ~~the job~~ duty, as defined below, and where there is reasonable suspicion of use of alcohol and/or controlled substances, as set forth in subsection C. below, that employee will be required to submit to drug and/or alcohol testing. The test will be administered as soon as possible after the employee involved has received the necessary medical treatment, or within 8 hours for alcohol testing and 32 hours for testing of ~~other drugs~~ controlled substances. 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. 1. A fatality,
- ii. 2. Bodily injury requiring off-site medical treatment,
- iii. 3. Vehicular damage where the driver is cited and requires the damaged vehicle to be towed, or
- iv. 4. Property damage.

2015-269
AMENDED EXHIBIT A

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. 1. Observable phenomena, such as direct observation of ~~drug~~ controlled substances and/or alcohol use, possession, or distribution, or the physical symptoms of being under the influence of ~~drugs~~ controlled substances and/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. 2. 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. 3. An employee being charged with unauthorized drug possession, use or trafficking;

iv. 4. 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 under subsection (h)(3)(B) of this Section shall be transported to the collection facility and then home by an appointing authority-arranged neutral third party (such as a taxi or a designated County employee).

(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) Controlled Substance Abuse Testing Process. All ~~drug screening~~ controlled substance tests 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". 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

2015-269
AMENDED EXHIBIT A

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~~ licensed medical doctor 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 and subject to cut off levels based on Department of Transportation regulations contained in 49 CFR Part 40. The County reserves the right to test for additional substances at its discretion.

The cost for all testing under this Policy is the responsibility of the County of Summit. However, if an employee disagrees with the positive test results, he or she may request that the sample be re-tested using a split specimen from the original sample through the County's substance abuse testing vendor. The employee is responsible for the costs associated with this additional test. If the re-test comes back negative, the employee will be reimbursed for the cost of the test and not be considered in violation of this policy.

(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~~ duty 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~~ their 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~~ Been cleared to return to duty by the Employee Assistance Program treatment provider 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) Non-supervisory Employee Training. All non-supervisory employees shall receive at least one (1) hour of training every two years covering the County of Summit's written

2015-269
AMENDED EXHIBIT A

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 every two years thereafter, on all matters provided to non-supervisory personnel under subsection (m) of this Section and 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 in addition to those topics provided to non-supervisory employees under subsection (m): how to recognize a possible alcohol ~~and/or drug~~ substance abuse problem; how to document behaviors that demonstrate an alcohol ~~and/or drug~~ substance abuse 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~~ substance abuse 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~~ controlled substance testing.

2015-269
AMENDED EXHIBIT A

~~(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 EMPLOYMENT RELATED UNDERGRADUATE COURSES PROGRAM.

(a) Full-time employees, as defined in Section 169.05(1), 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, ~~and full-time employees in the Department of Internal Auditing, Office of Consumer Affairs, Department of Information Technology and County Law Library in "Active Pay Status",~~ are eligible for reimbursement of fees and tuition expenses for associate, undergraduate, graduate or doctoral level degree courses that are ~~job~~ employment-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), "The Higher Learning Commission of the North Central Association of Colleges and Schools" (www.ncahigherlearningcommission.org) or the "North Central Association Commission on Accreditation and School Improvement" (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 ~~A~~appointing ~~A~~authority and is subject to the availability of funds.

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

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

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

(3) The degree shall relate to an employee's ~~job duties~~ position, 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, together with associated fees, for any classes or courses for which the employee received a final grade of "B" or above or received a pass in a pass/fail course. Reimbursement shall be paid upon the verification and completion of the course.

(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~~ Internal Revenue Service will be processed as taxable income to the employee.

(c) Exclusions and Limitations.

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

2015-269
AMENDED EXHIBIT A

(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 the 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~~ following the date of 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 ~~A~~appointing ~~A~~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 ~~A~~appointing ~~A~~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 ~~A~~appointing ~~A~~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 ~~s~~Section.

(b) Reimbursement for Travel.

2015-269
AMENDED EXHIBIT A

(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 ~~A~~appointing ~~A~~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 ~~A~~appointing ~~A~~authority in the Part I, shall be approved by the ~~A~~appointing ~~A~~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 ~~A~~appointing ~~A~~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.

2015-269
AMENDED EXHIBIT A

(e) Personal Vehicle.

(1) Mileage Reimbursement. Annually, the Executive shall issue an Executive Order setting the effective mileage reimbursement rate that Employees using a personal vehicle for travel may be reimbursed. at Such rate shall not exceed the standard mileage rate established by the Internal Revenue Service., as amended, and the Executive shall issue an Executive Order, if, at any time, the standard mileage rate established by the Internal Revenue Service is adjusted to be less than the County's reimbursement rate. 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.

(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. Annually, the Executive shall issue an Executive Order setting the effective per diem meal Reimbursement rate. Such reimbursement rate shall not exceed the per diem rate permitted by the State of Ohio Office of Budget and Management, as amended, , and the Executive shall issue an Executive Order, if, at any time, the per diem meal rate established by the Ohio Office of Budget and Management is adjusted to be less than the County's reimbursement rate..

(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~~ alcohol costs shall be made.

2015-269
AMENDED EXHIBIT A

(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 ~~A~~appointing ~~A~~authority shall develop an internal travel policy consistent with this Chapter for all the offices and departments under the ~~A~~appointing ~~A~~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~~ HRD. All management referrals must be approved by the Director of ~~Human Resources~~ HRD.

(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~~ licensed medical doctor, 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~~ licensed medical doctor of their choice should they disagree with the findings of the employer's ~~physician~~ licensed medical doctor. 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) above 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 an job employment related physical or psychological examination in order to:

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

(2) Identify limitations or restrictions;

(3) Provide a reasonable accommodation, and/or

2015-269
AMENDED EXHIBIT A

(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~~ duty 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 ~~Human Resources~~ HRD 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~~ licensed medical doctor, the employee may, at their own expense, submit to an examination by a ~~physician~~ licensed medical doctor of their choice in the same field of specialization as the Employer's physician. Within fourteen (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~~ licensed medical doctor of their choice. The examination must take place within thirty (30) calendar days of the employee's notification to the Director. If the Employer's and the employee's ~~physicians~~ licensed medical doctors agree, their decision shall be final. If the Employer's and the employee's ~~physicians~~ licensed medical doctors disagree, the dispute may be referred to a neutral ~~physician~~ licensed medical doctor agreed upon by the Employer and the employee. The neutral ~~physician~~ licensed medical doctor shall be in the same field of specialization as the previous ~~physicians~~ licensed medical doctors, but shall not be affiliated with either ~~physician~~ licensed medical doctor. The cost will be divided equally between the Employer and the employee. The opinion of the neutral ~~physician~~ licensed medical doctor shall be final. The employee may use sick leave or vacation during this period.

169.33 REPORT OF VIOLATION OF STATUTES OR RULES BY EMPLOYEE.

(a) If an employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the employee may file a written report with the State of Ohio's office of internal audit created under section 126.45 of the Ohio Revised Code or file a complaint with the State Auditor's fraud-reporting system under section 117.103 of the Ohio Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with the supervisor, appointing authority, the State of Ohio office of internal audit, or the State

2015-269
AMENDED EXHIBIT A

Auditor's fraud-reporting system, may report it to the County Prosecutor, the Director of the Department of Law, Insurance and Risk Management or to a peace officer, as defined in Section 2935.01 of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102 of the Ohio Revised Code or Section 2921.42 or Section 2921.43 of the Ohio Revised Code, the employee may report it to the Ohio Ethics Commission.

(b) Except as otherwise provided in division (c) of this Section, no County officer or County employee in the classified or unclassified civil service shall take any disciplinary action against a County employee in the classified or unclassified civil service for making any report or filing a complaint as authorized by subsection (a) of this Section, including, without limitation, doing any of the following:

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

(c) A County employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under subsections (a) or (b) of this Section. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under subsection (a) of this Section.

(d) If a County appointing authority takes any disciplinary or retaliatory action against a classified or unclassified County employee as a result of the employee's having filed a report or complaint under subsection (a) of this Section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the County of Summit Human Resource Commission within thirty days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the Commission shall immediately notify the employee's appointing authority and shall hear the appeal. The Commission may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the Commission is appealable in accordance with the Human Resource Commission's Rules.

(e) As used in this section:

- (1) "Purposely," "knowingly," and "recklessly" have the same meanings as in Section 2901.22 of the Ohio Revised Code.
- (2) "Ohio Ethics Commission" has the same meaning as in Chapter 102 of the Ohio Revised Code.