

AMENDED EXHIBIT A
CHAPTER 169
Personnel Policies and Procedures

169.07 COMPENSATION.

...

~~(c) Salary Adjustments. No salary adjustments (e.g. merit, steps, bonus or other salary increases, etc.) shall be permitted unless the Department of Finance and Budget certifies the availability of sufficient appropriated funds for the adjustment and the adjustment is approved by County Council.~~

169.08 CLASSIFICATION AND COMPENSATION PLAN.

...

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

~~———— In addition to any annual general increase to all classifications that may be approved by the County Council, upon the recommendation of the Director of the Department of Finance and Budget, the Director of the HRD and the HRC, Council recognizes the need to reward employees for their meritorious service. Any employee that has not reached the maximum of the pay grade may receive a discretionary increase of up to five percent (5%) per calendar year for exemplary service, as may be determined by the elected officeholder. an elected officeholder, following the recommendation of the Director of the HRD, certification of the availability of sufficient appropriated funds and the approval of the HRC, may increase the salary of an employee in the classified service up to the midpoint of the pay range in order to acknowledge the employee's meritorious service or for the purpose of pay equity. The Administrator of the HRC shall submit to the Clerk of County Council, by the tenth (10th) of each month, a written report detailing any increase in salary approved by the HRC under this Section in the previous month. In the event the HRC declines to approve a salary increase, County Council may approve the salary increase by resolution.~~

169.15 BENEFIT COVERAGE.

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

...

(c) Benefit Continuation.

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

(2) Workers Compensation. Employees who sustain a work-related injury while employed with the County and are removed from Active Pay Status as a result of the work-related injury, shall continue to receive health benefits for a period not to exceed ~~three (3)~~ six (6) months. The employee shall be responsible for the employee's portion of the premium cost for the ~~three (3)~~ six (6) month period.

169.22 Leaves of Absence

...

(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 section as such terms are defined under the Family Medical Leave Act and domestic partner shall be defined for the purposes of this section as such term is defined in Section 169.22(c)(4).

(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 Authority, or Veteran Services Commission, may donate accumulated sick leave to another employee who is also paid by warrant of the Fiscal Officer and (1) may donate accumulated sick leave pursuant to this section, (2) who is otherwise eligible to accrue and use sick leave, and (3) is eligible to receive donated leave.

A. Eligibility to receive donated leave. An employee may receive donated leave upon submission of a written request, supported by proper documentation, to the Executive Director of the Human Resource Commission, or depending on the circumstances, from an

immediate family member or other person acceptable to the Executive Director. Following receipt of the request for leave donation by the Executive Director, an employee may receive donated sick leave up to the number of hours the employee is scheduled to work each pay period if the employee who is to receive the donated leave meets all of the following conditions:

1. The employee has a critical need for the donated leave due to an extraordinary or severe illness 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 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 Leave Donation Program.

B. 1. Extraordinary or severe illness or injury. For the purposes of the Leave Donation Program, the following conditions/situations qualify as an extraordinary or severe illness, or injury;

(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.

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

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

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

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

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

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

(4) Status of employees on donated leave. Employees using donated sick leave shall be considered in Active Pay Status 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.

...

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

D. Submit the completed necessary certification forms 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 (j)(4)A. and 4.B. 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.

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 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 are entitled only to a combined total of their Family Medical 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.

...

169.28 Substance Abuse

...

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

- (1) Commercial driver's licenses. All employees who are required to hold commercial driver's licenses shall be subject to testing for alcohol and/or controlled substances as required by federal and State of Ohio law.
- (2) Firearms. All employees who are required to carry firearms shall be subject to testing for alcohol and/or controlled substances pursuant to a testing program established by their appointing authority. Each appointing authority that has employees who are required to carry firearms shall establish a testing program and shall provide a copy of its program's policies and procedures to the County Executive.
- (3) Other employees. All employees other than those described in subsections (1) and (2) shall be required to submit to testing for alcohol and/or controlled substances under the following circumstances:
 - A. Pre-employment Testing: Prior to an offer of employment with the County of Summit, the employee shall be tested for controlled substances and alcohol. The employee shall not be hired unless the controlled substance and alcohol tests is are negative. Any applicant who refuses a controlled substance test shall not be hired. An applicant who is not hired due to the applicant's refusal to submit to a test for controlled substances or due to a positive test for controlled substances shall be ineligible to apply for County employment for a period of one year.
 1. Consent form. Prior to pre-employment testing, the appointing authority shall present a standard form issued by the County Executive to the employee consenting to the pre-employment testing.
 2. Right of appeal. If the pre-employment test is positive, the employee shall have the right to file a written appeal to the Human Resource Commission concerning the validity of the test. The Human Resource Commission's

rules concerning appeals of employment decisions shall apply. The Human Resource Commission may rule that the test is valid or order that a second test be performed. The order of the Human Resource Commission is final. If the test is ruled valid, the employee shall not be hired. If a second test is ordered and the test is positive, the employee shall not be hired.

(i) Substance Abuse Testing Process. All drug screening and confirmation tests shall be conducted by a laboratory certified under the United States Department of Health and Human Services "Mandatory Guidelines for Federal Workplace Drug Testing Programs" ~~and the National Institute for Drug Abuse ("NIDA").~~ The County of Summit and the laboratory shall have a clear and well-documented procedure for collection, shipment, and accessing of urine specimens. The procedures utilized by the County of Summit and the laboratory shall be consistent with the collection and testing procedures established by the United States Department of Health and Human Services and required by the United States Department of Transportation, and shall include an evidentiary chain of custody and control and split sample collection and testing. The collection site person is responsible for maintaining the integrity of the specimen collection and transfer process. All procedures shall be outlined in writing and provided to the County of Summit's representatives and donors. There shall be a Medical Review Officer ("MRO"). The MRO is a physician specially trained in substance abuse disorders. If a test is positive, the MRO gives the employee a chance to provide a legitimate medical explanation, such as a legal prescription for the positive result. If the explanation and subsequent proof satisfy the MRO, the MRO reports a negative drug test to the County of Summit. Each specimen will be tested for ~~the following substances and will be subject to the following~~ cut off levels based on ~~nanograms per milliliter:~~ Department of Transportation regulations contained in 49 CFR Part 40. The County reserves the right to test for additional substances at its discretion.

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

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

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

SUBSTANCE	INITIAL LEVEL	CONFIRMATION LEVEL
Methadone	300	300

Methaqualones	300	100
Propoxyphene	300	300
Barbiturates	300	200
Benzodiazepines	300	300