

2022-183 EXHIBIT B

169.15 BENEFIT COVERAGE.

(a) Eligibility. All regular full-time employees, as defined by Section 169.05, shall receive health benefits on the first day of the next month following the start of their employment. Elected officials shall be eligible to receive health benefits effective on the first day of the term of office. Commencing with health benefits offered for calendar year 2014, except where already offered under the County's benefit plans, Spouses, Domestic Partners and Dependents of regular full-time employees may also be included in the employee's health benefits depending on the employee's benefit election.

(1) To be eligible to receive health benefits for a Domestic Partner, the employee and the Domestic Partner shall submit an affidavit prior to enrollment for benefits swearing under oath that the relationship entered into between the employee and the Domestic Partner is one that meets the definition of Domestic Partner contained in Section 169.02 of these Codified Ordinances.

(2) Dependents are defined for purposes of health benefits as natural and adopted children, step-children, or a child for whom the employee is the court appointed guardian or legal custodian, or a child of a Domestic Partner.

(b) Termination of Eligibility. If any of the changes set forth below occurs any time during the year for an employee enrolled in the County's health benefits, the employee shall notify the employer as set forth below.

(1) Spouses. In the case of a divorce or dissolution of marriage, the employee must notify the Department of Human Resources, Division of Employee Benefits within thirty (30) days of the date of the final decree of divorce or dissolution by providing a copy of the final decree.

(2) Domestic Partners. Upon the occurrence at any time that one or more of the elements set forth in the definition of Domestic Partner contained in Section 169.02 of these Codified Ordinances is no longer true, the employee shall notify the Department of Human Resources, Division of Employee Benefits in writing within thirty (30) days, at which time the health benefits for the Domestic Partner shall terminate.

(3) Dependents. In the case of a child, step-child, a child for whom the employee is the court appointed guardian, or legal custodian, should the employee receive a court order or notice from a court of law or the authorized placement agency, that the employee is no longer responsible for that child or for the child's health care, the employee shall notify the Department of Human Resources, Division of Employee Benefits within thirty (30) days of receiving written confirmation of the action terminating that responsibility.

Adding an ineligible person or maintaining an ineligible person on any of the County's health insurance plans with knowledge of that ineligibility is fraud per Section 169.20(c) of these Codified Ordinances. Purposely failing to provide the notice set forth above with knowledge that a Spouse, Domestic Partner, or Dependent has become ineligible shall result in discipline of the employee up to and including termination. Inadvertently maintaining an ineligible person on any of the County's health insurance plans or inadvertently failing to provide the notices set forth above may result in discipline of the employee up to and including termination. Under either circumstance, any claims paid for ineligible persons or persons who are not properly removed from a County health insurance plan shall be repaid to the County by the employee within thirty (30) days notice to the employee that such amounts are due.

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

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

(d) 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 six (6) months. The employee shall be responsible for the employee's portion of the premium cost for the six (6) month period.

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

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

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

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

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

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

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

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

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

~~(j) Employee Benefits Training. Every County employee shall attend an employee benefits training session presented by the Department of Human Resources, Division of Employee Benefits in calendar year 2018 and every three years thereafter unless the County Executive issues an Executive Order requiring training on a more frequent basis. Violation of this subsection shall subject the employee to disciplinary action up to and including termination.~~

169.18 POLITICAL ACTIVITY.

(a) Definitions.

(1) "Political party" means a National political party, a State political party, a County political party and an affiliated organization.

(2) "Election" includes a primary, special, and general election.

(3) "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector receives votes in the last preceding election at which Presidential electors were selected.

(4) "Partisan" when used as an adjective refers to a political party.

(5) "Elective office" means any office which is voted upon at an election as defined in subsection (a)(2), above, but does not include political party office.

(b) Covered employees. Employees in the classified service are prohibited from engaging in partisan political activity to the extent defined in this section.

(c) Permitted activities. The following activities are permissible for employees in the classified service:

(1) Registration and voting;

(2) Expression of opinions, either oral or written;

(3) Voluntary financial contributions to political candidates or organizations;

(4) Circulation of nonpartisan petitions or petitions stating views on legislation;

(5) Attendance at political rallies;

(6) Signing petitions in support of individuals, legislation or issues;

(7) Display of political materials in the employee's home or on the employee's property;

(8) Wearing political badges or buttons, or the display of political stickers on private vehicles;

(9) Serving as a precinct election official under Section 3501.22 of the Revised Code; and

(10) Campaign activities not expressly prohibited by subsection (d).

(d) Prohibited activities. The following activities are prohibited for employees in the classified service:

(1) Candidacy for public office in a partisan election;

(2) Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;

(3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;

(4) Circulation of official nominating petitions for any candidate participating in a partisan election;

(5) Service in an elected or appointed office in any partisan political organization or political action committee which supports partisan activity;

(6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;

(7) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;

(8) Solicitation of the sale, or actual sale, of political party tickets;

(9) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;

(10) Service as witness or challenger for any party or partisan committee;

(11) Participation in political caucuses of a partisan nature; and

(e) Enforcement.

(1) Appointing authorities shall be primarily responsible for enforcement of this section and upon receipt of a complaint, shall investigate whether there is a violation of this section. The appointing authority may also request investigation by the review panel as noted below.

(2) There shall also be a review panel that shall have the authority to investigate a potential violation of this section and recommend action to the Appointing Authority. The panel shall include a representative from the following offices; Executive, Fiscal Office, Engineer, Clerk of Courts, Sheriff, Prosecutor, County Council, and the Human Resource Commission. The office in which the employee works who is alleged to have violated this section shall not participate in the review. When a complaint is filed with the Human Resource Commission, it shall refer the complaint to the review panel for investigation.

~~(3) All employees shall participate in mandatory training on the details of this Section upon hiring and once every two (2) years. Such training shall be performed by the Department of Human Resources or the Human Resource Commission.~~

(f) Penalties. An employee in the classified service who engages in any of the activities prohibited by subsection (d) is subject to discipline up to and including termination. The appointing authority may initiate such discipline in accordance with the procedures established in Chapter 169 and the appointing authority's personnel procedures.

(g) Effective Date. This section shall become effective immediately for all employees including those currently seeking partisan elected office. Employees currently holding partisan elective office shall be permitted to finish their current term.

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

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

(Ord. 2004-596. Adopted 2-14-05; Ord. 2009-475. Adopted 11-30-09.)

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

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

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

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

(c) Complaint Procedure.

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

Step Two: The immediate supervisor shall:

(1) Contact the Equal Opportunity Compliance Administrator;

(2) Forward and all relevant materials to the Equal Opportunity Compliance Administrator; and

(3) Furnish a written statement regarding the complaint.

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

Step Four: Within twenty (20) working days of the receipt of the complaint, the Equal Opportunity Compliance Administrator shall begin an investigation of the complaint. The Equal Opportunity Compliance Administrator shall meet with the employee alleging the complaint. The Equal Opportunity Compliance Administrator may contact any other individuals who may have

knowledge of the allegations. Such individuals may be required to furnish a written statement or affidavit.

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

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

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

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

169.28 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 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 safety created by 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 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 controlled substances and alcohol prior to violating these policies. Employees who voluntarily admit problems with substance abuse prior to violating these policies will not have his or her 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 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 duty, while subject to duty, and while riding in a County owned vehicle. This policy also applies to situations where an employee's off duty or off-premises conduct impairs work performance. The County of Summit wants to assure that employees report to work in condition to perform their duties safely and efficiently in the interest of their fellow workers and the public as well as themselves.

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

(1) Report to duty or remain on duty while having an alcohol concentration from a breathalyzer test of .02 or greater;

(2) Report to duty or remain on duty while using a controlled substance (including prescription drugs that impair the employee's ability to perform the assigned duties, unless such use has been approved by a 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) 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 termination.

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

1. The employee may be reassigned.

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

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

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

(2) Violation of subsection (e)(6) of this Section will result in immediate termination (See subsection (k) of this Section for definitions of what constitutes 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 non-prescription medication which may interfere with the safe and effective

performance of their duties, employees are encouraged to consult their 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. This requirement includes medical marijuana that has been recommended by an authorized medical doctor, and dispensed by a licensed marijuana dispensary in accordance with the requirements of the Ohio Revised Code and any related regulations.

(1) Medical marijuana.

A. Any County employee who is using medical marijuana shall report such use to the County Executive's designee, shall provide evidence (i) of the employee being registered with the state patient registry, and (ii) of a recommendation from a medical doctor who has a certificate to recommend its use, and (iii) that the medical marijuana was obtained from a licensed marijuana dispensary.

B. An employee who has a recommendation for medical marijuana who tests positive for marijuana shall be treated as using an appropriately prescribed drug when they have complied with the requirements of subsection (g)(1)A. and have used the marijuana in compliance with the physician's recommendations.

(2) Use of medical marijuana. Use of medical marijuana is prohibited as follows:

A. By employees who are required to hold commercial driver's licenses in the course of their employment.

B. By employees who are required and/or permitted to carry firearms in the course of their employment.

C. By an employee so as to cause them to be under the influence of medical marijuana during the scope and course of their employment.

D. By an employee during the scope and course of their employment.

(3) Possession of medical marijuana. An employee is prohibited from possessing medical marijuana and related paraphernalia while on County property or in a County vehicle.

(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 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 Commission concerning the validity of the test. The Commission's rules concerning appeals of employment decisions shall apply. The 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 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 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:

1. A fatality,
2. Bodily injury requiring off-site medical treatment,
3. Vehicular damage where the driver is cited and requires the damaged vehicle to be towed, or
4. Property damage.

A positive drug test or refusal to submit to a test after an accident may affect the employee's eligibility to receive Workers' Compensation benefits under Chapters 4121 and 2123 of the Ohio Revised Code and may also result in termination. An employee that tests positive for a medical marijuana product during post-injury drug testing shall not be eligible for Workers' Compensation even though the employee has a recommendation for that use from a physician who is properly certified to make the recommendation.

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:

1. Observable phenomena, such as direct observation of controlled substances and/or alcohol use, possession, or distribution, or the physical symptoms of being under the influence of 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.;

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;

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

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. An employee who is terminated due to the failure of a return-to-duty alcohol or controlled substance test shall be ineligible to apply for County employment for a period of one year.

(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. An employee who is terminated due to the failure of a follow-up alcohol or controlled substance test shall be ineligible to apply for County employment for a period of one year.

(i) Controlled Substance Testing Process. All 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 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 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 or recommendation, 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 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 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) Been cleared to return to duty by the Employee Assistance Program treatment provider; 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 policy and the dangers of, and signs and symptoms associated with, substance abuse. 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 substance abuse problem; how to document behaviors that demonstrate an alcohol and/or 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) CCDCH,~~
- ~~—(4) OCPS 1 or 2~~

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

(en) 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.

(eo) 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 controlled substance testing. (Ord. 2009-331. Adopted 12-14-09; Ord. 2011-380. Adopted 11-7-11; Ord. 2013-133. Adopted 4-15-13; Ord. 2015-269. Adopted 8-31-15; Ord. 2018-460. Adopted 12-3-18.)