



PERSONNEL MANUAL

Mahoning County Board of Commissioners

Effective: July 27, 2023

"The mission of Mahoning County Government is to improve health, safety and welfare of its citizens. Mahoning County Government is dedicated to preserving and enhancing the outstanding quality of life that has made our community a desirable place to live, work and raise our children. By insuring economical, superior service to our citizens, County Government will insure the promotion of orderly growth for the economic health and safety of its citizens."

ACKNOWLEDGEMENT OF RECEIPT

Employees of the Board of County Commissioners accessing the electronic copy of the Personnel Manual for Mahoning County Employees agree to receive the Manual in electronic form and understand they have the ability to print and store the electronic document, as well as request a hardcopy from their supervisor or the Mahoning County Human Resources Department.

Whether an employee accesses and electronic copy of the Manual, or receives a hard copy, all employees shall print, read, and return a signed copy of this "Acknowledgement of Receipt" form to Human Resources, which states:

I have received my copy of the Personnel Manual for Mahoning County Employees effective which outlines my rights and responsibilities as a Mahoning County employee. I understand and agree that I am responsible for knowing its contents and for keeping it updated.

I fully understand that it constitutes the personnel policies of the Mahoning County Commissioners. I also understand that this manual does not constitute a contract of employment with the County for any purpose.

The Board of Commissioners reserves the right to add, delete, or modify any of the policies contained herein. I understand that I am responsible to stay abreast of various changes made.

I further understand that if there is a conflict between the provisions expressed in this Manual and any applicable collective bargaining agreement or any state or federal law, then the applicable collective bargaining agreement, state or federal law prevails. If any provisions of this manual are not addressed in an applicable collective bargaining agreement, then the Manual prevails.

To request a hardcopy of the Board of Commissioners' Personnel Manual for Mahoning County Employees and Acknowledgement of Receipt form, please contact Mahoning County Human Resources at 330-740-2130.

Issued To: _____
Print Employee Name

Signed: _____
Employee Signature

Department: _____

Date: _____

[To be placed in the employee's personnel file.]

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CHAPTER 1 – GENERAL PROVISIONS

A. INTRODUCTION

The provisions of this Policy Manual are applicable to all Mahoning County employees except as specifically provided herein. This Manual's purpose is to provide a systematic and organized approach to the establishment, implementation, and administration of the personnel policies and practices relevant to all affected employees. This Manual is not a contract of employment or a guarantee of any rights or benefits, but is merely intended to be used to assist and guide employees in the day-to-day directions and performance of their duties. The Board of Mahoning County Commissioners or an Appointing Authority operating under these policies, makes no guarantee of length of employment or advancement. Any promises or statements made by any individual that conflicts with this Manual is unauthorized, expressly disallowed, and should not be relied upon. Any questions relating to the purpose, goals, and/or interpretation of these policies should be directed to the employee's supervisor or the County's Human Resources Director.

The policies adopted in this Manual supersede all previous written and unwritten personnel policies or operational guidelines that directly conflict with this Manual. This Manual is also intended to be construed in such a manner as to comply with all applicable federal and state laws and regulations. Employees are responsible, as a condition of their employment, to familiarize themselves with, stay abreast of various changes made, and abide by, these policies and procedures.

The County may revise, modify, revoke, suspend or terminate these policies, practices and benefits described herein with or without advance notice, based upon professional and business concerns we consider in the best interest of Mahoning County.

Further, the County has the exclusive authority to, in its discretion, interpret the policies, procedures and benefits contained herein and determine whether to apply such policies, procedures and benefits in any given situation.

If any article or section of this Manual is held to be invalid by operation of law, the remainder of this Manual and amendments thereto shall remain in force and effect. Should a conflict arise between the Ohio Revised Code ("O.R.C.") or applicable federal law and this Manual, the O.R.C. or federal law shall prevail. Additionally, should a direct conflict exist between this Manual and a Collective Bargaining Agreement, the Bargaining Agreement shall prevail.

Acronyms and definitions are to be found in Appendix A.

B. STATEMENT OF POLICY

The County retains the right to determine matters of inherent managerial policy, which include, but are not limited to, areas of discretion or policy such as the functions and programs, the standard of services, the overall budget, the utilization of technology, and the organizational structures; the right to control the premises; the right to make selections and to locate buildings and other facilities in accordance with State Law; the right to control the use and status of all facilities, property, equipment processes, or work; the right to establish a workweek, including the establishment of starting and quitting times and the hours of work for employees; the right to direct, evaluate and hire employees and the right to determine the basis for the selection, retention and promotions of employees to or for positions; the right to discipline, suspend, demote, layoff, transfer, assign, schedule, promote or discharge for just cause employees; the right to determine the adequacy of the work force; the right to determine the overall mission of the County as a unit of government; the right to effectively manage the work force and to promulgate personnel policies to establish standards of conduct for employees; the right to take actions to carry out the mission of the County as a governmental unit, and the right to effect or change the management or responsibility of the County's property, facilities, equipment, processes, or work.

C. ETHICS AND CONFLICTS OF INTEREST

The proper operation of democratic government requires that actions of public officials and employees be impartial, that government decisions and policy be made through the proper channels of government structure, that the public have confidence in the integrity of its government, and that public office not be used for personal gain. O.R.C. §102.03 and §2921.42 prohibit public employees from using their influence to benefit themselves or their family members. The following Code of Ethics is established for all County officials and employees:

1. No employee shall use his/her official position for personal gain, or shall engage in any business or transaction, or shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of his/her official duties.
2. No employee may take action to purchase or acquire services or property for the County where they, their family, or their business associates have a financial interest in the service or property.
3. No employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the County, nor shall he/she use such information to advance the financial or other private interest of himself/herself or others.
4. No employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation that is interested directly or indirectly in any manner whatsoever in business dealings with the County; nor shall an employee accept any gift, favor or item of value that may tend to influence the employee in the discharge of his/her duties or grant, in the discharge of the employee's duties any improper favor, service or item of value.
5. No employee shall represent private interests in any action or proceeding against the interest of the County in any matter to which the County is a party.
6. No employee shall engage in or accept private employment or render services when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independent judgment or action in the performance of his/her official duties. Neither shall other employment, private or public, interfere in any way with the employee's regular, punctual attendance and faithful performance of his/her assigned job duties.

Any employee having doubt as to the applicability of these provisions should consult his/her supervisor or legal counsel.

7. Any employee offered a gift or favor who is not sure whether acceptance is in violation of the Code of Ethics, should inform his/her supervisor of the gift offer. The supervisor will make a decision or refer the individual to the Prosecutor's office. No employee will accept from any contractor or supplier doing business with the County, any material or service for the employee's private use.
8. State law prohibits employees and officials from having a financial interest in companies, which do business with public agencies, with minor exceptions.
9. No employee will provide service for themselves or for a relative or friend. Complaints or requests for service relating to an employee's relative, friend, or for themselves, shall be processed and serviced in accordance with the authorization of the Appointing Authority.
10. For additional information or assistance with Ohio Ethics Law, employees should contact the Ohio Ethics Commission at (614) 466-7090.
11. Any employee having doubt as to the applicability of these provisions should consult his or her Supervisor or Legal Counsel.

D. FRAUD REPORTING AND WHISTLEBLOWER PROTECTION

1. If an employee 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.
2. The Ohio Auditor of State's Office maintains a system for reporting fraud, including the misuse of public money by any official or office (O.R.C. §117.103). The system allows all Ohio citizens and the employees of any public office to make anonymous complaints through a toll-free number, the Auditor of State's website or the United States mail. Contact information is as follows:

Telephone: 1-866-FRAUD OH [1-866-372-8364]

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

Web: www.ohioauditor.gov

3. An employee shall make a reasonable effort to determine the accuracy of any information reported under 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 this Section.

All employees must sign acknowledgement forms which must be maintained by the Appointing Authority.

E. FAIR EMPLOYMENT PRACTICES

It is the policy of the Board of County Commissioners that an individual's race, color, religion, creed, sex, age, gender and gender identity/expression, disability, national origin or ancestry, military service or veteran status, marital status, political affiliation, results of genetic testing or other characteristic protected by state or federal law, except when such a factor constitutes a Bona Fide Occupational Qualification ("BFOQ") are not and will not be considered in any personnel or management decisions. The County's affirmative action specifies that:

1. No employee may aid, abet, compel, coerce or conspire to discharge, harass or cause another to resign because of race, color, religion, creed, sex, age, gender and gender identity/expression, disability, national origin or ancestry, military service or veteran status, marital status, political affiliation, results of genetic testing or other characteristic protected by state or federal law, except when such a factor constitutes a Bona Fide Occupational Qualification ("BFOQ").
2. The County Human Resources Director serves as the Equal Employment Opportunity Officer of the County, and can be reached at 330-740-2130. All incidents falling within the purview of this policy are to be immediately reported to the Human Resources Director and to the respective Appointing Authority by the supervisor to whom the incident is reported. The Human Resources Director may investigate any and all complaints either directly received or indirectly received.
3. All recruiting, hiring, training and promoting for all job classifications are done without regard to race, color, religion, creed, sex, age, gender and gender identity/expression, disability, national origin or ancestry, military service or veteran status, marital status, political affiliation, results of genetic testing or other characteristic protected by state or federal law, except when such a factor constitutes a Bona Fide Occupational Qualification ("BFOQ"). All decisions on employment are made to further the principle of equal employment.

4. All other personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, company-sponsored training, educational tuition assistance, social and recreational programs will be administered without regard to race, color, religion, creed, sex, age, gender and gender identity/expression, disability, national origin or ancestry, military service or veteran status, marital status, political affiliation, results of genetic testing or other characteristic protected by state or federal law, except when such a factor constitutes a Bona Fide Occupational Qualification ("BFOQ").
5. All promotion decisions will continue to be made in accordance with equal opportunity principles and only valid job requirements will be used. Promotions should be posted for departmental internal applicants first to promote upward mobility in the workplace.
6. The assignment of employees will be void of any and all discriminatory practices.
7. Posters of the Ohio Civil Rights Commission, Equal Employment Opportunities Commission, Job Safety and Health Protection, Fair Labor Standards Act, Americans with Disabilities Act, Family and Medical Leave Act, State and Federal Minimum Wage, Uniformed Services Employment and Re-employment Rights Act, Employee Polygraph Protection Act, No Smoking and any other poster required by state or federal law, will be displayed conspicuously wherever employment interviewing and hiring is done.
8. All matters relating to recruiting of personnel, i.e. examination announcements, press releases, forms, publications, etc., will contain: "Equal Opportunity Employer, M/F, V/H" and the Americans with Disabilities Act.

F. CLASSIFICATION STATUS

The classified service [O.R.C. §124.11] shall comprise all County employees not specifically included in the unclassified service. Following completion of the probationary period, no classified employees shall be reduced in pay or position, fined, suspended, or removed, or have his/her longevity reduced or eliminated, except and for those reasons set forth in the civil service laws of the State of Ohio [O.R.C. §124.34]. Such reasons are: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the County, unsatisfactory performance, any other failure of good behavior, any other acts of misfeasance, malfeasance or nonfeasance in office, or conviction of a felony.

Unclassified employees serve at the pleasure of the Appointing Authority and may be terminated or otherwise separated from employment for any reason not inconsistent with law. An unclassified employee may not be rendered classified due to provisions in this Manual.

G. APPOINTING AUTHORITIES

Appointing Authority means the Mahoning County elected officials, boards or commissions authorized by law to make appointments to positions of their departments. The Appointing Authorities for Mahoning County departments are as follows:

<u>Department</u>	<u>Appointing Authority</u>
Auditor	Auditor
Data Processing	Auditor
GIS	Auditor
Commissioners	Board of Commissioners
Building Inspection	Board of Commissioners
Dog Warden	Board of Commissioners
E 911	Board of Commissioners
Emergency Management Agency	Board of Commissioners
Lead Hazard Abatement	Board of Commissioners
Microfilm	Board of Commissioners
OMB/Special Projects	Board of Commissioners
Human Resources	Board of Commissioners
Risk Management	Board of Commissioners
Purchasing	Board of Commissioners
Facilities	Board of Commissioners
Solid Waste District	Board of Commissioners
Sanitary Engineer	Board of Commissioners
Convention and Visitor Bureau	Board of Commissioners
Child Support Enforcement	Board of Commissioners & Director
Job and Family Services	Board of Commissioners & Director
Law Library	Board of Directors
Planning	Board of Directors
Soil and Water	Board of Directors
Board of Elections	Board of Elections
Board of Health	Board of Health
Children Services	Children Services Board
Clerk of Courts	Clerk of Courts
Austintown Clerk	Clerk of Courts
Boardman Clerk	Clerk of Courts
Canfield Clerk	Clerk of Courts
Sebring Clerk	Clerk of Courts
Common Pleas	Common Pleas Judge
Coroner	Coroner
County Court/Bailiffs	County Judge
Probation	County Judge
Domestic Relations	Domestic Relations Judge
Engineer	Engineer
Juvenile Justice Center	Juvenile Court Judge
Mental Health & Recovery Board	Mental Health & Recovery Board
Mahoning County Board of Developmental Disabilities	Mahoning County Board of Developmental Disabilities
Probate Court	Probate Court Judge
Prosecutor	Prosecutor
Recorder	Recorder
Sheriff	Sheriff
Treasurer	Treasurer
Veterans Services	Veteran Service Commission

H. POLICY CHANGES, DISSEMINATION AND SUGGESTIONS

1. Each Appointing Authority will keep both a digital and a hard copy of the complete Manual available for review by employees.
2. Each employee will receive a copy of this Manual and sign a receipt for it. The employee is responsible for reading and understanding the provisions of this Manual.
3. Any question about a provision of this Manual or items not covered in the Manual such as rules, either written or unwritten, implied or expressed, should be directed to the employee's Supervisor, Human Resources designee or the County's Human Resources Director.
4. Each Appointing Authority will encourage employees to consider and recommend changes in policy at any time. Matters not already addressed may be brought to the attention of the Appointing Authority, Supervisor, Human Resources designee or the County's Human Resources Director so appropriate policies may be considered and formulated.
5. Supervisors should periodically review personnel policies and propose changes if necessary approximately every two (2) years. Each Appointing Authority will review all personnel policies and propose to the County Commissioners revisions to address changes as a result of changes in law or current practice.

I. COMPLAINT PROCEDURE

Employees may have questions or concerns caused by misunderstandings in the application of policies, procedures and work rules. The County believes these questions and concerns, and action taken to resolve or clarify a particular situation, should be promptly addressed. Complaints regarding unlawful discrimination or harassment should be brought in accordance with the Discrimination Prohibited policies contained in Chapter 2 of this manual.

1. All employees shall have the right to file a complaint without fear of retaliation. No employee shall be disciplined, harassed or treated unfairly in any manner as a result of filing a complaint. A complaint is defined as a disagreement between an employee and County as to the interpretation or application of official policies, departmental rules and regulations, or other disagreements perceived to be unfair or inequitable relating to treatment or other conditions of employment. The following is the procedures to be followed when an employee has a complaint as defined above:

Step 1 – Immediate Supervisor

An employee having a complaint shall file it in writing with his/her Immediate Supervisor. The formal complaint should specify the events giving rise to the complaint, the date it occurred or date made known, the policy issue in dispute and any statements which will help in determining the facts. A specific relief or remedy should be indicated. The Supervisor will review and attempt to resolve the complaint within a reasonable time and will provide the employee with a written response. Step 1 may be by-passed by either the employee or the Supervisor if the Supervisor lacks the authority to make a change and/or if the Supervisor is the subject of the complaint.

Step 2 – Department Head

Where the employee is not satisfied with the Step 1 response, the employee may submit the original complaint to the Department Head within seven (7) calendar days of the Supervisor's written response. The Department Head will review all material provided and provide the employee with a written response in a timely manner.

Step 3 – Employer (Commissioners, Appointing Authority or Designee)

Where the employee is not satisfied with the Step 2 response, the employee may submit the original complaint to the Commissioners, Appointing Authority or their respective Designee within seven (7) calendar days. The Commissioners, Appointing Authority and/or Designee will provide the employee with a written response in a timely manner. The Step 3 response shall be final.

2. When an employee does not appeal within the established time limits, the complaint is deemed settled with the last management response. Where a complaint cites issues of law that the individual hearing the complaint cannot address, the complaint will be sent to the Prosecutor's office for an opinion.
3. A complaint regarding alleged violations of Civil Rights (discrimination on the basis of race, color, religion, creed, age, sex, gender identity/expression, sexual orientation, national origin or ancestry, military status, political affiliation or disability) should be brought to the attention of the Appointing Authority and the Human Resources Director.

CHAPTER 2 – DISCRIMINATION PROHIBITED

A. EQUAL EMPLOYMENT OPPORTUNITY

The County is an equal opportunity employer and does not discriminate on the basis of race, color, religion, creed, sex, age, gender and gender identity/expression, sexual orientation, disability, national origin or ancestry, military service or veteran status, marital status, political affiliation, results of genetic testing or other characteristic protected by state or federal law, except when such a factor constitutes a Bona Fide Occupational Qualification (“BFOQ”). All personnel decisions and practices including, but not limited to, hiring, suspensions, terminations, layoffs, demotions, promotions, transfers, evaluations compensation, or terms, conditions or privileges of employment, shall be made without regard to the above listed categories. The County intends for all of its policies to comply with federal and state equal employment opportunity principles and other related laws.

The County condemns and will not tolerate any conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that their rights have been violated under this policy should submit a written complaint of discrimination to at least two of the following parties: their Department Director, the Human Resources Director, or a member of the Board of Commissioners, each of who shall have the authority and responsibility to investigate and take appropriate action concerning the complaint.

B. UNLAWFUL DISCRIMINATION AND HARASSMENT

1. Purpose

Mahoning County’s policy is to provide its employees with an environment free of employee discrimination, including sexual and other unlawful harassment. Harassment interferes with the well-being and productivity of employees and the efficiency of our organization, negatively affecting morale, motivation and job performance.

2. Policy

The County is committed to providing a facility that is safe and free from unlawful discrimination and harassment. Unlawful discrimination or harassment is behavior directed toward an employee because of his/her membership in a protected class such as: race, color, religion, sex, sexual orientation, national origin, age, ancestry, disability, physical or mental disability, genetic information, or military status. Unlawful discrimination and harassment is inappropriate and illegal and will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.

3. Definitions

Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based upon a person’s protected status such as sex, color, race, sexual orientation, ancestry, religion, national origin, age, disability, military status, genetic information or other protected group status. Harassment and unlawful discrimination includes, but is not limited to, conduct that demeans or shows hostility to or aversion toward an individual because of his/her protected status or that of his/her relatives, friends or associates, or when individuals are treated less favorably in their employment because of their membership in a protected classification. Harassment becomes unlawful when enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

An employer may not discriminate against an individual with respect to the terms and conditions of employment, such as promotions, raises, and other job opportunities, based upon that individual’s membership in that protected class.

4. Examples

- a. By way of example, sexual harassment is one type of unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when;
- b. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- c. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- d. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Harassment on the basis of an employee's membership in any protected classification (as set forth above) is unlawful, will not be tolerated, and must be reported; or
- e. Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.
- f. Sexually harassing behavior includes, but is not limited to:
 - i. Repeated unwelcome or offensive sexual flirtations, advances, or propositions.
 - ii. Verbal abuse of a sexual nature.
 - iii. Graphic or degrading verbal comments about an individual or his/her appearance.
 - iv. The display or distribution of sexually aggressive objects or pictures.
 - v. Unwelcome or offensive verbal or written communication of sexually suggestive material, including "jokes."
 - vi. Any unwelcome or offensive physical contact.

5. Off Duty Conduct

Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy.

6. Workplace Romances

To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform at least two of the following parties: their Appointing Authority, Department Head, the Human Resources Director, or a member of the Board of Commissioners, if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should the County determine that a conflict exists between an employee's employment and a personal relationship with a co-worker, the County will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties must separate from employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee they directly, or indirectly, supervise.

7. Complaint Procedures

Employees who feel they have been subject to unlawful discrimination or harassment by a fellow employee, supervisor, member of the public, a service provider, public official during the course of their employment, or other individual otherwise affiliated with the County shall immediately report the conduct, in writing, to at least two of the following parties: their Appointing Authority, Department Head, the Human Resources Director, or a member of the Board of Commissioners, each of whom shall have the

authority and responsibility to investigate and take appropriate action concerning the complaint. Similarly, employees who feel they have knowledge of discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact at least two of the following parties: their Appointing Authority, Department Head, the Human Resources Director, or a member of the Board of Commissioners. Late reporting of complaints and verbal reporting of complaints will not preclude the County from taking action. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit complaints in writing and in an expedient manner following the harassing or offensive incident. All supervisors are required to follow up on all claims or concerns, whether written or verbal, regarding unlawful discrimination and harassment.

Although employees may confront the alleged harasser at their discretion, they are also required to submit a written report of any incidents as set forth above. When the County is notified of the alleged harassment, it will timely investigate the complaint. The investigation may include private interviews of the employee allegedly harassed, the employee committing the alleged harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality is not guaranteed. All employees are required to cooperate fully in any investigation. Determinations of harassment shall be made on a case-by-case basis. If the investigation reveals the complaint is valid, prompt attention and disciplinary action designed to stop the harassment and prevent its recurrence will be taken.

8. Retaliation

Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals, in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. The County and its supervisors and employees shall not in any way retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels he or she has been subjected to retaliatory conduct as a result of actions taken under this policy, or as a result of his or her relationship with someone who took action under this policy, shall report the conduct to at least two of the following parties: their Appointing Authority, Department Head, the Human Resources Director, or a member of the Board of Commissioners immediately. Disciplinary action for filing a false complaint is not a retaliatory act.

9. False Complaints

Legitimate complaints made in good faith are strongly encouraged; however, false complaints or complaints made in bad faith will not be tolerated. Failure to prove unlawful discrimination or harassment will not constitute a false complaint without further evidence of bad faith. False complaints are considered to be a violation of this policy.

10. Corrective Action

If the County determines unlawful discrimination, harassment, or retaliation has taken place, appropriate corrective action will be taken, up to and including termination. The corrective action will be designed to stop the unlawful conduct and prevent its recurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior towards an employee who exercised a right under this policy, or who is a close personal friend or family member of someone who exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.

- 11.** This policy covers all employees, supervisors, department heads and elected officials. Additionally, this policy covers all suppliers, subcontractors, residents, visitors, clients, volunteers and any other individual who enters County property, conducts business on County property, or who is served by County personnel.

C. AMERICANS WITH DISABILITIES

It is the policy of Mahoning County to conform to the requirements of the American with Disabilities Act Amendments Act of 2008 (“ADAAA”). The County prohibits discrimination in hiring, promotions, transfers, or any other benefit or privilege of employment, of any qualified individual with a permanent disability. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position he/she holds or desires and must be able to perform the essential functions of his/her position, with or without a reasonable accommodation.

As used herein, a “disabled individual” is defined as any person who (1) has a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) has a record (or past history) of such impairment; or (3) is regarded as having such impairment. An employee, though technically disabled, may not be subject to adverse action if the employee is a “qualified disabled person.”

The County will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on, or direct threat, to the facility. Employee requests for an accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The request shall be forwarded to the Director of Risk Management. The Director of Risk Management, in consultation with the Department Head and the Human Resources Director will work to address the employee’s request and assess reasonable accommodation options for the employee.

The Director of Risk Management may consult directly with the employee, or through the employee’s Supervisor, in order to engage in the interactive process to identify the essential job functions, the job-related limitations imposed by the individual’s impairment, how those limitations could be overcome with an accommodation, potential accommodation, including the accommodation the employee prefers, the health care provider’s recommended accommodation and whether the implementation of the accommodation is effective and/or creates an undue hardship for the department. The employee may also be required to submit an “Interactive Process Questionnaire & Authorization” form, which asks for sufficient medical documentation to establish that the employee has a disability, explain the nature of the disability, his or her need for reasonable accommodation, and how the requested accommodation, if any, will assist the individual to perform the essential functions of the job.

All decisions regarding requests for reasonable accommodation will be drafted by the Director of Risk Management in conjunction with the Human Resources Director, and will be communicated to the employee in writing. When a requested accommodation is denied, either in whole or in part, the written decision will explain the specific reason(s) for the denial and/or the reason(s) any alternative accommodation was determined to be effective. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis.

Any employee who feels that his/her rights have been violated under this policy should submit a written complaint as set forth in the Unlawful Discrimination and Harassment Free Workplace Policy to at least two of the following parties: the Director of Risk Management, their department Director, the Human Resources Director, or a member of the Board of Commissioners, each of whom shall have the authority and responsibility to investigate and take appropriate action concerning the complaint.

D. THE AMERICANS WITH DISABILITIES ACT – COMPLAINT PROCEDURE

This complaint procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Mahoning County. The Mahoning County Commissioners’ Personnel Manual policies governs employment-related complaints of disability discrimination.

The complaint shall be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. If complainant is unable to put it in writing there are alternative means of filing complaints such as personal interviews or a tape recording of the complaint which will be made available for persons with disabilities upon request. The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than sixty (60) calendar days after the alleged violation to:

Catherine L. Jones, Director of Risk Management
21 W. Boardman Street, Youngstown, OH 44503

Within fifteen (15) calendar days after receipt of the complaint the Director of Risk Management ("Director") or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within fifteen (15) calendar days of the meeting, the Director or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Mahoning County and offer options for substantive resolution of the complaint.

If the Director, or his/her designee does not satisfactorily resolve the issue, the complainant and his/her designee may appeal the decision within fifteen (15) calendar days after receipt of the response to the County Administrator or a County Commissioner or his/her designee.

Within fifteen (15) calendar days after receipt of the appeal, the County Administrator, County Commissioner or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the County Administrator, Commissioner or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Director of Risk Management or his/her designee, appeals to the County Administrator, County Commissioner or his/her designee, and responses from these two offices will be retained by Mahoning County for at least three (3) years.

CHAPTER 3 – WORKPLACE VIOLENCE

Mahoning County is committed to supporting the safety of the workplace. Any employee who threatens violence or engages in violence, engages in intimidating or harassing behavior and/or coercion, or who violates regulations regarding dangerous materials in the workplace is in serious violation of our policy. The workplace includes, but is not limited to: all County property, including parking lots, break rooms, and all public areas such as lobbies and restrooms.

Mahoning County believes that all employees are entitled to a non-threatening workplace where the basic safety of each employee is promoted. Therefore, any form of violence, whether actual or perceived, will not be tolerated. Employees who are found to have committed acts of workplace violence will be disciplined, up to and including discharge, and may be criminally prosecuted.

A. PROHIBITED ACTS OF VIOLENCE

Prohibited acts of workplace violence include, which may occur on-duty or off-duty, but are not limited to the following:

- Hitting or shoving an individual.
- Threatening to harm an individual or an individual's family, friends, associates or property.
- Disruptive activity in the workplace.
- Intentional destruction or threat of destruction of property.
- Harassing or threatening telephone calls, letters or other forms of written or electronic communications, including e-mail, texts and website and social media postings.
- Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule.
- Willful, malicious and repeated following or stalking of another person, or making threats with the intent to place another person in reasonable fear for his/her own safety.
- Suggesting or otherwise intimating that an act to injure persons or property is "appropriate," without regard to the location where the suggestion or intimation occurs.
- Unauthorized possession or inappropriate use of firearms, weapons or any other dangerous devices on County property.
- Violation of a restraining order.
- Sabotaging another employee's work.
- Harmful misuse of equipment or other County property.
- Verbal and/or non-verbal abuse as interpreted by management
- Any behavior which is perceived as threatening by the recipient.

B. WARNING SIGNS AND RISK FACTORS

The following are examples of warning signs, symptoms and risk factors that may indicate an employee's potential for violence. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify management if they witness any violent behavior, including, but not limited to, the following:

- Hinting or bragging about a knowledge of firearms;
- Making intimidating statements such as: "I'll get even," or "You haven't heard the last from me;"
- Keeping records of other employees the individual believes to have violated departmental policy;
- Physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech;
- Acting out violently either verbally or physically;
- Excessive bitterness by a disgruntled employee or an ex-employee;

- Being a “loner,” avoiding all social contact with co-workers;
- Having a romantic obsession with a co-worker who does not share that interest;
- History of interpersonal conflict;
- Domestic problems, unstable/dysfunctional family, financial problems; or
- Brooding, depressed, strange behavior.

C. COMPLAINT PROCEDURE

Complaints of violence or of intimidating behavior should be brought to the Appointing Authority, Department Head, the County Human Resources Director or County Commissioners. After the Appointing Authority, Department Head, County Human Resources Director or Commissioners have been notified of the complaint, or when they receive knowledge that a situation involving a possible threat of violence exists, then a thorough investigation to gather all pertinent facts will be undertaken. This policy prohibits retaliation against any employee who brings complaints of violent or intimidating behavior or who helps in investigating complaints; the employee will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint. After the investigation has been completed, a determination will be made regarding the resolution of the complaint. If a violation of this is found, disciplinary action will be taken up to and including termination of employment.

D. FAMILY VIOLENCE IN THE WORKPLACE POLICY

Mahoning County is committed to promoting the health and safety of its employees. The purpose of this policy is to heighten awareness of family violence and to provide guidance for employees and management to address the occurrence of family violence and its effect in the workplace.

1. Definitions:

- Employee** includes the victim, batterer or witness to family violence in the workplace.
- Family Violence** refers to intentional intimidation, physical and/or sexual violence, neglect or financial abuse perpetrated by a family member.
- Family** includes persons related by blood or marriage, and/or have a child in common, and/or have been involved in a close, intimate relationship, and/or were previously or/are presently residing together.
- Types of Family Violence** are child abuse, intimate partner abuse, including teen dating violence and youth violence, and elder abuse.
- Family Violence** occurs among people of all racial, economic, educational and religious backgrounds as well as in heterosexual and same sex relationships.

2. Intervention and Education Prevention Strategies

It is the policy of Mahoning County to use early prevention strategies in order to avoid or minimize the occurrence and effects of family violence in the workplace. The County will provide available support and assistance to any employee who is a victim, batterer, and/or witness of family violence including:

- Confidential means for coming forward for help
- Confidentiality
- Resource and referral information
- Additional security in the workplace, if possible
- Work schedule adjustments or leave necessary to obtain medical assistance, counseling or legal assistance
- Workplace relocation, if possible

3. Leave Options for the Employee Who Experiences Threats of Violence

- a. At times, an employee may need to be absent from work due to family violence. The length of time should be determined by the individual's situation and through collaboration with the employee, supervisor, Human Resources Director and others as determined by the County.
- b. Each employee (victim, batterer or witness) supervisors, and managers are encouraged to first explore whether paid options can be arranged which will help the employee cope with a family violence situation without having to take a formal unpaid leave of absence. Depending on the circumstances, this may include: arranging flexible work hours so that the employee can handle legal matters, court appearances, housing and childcare; consider the use of accrued time as it applies to attendance polices, especially if requests are for relatively short periods.

4. Procedures for the Employee with Performance Issues Related to Family Violence

- a. While the employer retains the right to discipline the employee for cause, Mahoning County recognized that victims of family violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate as a result of the violence. When an employee is subject to discipline confides that the job performance or conduct problem is caused by family violence, a referral for appropriate assistance should be offered to the employee.
- b. The manager, in collaboration with the employee, Human Resources representative, etc. should allow a reasonable amount of time for the employee to obtain assistance regarding the family violence. When victims are involved, supervisors should be mindful that the effects of family violence can be severe and may take extended periods of time to address fully. Victim rights and confidentiality shall always be respected.

5. Disciplinary Procedures for the Employee Who Commits Acts or Threats of Family Violence

- a. Mahoning County is committed to providing a workplace in which the perpetration of family violence is neither tolerated nor excused. Any physical assault or threat made by an employee while on Mahoning County premises, during working hours, or at a County sponsored social event is a serious violation of County policy. This policy applies not only to acts against another employee, but to acts against all other persons, including intimate partners. The employee found to have violated this policy will be subject to disciplinary action, up to and including discharge.
- b. The employee convicted of a crime as a result of family violence may be subject to disciplinary action, up to and including discharge, which such action affects the work performance of the employee or affects the normal operations of Mahoning County.

CHAPTER 4 – DRUG AND ALCOHOL POLICY

A. DRUG-FREE WORKPLACE

Alcoholism and drug addiction are treatable diseases. Therefore, employees who believe that they may have an alcohol or drug addiction problem are encouraged to seek professional treatment and assistance. No employee who seeks such treatment or assistance prior to detection will have his/her job security, promotional opportunities, or other job conditions jeopardized by a request for treatment. The individual's right to confidentiality and privacy will be recognized in such cases. The County will reasonably accommodate a recovering employee's alcohol or drug addiction in accordance with federal and state law.

Treatment pursuant to this accommodation policy will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action. The County may take disciplinary action for any violations of work rules, regardless of the effect of alcohol or drug abuse. Nothing in this policy shall be construed to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem. Additionally, this provision does not affect or alleviate any additional requirements concerning drug and alcohol testing under regulations promulgated regarding receipt and maintenance of a Commercial Driver's License ("CDL").

The County maintains a drug and alcohol free workplace¹ in order to eliminate the inherent risks and liability to the County, the affected employee, co-workers and the public. Employees are hereby notified that the manufacture, distribution, sale, dispensing, possession, use or being under the influence of alcohol, drugs or other controlled substance is strictly prohibited during working hours, on the premises (as defined in Appendix A) of Mahoning County, in any of its vehicles, or at any location where employees are conducting County business. Also prohibited is the illegal use of legal substances.

In order to further the County's objective of maintaining a safe, healthful, and drug-free workplace, the County may require an employee to submit to a urine and/or blood test if there is reasonable suspicion to believe that an employee is under the influence of a controlled substance or alcohol. Refusal to submit to a drug or alcohol test and/or to release the results of the same shall be considered insubordination and will be construed as a positive test result.

Employees are put on notice that an employee who is under the influence of drugs or alcohol may forfeit their right to obtain workers compensation benefits. The law establishes a rebuttable presumption that if an injured worker tests positive for the use of drugs or alcohol, the worker will have to prove the use of drugs or alcohol did not cause the accident. A refusal to test for the use of drugs or alcohol will also establish the presumption. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing in accordance with this policy.

¹ As set forth in detail in paragraph B(9) below, medical marijuana use as authorized by state law is not exempted from the County's drug and alcohol free workplace policy, constitutes a violation of this policy, and employees are subject to discipline up to and including discharge for any violation of this policy, including use of medical marijuana.

B. DRUG POLICY

1. **Controlled Substance:** Means any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. §812; or as defined in O.R.C. §3719.01).
2. **Conviction:** Means any finding of guilt, including a plea of *nolo contendere* (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
3. **Criminal Drug Statute:** Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consistent with O.R.C. §3719.01 *et seq.*
4. The unlawful use, sale, distribution, dispensation, possession or manufacture of a controlled substance, illegal prescription drugs, or alcoholic beverages, by any employee which takes place in whole or in part in the employer's work place, on the premises of Mahoning County, as defined in Appendix A, in any of its vehicles or by an employee while on duty is strictly prohibited and will result in criminal prosecution and employee discipline.
5. Any employee arrested or convicted of any Federal or State criminal drug statute must notify the employer of that fact immediately.
6. Any employee arrested or convicted of a drug or alcohol offense, who fails to timely report the arrest or conviction, may be terminated from employment and/or held civilly liable for any damage caused, including a loss of state or federal funds, resulting from the misconduct.
7. Employees are prohibited from being under the influence or in an altered or impaired condition which is the result of the illegal use of controlled substances and/or alcohol when reporting for duty, during work hours or when representing the County at meetings or in the community. Employees will be subject to disciplinary action up to and including termination. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.
8. Both employee and County owned equipment and containers under their control are subject to search and surveillance at all times while on County premises or while conducting County business, if the occasion warrants such measures.
9. The County has a zero tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using medical marijuana as authorized by Ohio law are not exempt from this policy in any way. The use of marijuana in any form for any purpose, authorized for medicinal purposes or unauthorized, will be treated the same as the use of all other Schedule 1 controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule 1 controlled substances or illegal drugs, including medical marijuana authorized by and in accordance with Ohio law, are still subject to all provisions of this policy and may be subject to discipline including termination for such use.
10. As allowed by law, prospective employees must submit to a drug test after a conditional job offer has been extended to the individual, but prior to the employee's first day of work. Any prospective employee who tests positive for the use of alcohol or controlled substance(s) or engages in any of the actions listed in Part G, "Refusal to Test," will not be hired and shall result in the withdrawal of the job offer.

A positive result on a Pre-Employment drug test may disqualify an applicant from further consideration for employment for at least one year.

C. PRESCRIPTION AND OVER-THE-COUNTER MEDICATIONS

Employees must inform the County if they are taking any medication that may impair their ability to perform their job. Employees on such medications must provide a written release from their treating licensed medical practitioner indicating that they are capable of performing their essential job functions, with or without reasonable accommodation. Employees are prohibited from performing any County function or duty while taking legal drugs that adversely affect their ability to safely perform any such function or duty.

Employee use of prescription or over-the counter drugs must be utilized for medical reasons, taken at the dosage and frequency of use prescribed on the label, and, in the case of prescription drugs, prescribed to employees for medical reasons by a licensed medical practitioner. An employee's use of prescription or over-the-counter drugs shall not affect the employee's job performance, threaten the safety, productivity, public image or property of the County or its employees, or result in criminal behavior.

D. REASONABLE SUSPICION

Whenever an employee is reasonably suspected to be under the influence of drugs or alcohol while on duty, the following steps should be followed:

1. An employee who suspects that another employee is under the influence of drugs or alcohol should notify the employee's supervisor and the Appointing Authority (or the individual in charge at the time).
2. Reasonable suspicion shall generally mean suspicion based on personal observation by a County representative, including descriptions of appearance, behavior, speech, breath, body odor or inexplicable behavior. The supervisor will immediately observe the employee and determine through observation and questioning if the employee is ill, fatigued, under the influence of prescribed drugs, reacting to environmental substances such as smoke or fumes, or possibly under the influence of illegal drugs or alcohol. The supervisor will record the observations and any information gathered from the employee and report immediately.
3. If the supervisor determines that there is a reasonable belief that the employee is under the influence of alcohol or illegal drugs, he/she will contact the Appointing Authority.
4. The Appointing Authority may conduct a further investigation or require drug or alcohol testing according to the procedure outlined below.
5. Prior to testing, the employee will be given a written statement documenting the specific objective facts leading to reasonable suspicion. The employee will be given an opportunity to read and understand the reasons for requiring a test and will have the opportunity to respond and/or provide a written statement. If requested, the employee shall sign a consent form authorizing the clinic to withdraw a specimen of blood or urine and release the test results to the County. Refusal to sign a consent form or to provide a specimen will constitute insubordination and a presumption of impairment and may result in discharge. During such an explanation another employee may accompany the employee.
6. The employee shall be relieved of any job responsibilities immediately and shall proceed to the designated test site. The employee shall be accompanied by the department director or designee, and shall be transported directly to the testing site by the department head or designee. There shall be no stops from the time of notification until reaching the designated test site. Failure to proceed immediately may be considered a refusal to test.

After testing, transportation home should be arranged by the department director or designee.

7. The employee will lose no straight time pay during the drug or alcohol testing process. Refusal to submit to a required test will result in disciplinary action.

E. DRUG/ALCOHOL TESTING PROCEDURES

In order to maintain a safe and healthful work environment, the County reserves the right to set standards for employment and may require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.

1. Testing will be done, at the County's expense, by a medical laboratory certified by the State of Ohio as a medical and forensic laboratory that complies with the scientific and technical guidelines for federal drug or alcohol testing programs.
2. If requested, the employee shall sign a consent form authorizing the facility to withdraw a specimen of blood or urine. The employee shall provide a signed release for disclosure of the testing results to the County. Refusal to sign a consent form, failure to report directly to the testing facility upon notification, a non-medical delay in providing urine, breath, saliva or any other specimen, failure to provide a sufficient specimen provided there does not exist a valid medical explanation as to why the employee was unable to do so, or adulterating, substituting or attempting to adulterate or substitute a specimen during the testing process, regardless of whether such attempt results in a negative or positive diluted sample will constitute insubordination and a presumption of impairment and may result in discharge.
3. Specimens will be collected according to the laboratory's established procedures to ensure procedural integrity and a chain of evidence. Any employee who tests positive may request re-testing of the original specimen at their own expense.
4. If the test results are below the levels set by the laboratory as positive, the results will be reported as negative.
5. Before an employee returns to work following a positive alcohol/controlled substance test result, the employee shall undergo a return to work alcohol/controlled substance test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for controlled substances.
6. Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be offered rehabilitation through the County Employee Assistance Program. Any cost related to the rehabilitation shall be paid by the employee. The employee will be required to submit to the evaluation before his/her return to work. The employee will be placed on paid administrative leave during the evaluation process, so long as he reports for the evaluation at the appointed time. If the employee refuses to promptly submit to an evaluation, the County will consider this a positive test and will discipline accordingly.

Employees must use accrued sick leave or request an unpaid Leave of Absence during the treatment program and until released by the physician to return to work. Failure to fully participate in, or successfully complete such a rehabilitation program may result in disciplinary action, up to and including discharge.

7. Employees who return to work after the successful rehabilitation will be subject to random and unannounced drug/alcohol tests for a period of two years from the date of their return. Employees subject to random drug or alcohol tests who refuse to participate in the testing and/or rehabilitation program, or who continue to test positive for substance abuse will face additional disciplinary actions, up to and including removal.

8. Any employee involved in an accident may be subject to post-accident alcohol/drug testing.

Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the County's drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors.

F. DISCIPLINE

The County may discipline an employee, for any violation of this policy. Nothing herein shall be construed as a guarantee that the County will offer an opportunity for rehabilitation. Failure to successfully complete or participate in a prescribed rehabilitation program, if offered, shall result in the employee's discharge [including a refusal to test or a positive test result on a return to duty or follow-up test]. No employee shall be provided more than one opportunity at rehabilitation. The County's decision whether to discharge an employee shall be made on the basis of the circumstances surrounding the employee's positive drug or alcohol test and considerations such as any other misconduct resulting from the employee's substance abuse (e.g. injury, property damage, etc.), the employee's work record, and other factors traditionally considered when determining whether to retain an employee.

G. REFUSAL TO TEST

Employees who refuse to submit to the required testing shall be subject to disciplinary action up to and including discharge. A refusal to test for purposes of this policy shall include:

1. Failure to provide a sufficient sample provided there does not exist a valid medical explanation as to why the employee was unable to do so;
2. Any conduct that attempts to obstruct the testing process such as unavailability, leaving the scene of an accident without proper authorization, delay in providing a sample, adulterating, substituting or attempting to adulterate or substitute a specimen during the testing process, regardless of whether such attempt results in a negative or positive diluted sample;
3. Failure to execute or release forms required as part of the testing process.

CHAPTER 5 – TOBACCO USE POLICY

Medical evidence currently indicates that smoking is hazardous to the health of smokers and second hand smoke can be hazardous to non-smokers as well. The Board of County Commissioners recognizes the rights of non-smokers to breathe clean air. The Board also recognizes the rights of individuals to smoke, providing such smoke does not endanger life or property, or cause discomfort or infringe upon the rights of others. Therefore, in the best interest of all County employees, both smokers and non-smokers, and as well as the general public, the Board of Commissioners establishes and will enforce a "No Smoking" policy in the work place.

1. For the purpose of this policy, tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial/faux cigarette, cigars, cigarillos, pipes, oral tobacco, any other form of smokeless tobacco or any other manner of using or consuming tobacco, tobacco derived substances and/or substances mimicking tobacco. The definition is intended to include all products that deliver nicotine for purposes other than cessation.
2. In order to promote a healthy and comfortable work environment, County employees are prohibited from using tobacco while on County property, while performing duties related to County employment whether on or off site, while traveling for County business, and in any other circumstances or locations where an employee is representing the interests of the County. County property includes, but is not limited to: County-owned buildings, County-leased buildings, offices, restrooms, hallways, common work areas, parking lots, garages, stairwells, elevators, County-owned or leased vehicles, conference and training rooms, auditoriums, sidewalks, green space, stairs, cafeterias/break rooms, and storage areas.
3. The County prohibits smoking in all worksites and in all outdoor areas adjacent to doors, windows, and other access points that may permit smoke to enter the ventilation system. Smoking or the use of nicotine-delivery devices is prohibited within twenty-five (25) feet of windows, doorways, and ventilation systems of all County facilities. Ashtrays and smoking receptacles are to be placed at least twenty-five (25) feet from any window, doorway or ventilation system. "No Smoking" signs will be posted at the entrance of each County facility.
4. The success of this policy will rely on the thoughtfulness, consideration, cooperation, and respectfulness of both smokers and non-smokers. All County employees share in the responsibility for adhering to and enforcement of this policy. The failure to abide to the terms and conditions of this policy may result in progressive disciplinary action as well as a monetary penalty by the Ohio Department of Health. An employee who has violated this policy will be held financially responsible for fines assessed against the County due to the violation.

CHAPTER 6 – POLITICAL ACTIVITY

Although the County encourages all employees to exercise their constitutional rights to vote, certain political activities are legally prohibited for classified employees of the County whether in active pay status or on leave of absence. Classified employees are prohibited from participating in partisan political activities.

Examples of political activities and conduct permitted by classified employees, but not during work hours:

1. Registration and voting;
2. Expressing opinions, either orally or in writing;
3. Voluntary financial contributions to political candidates or organizations;
4. Circulating non-partisan petitions, or petitions that do not identify with any particular party or petitions stating views on legislation;
5. Attendance at political rallies;
6. Signing nominating petitions in support of individuals;
7. Displaying 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 O.R.C. § 3501.22.

The following activities are examples of conduct prohibited by classified employees:

1. Candidacy for public office in a partisan election;
2. Candidacy for public office in a non-partisan general election if the nomination to candidacy was obtained in a partisan primary election 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. Holding an elected or appointed office in any partisan political organization;
5. Circulating official nominating petitions for any partisan candidate;
6. Accepting appointment to any office normally filled by partisan election;
7. Campaigning by writing in publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
9. Solicitation for the sale, or actual sale, of political party tickets, materials or other political matter;
10. Partisan activities at the election polls, such as solicitation of votes for other than non-partisan candidates and non-partisan issues (e.g., assisting voters, assisting voters to mark ballots, transporting or helping get out the voters on Election Day, or watching the polls as a representative of a political party);
11. Serving as a witness or challenger for any party or partisan committee;
12. Participation in political caucuses of a partisan nature;
13. Participation in a political action committee that supports partisan activity.

Any classified employee who engages in any of the activities listed as prohibited in the preceding paragraph is subject to discipline, up to and including discharge.

Unclassified employees whose jobs are funded in whole or in part by the federal government may also be subject to prohibitions against partisan political activity under the Hatch Act. Any employee having a questions pertaining to whether specific conduct of a political nature is permissible should contact their immediate supervisor prior to engaging in such conduct.

CHAPTER 7 – EMPLOYMENT

A. EMPLOYMENT STATUS

1. Employees are classified as full-time, part-time, temporary, seasonal or intermittent.
 - a. Full-time employees are those who are regularly scheduled to work forty (40) hours per workweek.
 - b. Part-time employees are those who are regularly scheduled to work fewer than forty (40) hours per workweek.
 - c. Temporary, seasonal, student interns and intermittent employees are employees who work in positions that are not considered permanent. These categories of employees are used to fill a short-term need without incurring a permanent employment obligation. Temporary employment may not exceed a continuous period of six (6) months.
2. Probationary employees are full-time or part-time employees who have not completed the established probationary period.
3. Full-time or part-time employees who have successfully completed a probationary period are considered in regular employment status.
4. Seniority with Mahoning County is defined as the uninterrupted length of continuous service with the County. An authorized leave of absence does not constitute a break in service and seniority time continues to accumulate during the term of the leave, provided the employee complies with the rules and regulations governing the leave of absence, and the employee is reinstated from the leave. Continuous service is broken by any of the following events:
 - a. Discharge for cause;
 - b. Resignation or retirement;
 - c. Laid off for a period of time exceeding twelve (12) months;
 - d. Unable to perform the job duties due to illness or injury and is unable to return to work upon the expiration of any applicable leave;
 - e. Failure to report to work for more than three (3) working days without having given the Appointing Authority advance notice of a pending absence, unless physically unable to do so as certified by the appropriate authority;
 - f. Failure to apply for reinstatement after discharge from active duty in the military service within the time provided by Federal or state law;
 - g. Refuses recall or fails to report to work within five (5) working days from the date the Employer sends the employee a recall notice (Certified Mail);
 - h. Removed under an involuntary disability separation and reinstatement rights have expired;
 - i. Approved by OPERS for a disability retirement and does not return to work.

B. ATTENDANCE

1. **Reporting to Work**
 - a. Employees who call off work must notify their immediate supervisor, or designee, no less than one-half (1/2) hour of the scheduled starting time, and each day thereafter, unless emergency conditions make it impossible or prior arrangements have been made with the supervisor. A late call off will result in docking in accordance with Part B(4)(c) of this Section, and may also receive further discipline. An employee cannot use accrued time for docking purposes. Docking means unpaid time.

Calling off work in accordance with this procedure will not necessarily result in an employee receiving approved leave for their absence. The County will consider the underlying reason for the absence in order to determine whether to grant approved leave.

- b. On the day an employee returns to work after an absence, he/she shall submit a time off request in the appropriate time-keeping system. The supervisor will determine if the employee's absence can be approved, and will review the form and any accompanying documents.
- c. An employee who leaves before the end of his or her scheduled shift without notification to a supervisor and/or prior approved leave will be docked in accordance with Part B(4)(c) of this Section, and may also be disciplined.

2. Frequency of Absences

- a. Regular attendance is expected of all employees.
- b. A pattern of absences or frequent absences that affect the County's ability to provide services will result in disciplinary action.
- c. An employee who develops a pattern of absences will have his/her absences reviewed for possible abuse of the attendance policy.

3. Tardiness/Early Departure

- a. Tardiness/early departure is defined as late arrival at the employee's work location, early departure or overstaying scheduled meal periods or breaks without authorization. An employee who will be late reporting to work must call the supervisor within one-half (1/2) hour of his/her scheduled time.
- b. His/her supervisor must authorize any deviation from an employee's work schedule in advance and must be noted on the weekly time sheet at the time of occurrence.
- c. Excessive tardiness, unauthorized extension of breaks or lunches, or leaving work early may be grounds for disciplinary action and docked pay. Pay will be docked in ¼ of an hour increments.

4. Disciplinary Procedure – Tardiness/Failure to Clock In or Out

- a. Employees are expected to be present and ready to work at their scheduled times. Supervisors will document instances of employees arriving late. Tardiness shall be grounds for discipline, up to and including discharge.
- b. Authorized tardiness and unforeseen emergencies:
 - i. If an employee is tardy for an unforeseen emergency, the employee has three (3) calendar days to provide his/her supervisor with additional information and/or documentation regarding the tardiness.
 - ii. If the tardy is determined by the department head to be an authorized absence due to an unforeseen emergency, the employee may use appropriate accrued leave or compensatory time, if available.

- c. Unauthorized tardiness will be docked:

When it is necessary to dock an employee's pay for being late, he/she will be docked in ¼ hour increments as follows:

<u>Minutes Late</u>	<u>Time Deducted</u>
0.04 – 0.15	¼ hour
0.16 – 0.30	½ hour
0.31 – 0.45	¾ hour
0.46 – 0.60	1 hour

- d. Authorized and unauthorized tardiness/early arrival/late departure/failure to clock in or clock out:

If it is determined that an employee has called in late to work, arrived late for work, late from a break or lunch, leaves earlier or later than the end of their shift, or fails to clock in or out, the following progressive discipline will be applied by the level of occurrences as defined below. An occurrence is defined as either a late call off, tardy, a missed punch, an early punch, or a late punch within a calendar year:

- First offense will result in a verbal warning
- Second offense will result in a verbal warning reduced to writing
- Third offense will result in a written warning
- Fourth offense will result in a written warning
- Fifth offense will result in another written warning with the employee being advised that the next offense will result in a suspension
- Sixth offense will result in a suspension of four (4) or more days or removal at the Director's discretion

C. HOURS OF WORK

The County will establish the hours of work for all employees. Employees may be required to work days, evenings, nights and/or weekends due to operational needs. Additionally, the County may alter schedules, days off and shifts based upon operational needs. Unless prohibited due to operational needs, employees shall receive reasonable notice of any change in regular work hours when practicable.

1. Standard Hours of Work

- a. Regular workdays shall be Monday through Friday beginning at 8:00 a.m. and ending at 4:30 p.m., or as required by the Appointing Authority.
- b. Employees whose regular hours of service total forty hours per week, or who render any other standard of service accepted as full-time by the Appointing Authority shall be considered full-time employees for all benefit purposes.

2. Exempt and Non-Exempt Employees

- a. Exempt employees are not subject to the Fair Labor Standards Act ("FLSA").
- b. Non-Exempt employees are covered by and subject to the FLSA and are not exempt from the overtime provisions of the FLSA. Non-exempt employees are prohibited from signing/clocking in or beginning to work before their scheduled starting time, or signing/clocking out past their scheduled quitting time, except with prior supervisory approval or in emergency situations. Non-exempt employees who receive an unpaid lunch period are prohibited from working during their lunch period except with prior supervisory approval or in emergency situations.

Non-exempt employees who work outside their regularly scheduled hours in contravention of this rule shall be paid for all hours actually worked, but may be disciplined accordingly. The FLSA requires each non-exempt employee to maintain an accurate, daily record of his/her hours worked.

- c. Failure to properly sign in or out as required, misrepresenting time worked, altering any time record, or allowing a time record to be altered by others will result in disciplinary action.

3. Lunch Breaks

- a. Employees may take a documented ½ hour unpaid lunch break, which will be scheduled by the supervisor. Employees should leave as close to their scheduled times as possible.
- b. An employee may not work through an unpaid lunch break in exchange for arriving at work late or leaving early unless expressly authorized by the supervisor.
- c. Employees who are not exempt under the FLSA are to be relieved of all duties. Employees are not to stay in their work area during any unpaid meal period except with the approval of their supervisor or in emergency situations.
- d. There is no grace period for lunch periods. Employees returning late from lunch will be docked and disciplined in accordance with Section B(4)(c). Lateness shall be subject to tardiness disciplinary procedures.
- e. It is the responsibility of all supervisors to insure that all units are staffed and supervised at all times.

4. Work Rest Period

- a. There may be two (2) fifteen minute rest periods on each regular work day. The rest periods will be scheduled by the supervisor. But, they shall not be scheduled immediately before or after the lunch period or at the start or end of the workday.
- b. Since rest periods are compensated time, the inability of the employee to take a rest period during the day because of a project, department needs or emergency status where no coverage is available shall not be a break of this policy.
- c. Work rest periods will be taken away from the work units.
- d. Rest periods that are not taken do not roll up into any other time or cannot be carried over from one day to the next.

5. On Call-Duties

- a. When designated by the Appointing Authority, an employee may be assigned to on-call status for specified periods. When in on-call status, an employee may be furnished a cell phone.
- b. On-call employees are free to engage in personal activities, but must remain available for performing on-call duties as necessary, without delay. An employee who is on-call is required to respond to a call-out. Failure to respond is grounds for disciplinary action.
- c. On-call employees will be compensated for all time actually worked, including travel time, when called to duty. Such time is considered "time worked" for purposes of calculating overtime.

6. Absenteeism

- a. An employee who is absent for a scheduled workday without approved leave may be subject to discipline, up to and including discharge.

- b. Employees who fail to report to work for three (3) or more consecutive work days without notifying their department supervisor shall be considered to have abandoned their position and shall be subject to discipline, up to and including discharge.

D. VOLUNTARY SEPARATION

1. Resignation

Resignation in good standing requires a minimum of two (2) weeks' notice and is to be submitted to the Appointing Authority in writing. An employee who does not resign in good standing is ineligible for reinstatement.

2. Abandonment

An employee who is absent from duty without leave for three (3) consecutive work days is deemed to have resigned his/her position and is not eligible for future employment with the County.

3. Retirement Eligibility

An employee's eligibility to retire is based entirely on the Ohio Public Employees Retirement System (OPERS) and the Ohio law set forth in Ohio Revised Code §145.01 et seq. and Ohio Administrative Code Chapter 145 et seq. and any amendments thereto. The employee should consult OPERS to determine eligibility and benefits.

E. INVOLUNTARY TERMINATION

1. Probationary Discharge

A newly appointed probationary employee may be terminated by the Appointing Authority at any time during the probationary period. He/she may be separated for cause at any time during the probationary period. Such action may not be appealed and is not subject to the complaint or grievance procedure.

2. Disciplinary Discharge

Discharge is a serious disciplinary measure taken when less severe methods of discipline have not produced appropriate behavior, or when a serious infraction so warrants. The discharge of a classified employee may be appealed to the State Personnel Board of Review, unless the collective bargaining agreement provides otherwise.

3. Layoff

Whenever it becomes necessary for an Appointing Authority to reduce the workforce, the Appointing Authority will lay off and recall employees in accordance with Ohio Revised Code §124.321 through §124.327 and §123:1-41 of the Ohio Administrative Code, or in accordance with a collective bargaining agreement under §4117 of the Ohio Revised Code.

F. PERSONNEL RECORDS

1. An official personnel file shall be established for each employee and will be maintained by each Appointing Authority.
2. Personnel files are public records as defined by O.R.C. §149.43. Records maintained by the County that are not defined as public records in O.R.C. §149.43 or other applicable provisions of law, shall not be released from an employee's personnel file unless specifically authorized by such employee in writing. Records maintained by the County that are defined as public records shall be released in accordance with law. When a public records request is made, the County will make reasonable efforts to redact personal information, and other non-public information from the files and before release. The County will endeavor to inform the employee of the request in advance of the release of records. Notifying the employee of the release may not result in an unreasonable delay in releasing the records pursuant to an appropriate request.

3. At the time of original appointment, the files shall include, but are not limited to the individual employment data, payroll information, the employee's legal name, address, telephone number, social security number, tax exemptions, and affiliation with any branch of the armed services, other employment data and loss of licensure or insurability, if applicable. The initial record may include the name and telephone number of a person to contact in case of emergency.
4. In the event the Appointing Authority must send correspondence of other documentation to an employee who is on leave, the employer will mail the document to the last known address listed in the employee's personnel file. An employee will be considered to have constructive notice of any correspondence or documentation mailed to his last known address.
5. The Auditor's office will maintain appointment letters, Personnel Action Request forms (PARs), I-9 with substantiating documentation, W-4, federal and state withholding forms, PERS and payroll information. Employees are required to sign all mandated documentation as listed above. Failure to do so may result in the employee's immediate termination.
6. The employee is responsible to advise the County of any change in name, marital status, telephone number, number of tax exemptions, citizenship or association with any government military service organization. Each employee is responsible to advise the Benefits Department of any change in name, address, or change in marital or dependent status.
7. Pursuant to applicable law, all medical records shall be maintained in a separate file. Such records are not considered to be public records and may be released only in the following circumstances:
 - a. Supervisors may be informed of restrictions and accommodations that are a part of an agreed upon plan of reasonable accommodation.
 - b. First aid and safety personnel may be informed if an employee may require emergency treatment.
 - c. Government officials investigating compliance with the law may be provided with relevant information upon request.
 - d. Upon receipt of a proper legal authorization signed by the employee.
8. No personnel records shall be removed from the official records unless in accordance with state or federal law or in accordance with the County's retention of records policy.
9. Employees are not permitted to alter, add or remove documents or other information contained in their personnel files without express written authorization from the Appointing Authority. An employee who alters, adds or removes documents or information from his/her file without prior approval may be subject to discipline up to and including discharge.
10. Each employee shall have the right, upon written request and reasonable notice, to examine their personnel file. Such examination shall be made on non-work time, or other mutually agreed upon time.
11. If an employee disputes the accuracy, timeliness, relevance or completeness of documents in the personnel file, the employee may submit a written request that the Appointing Authority investigate the current status of the information. The Appointing Authority will make a reasonable investigation to determine the accuracy, timeliness, relevance and completeness of the file, and will notify the employee of the results of the investigation and any plans the Appointing Authority has to take action with respect to the disputed information. The employee may submit a statement to be attached to any disputed documents.

12. All requests for information or reference checks of present or former employees will be referred to the Human Resources representative in the department or agency, or to the County Human Resources Director.
13. The County will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to the County's Human Resources Director.

G. DRIVING RECORD

Annual Driver Abstract Reports ("MVR") will be requested by each department for each County employee who must operate a motor vehicle, County owned or personal, as a regular function of the job. The requests will be forwarded to the Mahoning County Risk Management Department. It is understood that regular drivers shall have a valid Motor Vehicle Operator's License.

1. **PRE-EMPLOYMENT:** Applicants whose positions drive as a regular function of the job shall be screened for an acceptable driving record. If the information provided by the MVR or other type of notification, places the employee in the "Unacceptable Driver" category, as defined below, the Appointing Authority will review the employee's driving record and determine if the employee can continue into his/her new position without driving. If driving is an essential function of the job, the job offer may be withdrawn.
2. **DURING EMPLOYMENT:** Current employees who are assigned a County-owned vehicle that are required to operate a County- owned or personal vehicle as a regular or intermittent function of their job, will have their MVRs monitored on a continuous basis. When an updated MVR is received, it will be reviewed against the established criteria for "Unacceptable Driver." If after review by the Director of Risk Management, the MVR places the employee in the "Unacceptable Driver" category, the Appointing Authority, in consultation with the Director of Risk Management, will prohibit the employee from driving a County owned vehicle or their own vehicle for work-related purposes. In addition, the employee may be subject to disciplinary action up to and including termination.
3. Employees who possess a Driving Record that demonstrates poor driving habits shall not drive any vehicle on behalf of Mahoning County without receiving additional training and/or intervention and/or discipline and/or until otherwise exhibiting to the Appointing Authority and Director of Risk Management's satisfaction that there has been substantial improvement in driving abilities, performance and skills. Mahoning County's insurer may exclude coverage for any driver on a temporary or permanent basis.
4. Violations prior to employment with the County and appearing on the MVR shall not be considered in reviewing an employee's driving history during the annual review of driver information.
5. Any employee eligible to operate a vehicle must notify their immediate supervisor within twenty-four (24) hours of any of the following, whether the incident occurs on or off of county time: license is expired, suspended or revoked; accidents, arrest, violations and/or citations. Failure to notify timely may result in disciplinary action, up to and including termination.
6. "Unacceptable Driver"

Class 1: The following list of motor vehicle-related occurrences, the appearance of which may or may not appear on the MVR of any employee either during the prior thirty-six (36) months of employment or going back to the date of hire if less than thirty-six (36) months, may result in the temporary or permanent revocation of the employee's driving eligibility or other disciplinary action.

- Two (2) or more “At Fault” accidents;
- Two (2) or more moving violations;
- One (1) “At Fault” and one (1) moving violation;
- Two (2) or more speed monitoring camera violations that are brought to the County’s attention;

Class 2: Any conviction of one or more of the violations below which appear on an employee’s MVR during the prior thirty-six (36) month period may have their driving eligibility temporarily or permanently revoked, and/or be required to participate in a driving or alcohol/controlled substance intervention program:

- Suspended license – excluded from driving until proof of valid license without restrictions is received;
- Reckless operation or other intentional and dangerous use of a motor vehicle;
- Driving while under the influence of alcohol or drugs;
- Road Rage Statute violation;
- Falling asleep while driving;
- Driving during a period of suspension or license revocation;
- Use of a motor vehicle in the commission of a crime;
- Non-compliance with the Ohio Financial Responsibility Law;
- Vehicular homicide or manslaughter;
- Leaving the scene of an accident;
- Attempting to elude or flee a law enforcement officer in response to a traffic violation;

H. RELEASE OF RECORDS

1. With the exception of certain law enforcement entities, the County, as well as, its employees is subject to the mandates of O.R.C. §1347 regarding personal information systems. The County maintains records that are manually stored and records that are stored using electronic data processing equipment. Records maintained by the County include personal information.
2. Records maintained by the County that are not defined as “public records” in O.R.C. §149.43, or other applicable provisions of law, shall not be released from an employee’s personnel file unless specifically authorized by such employee in writing. Pursuant to applicable law, medical records are not public records and are maintained in a separate file. Records maintained by the County that are defined as public records shall be released in accordance with law. The County will attempt to give employees at least twenty-four hours of notice before releasing their personal information in response to a public records request.
3. Employees who use personal information in an unauthorized manner shall be subject to the County’s disciplinary policy.

I. REHIRING RETIRED OPERS MEMBERS

1. In accordance with O.R.C. §145.381, if the retiring employee is subject to hire through a Board, then sixty (60) days prior to rehire in the same job from which the employee retired, the hiring Board must give public notice of the employee’s intent to rehire. The hiring Board must then hold a public hearing on the issue between fifteen (15) and thirty (30) days prior to the retired employee’s rehire date.
2. At the time of retirement, the employee must be paid all accrued vacation time and compensatory time, if applicable. When rehired, the employee will begin accruing vacation as a new employee. The employee will not receive credit for prior years of service in determining the vacation accrual rate.
3. If the employee request payment of sick leave upon retirement, the employee will start with a zero balance and accrue sick leave as a new employee. The employee will not be eligible for any future payment of unused sick leave earned during post-retirement employment.

4. If the employee does not request payment of sick leave upon retirement, he may retain the sick leave balance for use when rehired provided his re-hire date is within ten years of his/her retirement. If the employee chooses not to request payout upon retirement, he shall not be eligible for any payment of unused sick leave upon separation from the post-retirement employment.
5. Classified employees who are rehired subsequent to taking OPERS retirement will receive no credit for prior service. Rehired employees will start a new period of classified service for the purpose of calculating service credits in the event of layoff or other action affecting their employment.
6. Employees are required to notify their employer of their retirement date. The County reserves the right to start a rehired employee at a newly negotiated rate of pay.

CHAPTER 8 – PAYROLL AND COMPENSATION

A. PAYDAY

1. The workweek, defined as a seven (7) day period, begins at 12:01 a.m. on Sunday and ends at midnight on Saturday. The pay period covers two (2) weeks and begins and ends on the second Saturday of the bi-weekly pay period. Employees are paid every other Friday for the period ending two weeks prior to the payday. If a holiday falls on a payday, the paychecks will be issued the preceding Thursday, except when there are extenuating circumstances when paychecks will be issued on the following Monday.
2. Questions about paychecks should be directed first to the payroll contact in your department or the Auditor's Payroll department. The payroll contact is responsible for making the necessary explanations or inquires to resolve the matter.
3. Pay advances are not permitted.
4. In accordance with O.R.C. §9.37(G), the Auditor's office will not issue payroll paper checks. Paper checks will only be issued for the first pay to new hires or those employees who make a bank account change. Employees must give direct deposit information to the person who is responsible for the payroll in their department.

B. TIMESHEETS

1. Employee time sheets showing hours worked as well as paid and unpaid leave will be filled out daily as required by the Appointing Authority by each employee. It is the responsibility of each Appointing Authority to verify the accuracy of each employee's hours worked and paid and unpaid leave before signing the Pre-List and submitting it to the Auditor for payroll preparation. The signature of the Appointing Authority signifies authorization to issue the employee his/her paycheck for the hours submitted.
2. If time sheets are not properly submitted, compensation for those hours will not be paid until the hours are verified and the appropriate documentation is submitted to the County Auditor.
3. Failure to properly sign/clock in or out as required, misrepresenting time worked, altering any time record, or allowing a time record to be altered by others will result in disciplinary action.
4. Pay records must include:
 - a. Employee name, home address, job assignment, sex and birth date, and the hour and day when the workweek begins;
 - b. Total hours worked on each workday and in each workweek;
 - c. Total daily or weekly straight-time earnings;
 - d. Regular hourly pay rate for any week when overtime is worked;
 - e. Total overtime pay for the workweek;
 - f. Deductions from or additions to wages;
 - g. Total wages paid each pay period; and

- h. Date of payment and pay period covered.

C. PAYROLL DEDUCTIONS

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

1. Ohio Public Employees Retirement Systems (OPERS)

- a. Membership in the Ohio Public Employees Retirement System (OPERS) is compulsory upon being employed, and shall continue as long as public employment continues, with the exception of those employees specifically exempted under the provisions of ORC §145.03. State law requires that all public employees contribute to OPERS, rather than Social Security.
- b. Employees and the County contribute a percentage of the employee's gross pay to the OPERS fund, unless the employee is participating in another public retirement system. An employee's contribution is held in his/her own account. The percentages may change at the direction of the OPERS Board of Directors.
- c. When an employee leaves public employment, he/she may request a refund of his/her own contribution. Funds contributed by employers are not refundable. An employee may leave his/her contribution in the fund and may receive retirement benefits upon qualification.
- d. An employee may name a beneficiary for his/her account, if no one is named as beneficiary, the law requires the spouse to be the beneficiary; or, if there is no spouse, the children; or if there is neither spouse nor children, parents; or if no spouse, children or parents, then the estate.
- e. Employees having questions regarding the program should contact the County Auditor's office, the Human Resources office, or OPERS at:
Phone: (800) 222-7377 or (614) 466-2085
277 East Town Street, Columbus, OH 43215
www.opers.org.

2. Income Taxes

Federal, state, municipal and school taxes will be withheld as required by law. An employee must complete a withholding tax form W-4 at the time of initial employment, and keep the Appointing Authority informed of any change in dependents. The Appointing Authority, in turn, is required to report the changes to the Auditor's Office.

3. Medicare Tax

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

4. Voluntary Deductions

Some deductions may be eligible for tax deferment. An employee may authorize payroll deductions for items approved by the County Auditor, such as deductions under a benefits cafeteria plan, credit union, deferred compensation, and other approved deductions. The County Auditor may refuse to make deductions that are not required by law, are below certain set minimum amounts, that occur at irregular intervals, or are deemed not to be in the best interest of the County.

5. Garnishments

- a. Court ordered garnishments including child support payments will be withheld.
- b. The Auditor's office may levy a fee on wage garnishments.

6. Union Dues

Employees, who are members of a union recognized as an exclusive bargaining agent, may authorize dues to be deducted in accordance with the terms of the applicable labor agreement.

D. OVERTIME

Generally, County employees will not work more than forty (40) hours in a single workweek. The County may mandate overtime as a condition of continued employment. Supervisors shall attempt to distribute overtime as equally as practicable among qualified employees within those classifications in which overtime is required. An employee who refuses to work a mandatory overtime assignment may be considered insubordinate and disciplined accordingly. Additionally, the County may authorize or require employees to work a flexible schedule within a forty hour work week. For overtime eligible employees, a flexible schedule must occur within a single forty-hour work week.

A partial overtime exemption, or differing work schedule, may apply to certain employees, such as safety forces.

1. Non-Exempt Employees

- a. Hours worked between the regularly scheduled full-time hours and forty (40) hours in a workweek will be compensated on an hour to hour basis.
- b. Generally, employees not exempt from the overtime provisions of the Fair Labor Standards Act ("FLSA") shall be compensated for overtime for all hours actually worked in excess of forty (40) hours in any one work week, regardless of the employee's regularly scheduled work day.
- c. Sick leave, vacation leave, personal days, compensatory time, holidays, paid and unpaid meal breaks, and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation.
- d. Overtime shall be compensated at a rate of one and one-half times the employee's regular rate of pay for actual overtime worked.
- e. If overtime is required, the prior authorization of the Appointing Authority is required. Failure to get authorization for overtime may result in disciplinary action.
- f. Scheduled overtime, which is subsequently canceled and not worked, will not entitle the employee to any overtime compensation. Only overtime actually worked is compensable.
- g. A partial overtime exemption, or differing work schedule, may apply to certain employees, such as safety forces.
- h. When attendance at meetings, conferences and training sessions is required by the Appointing Authority, time in transit and time actually spent in meeting sessions will be considered time worked for calculating overtime. Meal breaks will be counted as time worked only when the meal is an integral part of a required meeting. Travel or meeting time is not considered time worked if attendance at the meeting or class is not required.

2. Overtime Exempt Employees

- a. Employees who are exempt from the overtime provisions of the FLSA are not eligible for overtime payment.

E. DUAL EMPLOYMENT

Dual employment exists where an employee works for more than one Appointing Authority in Mahoning County, in either a part-time for full-time position. Dual employment may result in a conflict of interest and/or an overtime situation. Prior to undertaking dual employment, an employee shall discuss the situation with their Appointing Authority. The Appointing Authority should consult with the Prosecutor's Office on dual employment.

F. COMPENSATORY TIME

1. Non-Exempt Employees

- a. Non-exempt employees may be permitted to earn compensatory time-off in lieu of overtime payment. Sick leave, vacation leave, personal days, compensatory time, holidays, paid and unpaid meal breaks, and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation.
- b. Compensatory time, like overtime, shall accrue at a rate of one and one-half times (1 -1/2) the hours actually worked and, for non-safety forces, applies only to hours actually worked in excess of forty (40) hours in any one work week.
- c. An employee must tell the supervisor at the time overtime is worked whether he/she wishes compensation in the form of wages or compensatory time. Failure to request compensatory time will result in overtime compensation in the form of wages.
- d. The limit on the accumulation of compensatory time is two hundred, forty (240) hours for non-safety forces and four hundred, eighty (480) hours for safety forces. Hours earned in excess of these limits, and not used within one hundred and eighty days (180), will be paid.
- e. If an employee's compensatory time is paid out, the employee shall receive payment at the employee's regular rate of pay at the time of payment.
- f. Compensatory time must be used within three hundred and sixty-five (365) days of its accrual. For employees of a Job and Family Services, compensatory time must be used within one hundred and eighty (180) days of its accrual.
- g. The use of compensatory time must be scheduled for a time mutually convenient to the employee and the employer.
- h. Employees regularly scheduled less than forty (40) hours per week, and part-time employees will not receive overtime compensation for hours worked more than their regularly scheduled hours until the total hours worked in a work week exceed forty (40) hours.

2. Exempt Employees

- a. Executive, administrative and professional employees are exempt from overtime compensation.
- b. Bona fide exempt employees may be granted compensatory time on time and one-half basis with the approval of the Appointing Authority.
- c. As in any other overtime situation, the time must be approved in advance.
- d. The Director or their designee shall keep time in the department.

- e. The Appointing Authority may limit compensatory time to exempt personnel at his/her discretion.
- f. The limit on the accumulation of compensatory time is two hundred, forty (240) hours. Hours earned in excess of these limits, and not used within one hundred and eighty days (180), will be paid.

3. Travel and Meetings

- a. When attendance at meetings, conferences and training sessions is required by the Appointing Authority, time in transit and time actually spent in meeting sessions will be considered time worked for calculating overtime.
- b. Meal breaks will be counted as time worked only when the meal is an integral part of a required meeting.
- c. Travel or meeting time is not considered time worked if attendance at the meeting or class is not required.

G. IMPROPER DEDUCTIONS

- 1. The County intends to comply with all FLSA provisions. Improper deductions that are not in accordance with the FLSA are prohibited.
- 2. Improperly classifying individuals as “exempt” from overtime is prohibited.
- 3. Any deduction that is subsequently determined to be improper, or any exemption status later found to be improper, shall be reimbursed.
- 4. Any employee who believes that he/she has had an improper deduction from his/her salary, or who believes he has been improperly classified under the FLSA, shall submit a complaint in writing to the Department Director and the Director of Human Resources. The Director of Human Resources will investigate and see that a written response is provided in a timely manner to ensure a good faith effort to comply with the FLSA.

H. FLEX-TIME

- 1. Purpose: To provide flexibility to an employee’s regular work schedule due to the needs of the employee and/or the department.
- 2. Flextime may be requested by an employee for special circumstances. Prior to approving flextime, the supervisor must determine that the flextime will not interfere with the normal operation of the department, nor will it result in overtime payment for another employee. The supervisor and the employee shall mutually agree to the time that the employee will flex out. All flextime shall be compensated hour for hour. Flextime does not reduce the number of hours or total effort worked in a given week by an employee.
- 3. If an employee must work extra hours beyond the regularly scheduled workday, the employee must flex out the extra time within the same workweek, with the workweek being defined by policy. No flextime schedule will be approved requiring more than 40 hours of actual work in a workweek for non-exempt employees.
- 4. All requests for the utilization of flextime must be approved by the Supervisor at least one week prior to the commencement of the flex time activity.

5. At its discretion, the department's management has the right to return an employee to a standard work week schedule.

I. PAYROLL OVERPAYMENT

1. A payroll overpayment will be recouped. The employee will be notified and arrangements will be made for repayment in accordance with State and Federal wage laws.

CHAPTER 9 – BENEFITS AND INSURANCE

A. HEALTH INSURANCE

The Board of Mahoning County Commissioners shall make available major medical/hospitalization health care insurance pursuant to O.R.C. §9.833 and §305.171.

1. Employees regularly scheduled and working, or in another paid status (e.g., accrued sick or vacation) thirty (30) or more hours during a workweek are eligible for medical/hospitalization health care insurance under the policies chosen by the Mahoning County Board of Commissioners for County employees. The participating employee may annually elect among the plan(s) offered. Part-time, temporary, intermittent, and seasonal employees are not eligible for health-care coverage.
2. New employees are eligible for health insurance benefits the first of the following month after completion of thirty (30) calendar days of employment. New employees adding dependents to coverage are required to provide proof (i.e., marriage or birth certificate, adoption papers, court order, etc.). Current employees who are not enrolled may elect participation during open enrollment periods or at any point during the year provided there is a qualifying event allowing the election of coverage.
3. The Employer shall contribute the appropriate premium cost established for the Employer for the health care plan selected by the Employee, and the Employee shall pay the appropriate premium cost for the plan selected by the Employee.
4. An employee who is eligible for hospitalization coverage may not be simultaneously covered through an employee spouse's insurance program through the County.
5. The Board may elect to make any change or changes to the terms and conditions of the plan(s), including, but not necessarily limited to changes in carriers and/or providers, types and/or levels of coverage, coverage, premiums, co-premiums, co-insurance, co-pays, surcharges and/or deductibles.
6. An employee may elect to "opt out" of the County's health care plan. The employee is eligible to receive an amount, per month, as specified in the Mahoning County Board of Commissioners' plan. Proof of other insurance must be submitted to the Benefits Department. Employees who are married to another County employee who is on the plan will not be eligible for the opt-out payment. In other words, an employee who is an eligible dependent to another County employee who is on the health care plan will not be eligible for the opt-out payment.
7. Employees should refer to the appropriate health insurance booklet for insurance benefit information.
8. Employees are responsible for notifying the Mahoning County Benefits Department, in writing, of any change in status within thirty (30) calendar days of the date of the event, including marital status, dependent status or residence. Employees are required to substantiate any status change by providing proof (i.e., marriage or birth certificate, divorce decree, death certificate, court order, etc.). Failure to do so may result in the employee being personally liable for any unnecessary costs incurred by the County.
9. Health care coverage ends at midnight on the last day worked.

B. LIFE INSURANCE

1. Current Mahoning County employees regularly scheduled and working, or in another paid status (e.g., accrued sick or vacation or an approved unpaid leave) thirty (30) or more hours during a workweek are eligible for employer paid life insurance, under the policies chosen by the Mahoning County Board of Commissioners for County employees.

2. The County will provide a fully paid fifty thousand dollar (\$50,000.00), term life insurance policy, except for those set forth differently in an applicable labor agreement.
3. Pursuant to the terms of the policy, benefits will be reduced to 65% of the original amount at age 65 and further reduced to 50% of the original amount at age 70 and further reduced to 30% at age 75.
4. Similar to health benefits, new employees are eligible for employer-paid life insurance benefits on the first of the following month after completion of thirty (30) calendar days of employment.

C. TUITION REIMBURSEMENT

The goal of the Tuition Reimbursement Program is to promote learning that is above and beyond the minimal qualifications and requirements of an employee's job. To be eligible for the program, an employee must be a full-time permanent employee, with one (1) year of continuous service to Mahoning County. The course must be towards a related degree or be beneficial to the Appointing Authority.

1. Policy
 - a. A course must be offered by accredited colleges or universities or their extension centers. Mahoning County reserves the right to determine the acceptability of any institution or course.
 - b. A course is not to be considered a part of the working day and must be taken outside normal working hours on the employee's own time.
 - c. Reimbursement is to be made upon satisfactory evidence of successful completion of each course. Successful completion means a grade of C or better.
 - d. Original Receipts of expenditures must be submitted as evidence of amounts to be included in reimbursement.
 - e. Reimbursement will be for the cost of tuition only up to a maximum of \$1,500 per year. This does not include books, registration fees, parking fees, supplies, lab fees, etc.
 - f. Cost reimbursements from other non-debt sources are to be deducted from tuition to be reimbursed by Mahoning County.
 - g. Repayment of reimbursement must be made if the employee does not remain in Mahoning County employment for a period of one (1) year after reimbursement.
 - h. Courses must be taken for the time frame in which they were approved. If a situation arises in which an employee cannot take the class in the approved time frame, the request must be resubmitted for the next semester/quarter.
2. The Appointing Authority controls the final approval of the expenditure of funds. Approval becomes a reserve against the appropriation of the department.
3. Mahoning County's obligation to reimburse education costs is canceled if:
 - a. The employee fails to complete a course satisfactorily (C grade or better is satisfactory).
 - b. The employee terminates employment voluntarily or is discharged due to a failure of good behavior prior to completion of the course.

- c. The employee must seek pre-approval of a course by submitting a Tuition Reimbursement Form approved by the Appointing Authority or Department Director before any tuition costs will be considered. A course description must accompany this form.
- 4. The application must be completed and returned to the Appointing Authority at least three (3) weeks prior to the date when the course(s) begin. The employee will receive a response from the Appointing Authority within one (1) week of submitting the application. The Appointing Authority or the Department Director will then encumber the appropriate funds.

D. EMPLOYEE ASSISTANCE PROGRAM

Mental health, substance abuse, financial, family and legal issues can often cause problems for our employees in their day-to-day lives. Mahoning County believes if not addressed these problems will manifest themselves in the employee's job performance. In an effort to assist the employees of Mahoning County to function more efficiently, effectively and safely, an Employee Assistance Program ("EAP") has been established and to aid in the early intervention and resolution of these problems. Mahoning County Appointing Authorities may contract with providers of the EAP to provide assessment, short-term counseling and referral services to the employees.

This service is offered as a benefit to the employees of Mahoning County and their families.

1. Policy for Program Use

All full-time employees and their family members at all levels of the County may utilize the EAP services. Family members include spouses, children, step-children, parents and domestic partners residing in the home. Family members may access EAP services independent of the employee.

- a. Individuals may seek help for a variety of problems, including but not limited to: health, marital, family, financial, alcohol, drug, legal, emotional, stress or other personal concerns. These issues will be addressed through the review of personal data, short-term counseling and when appropriate, referral to outside resources.
- b. EAP services are available in accordance with the provider's established office hours and by evening appointments to be scheduled.
- c. Individuals may access the EAP services in one of three ways:
 - i. Self-referrals – initiated by the employee or family member, are voluntary and confidential.
 - ii. Informal referrals – initiated by the employee or supervisor at the onset of negative job performance issues. Follow-up information regarding the employee's compliance to the EAP's recommendations is not released.
 - iii. Formal referrals – occur when significant job performance deterioration has occurred. The supervisor or manager initiates the referral and will only be notified if the employee keeps the appointment(s) and have the employee's compliance or non-compliance with the EAP's recommendations, providing written consent is received from the employee.
- d. Mahoning County provides the assessment and short-term counseling (one to four sessions) as a benefit. Subsequent services may be covered by health benefits as explained in the employee benefits booklet. Services deemed non-eligible as identified by the insurance carrier would be based on the employee's ability to pay.
- e. All records and discussions of personal problems will be handled in a confidential manner.

- f. Records will be kept by the EAP or designated counseling resource and will not become a part of the employee's personnel file.
- g. EAP policies and procedures complement but do not alter Mahoning County's policies and disciplinary procedures.
- h. The goal of the EAP is to reduce problems in the workforce and to retain valued employees; therefore, utilization of the EAP will not jeopardize an individual's job status.
- i. The Human Resources Manager in your agency has been designated as the EAP contact person. He/she will serve as liaison between the EAP provider and Mahoning County.
- j. Voluntary utilization of the EAP during normal hours of operations will necessitate the use of an employee's sick time, vacation, personal time, or leave without pay. In cases of voluntary utilization, no reference of the EAP need appear on any Request for Leave form.

CHAPTER 10 - WORKPLACE EXPECTATIONS

A. WEATHER RELATED AND EMERGENCY CLOSING

1. If the Governor, or Judges, or the Board of County Commissioners in consultation with the Emergency Management Agency, the County's Road Engineer and the Sheriff declares a weather or snow emergency, employees will be compensated for the number of hours they were scheduled to work during the emergency period but did not work by reason of such weather emergency. Employees will be paid for absences of less than a full week if a facility is shut down because of the weather. Local media will be contacted to announce any official closings.
2. Employees not scheduled to work because of scheduled vacation or sick leave will be charged for the leave regardless of the declared emergency.
3. An employee who is absent, tardy or leaves work early on a day when weather conditions interfere with travel, but when no emergency has been declared by the State or County, is absent without leave and therefore is in a non-pay status. The employee may, with approval of the Appointing Authority, account for time during which he/she was absent from his/her job due to inclement weather by charging it to vacation, compensatory time or leave without pay. Inclement weather is not a valid use of sick time.
4. An employee may be required to work even though the County offices are closed due to an emergency. The employees are entitled to straight pay for the hours worked unless he/she is on overtime status. There will be no additional compensation as a result of an emergency. For those departments that are required to maintain twenty-four hour service they may continue to use available personnel beyond regularly scheduled hours. Time spent in non-duty status, such as sleep or recreation, is not compensable.
5. All employees are required to keep their supervisors informed at all times as to their destination whenever leaving the building in which their unit is housed. In the absence of their immediate Supervisor, they must advise their next level chain of command.
6. Nothing in this policy shall be construed to require the Employer to keep the facility open beyond normally scheduled hours or to otherwise permit the employee to work make-up hours where not reasonable consistent with the Appointing Authority's normal business operations.

B. OUTSIDE EMPLOYMENT

1. Employees are expected to devote their full attention and effort to the duties to which you have been assigned, and are expected to be at work and fit for duty when scheduled. It must be realized that employment with Mahoning County is the employee's primary responsibility. Outside employment will not be considered an excuse for poor performance, absenteeism, tardiness, or refusal to work overtime. Should the outside employment cause or contribute to any of these situations, disciplinary action may be initiated.
2. Employees are required to notify their Appointing Authority or Agency head of any outside employment.
3. Outside employment is not permitted which creates a potential or actual conflict of interest with the interests, policies, objectives and operations of Mahoning County offices, employee's specific job duties, and their ability to properly and efficiently perform his or her responsibilities. For example:
 - a. Involves investigative work, such as for private attorneys or collection agencies that would be in conflict with normal duties.
 - b. Would render the employee unavailable during emergencies.

- c. May physically or mentally exhaust the employee to the point that his/her duty performance may be affected.
 - d. Would require that any special consideration be given to scheduling the employee's regular duty hours.
 - e. Might bring the County into disrepute or impair the operation or efficiency of the department, this employee or the County.
4. Employees are prohibited from engaging in secondary employment while on sick leave, disability leave, or family medical leave.
 5. Employees are strictly prohibited from engaging in or in conducting outside private business during scheduled working hours.
 6. Should the Board of Commissioners determine that an employee's outside employment is adversely affecting the employee's job performance, the Board of Commissioners may recommend that the employee refrain from such activity.

C. NEPOTISM

1. Hiring

The County will receive employment applications from relatives of current employees. The following four (4) situations shall prevent the County from hiring a relative of a current employee:

- a. If one relative would have supervisory or disciplinary authority over another.
- b. If one relative would audit the work of another.
- c. If a conflict of interest exists between the relative and the employee, the relative and the County, or a conflict of interest with clients.
- d. If the hiring of relatives could result in a conflict of interest.

2. Employment

- a. An employee is not permitted to work in a position where his/her supervisor or anyone within his/her chain of command is a relative. If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred or an accommodation acceptable to the County must be established. Termination of employment will be a last resort. If two employees marry, they will be subject to the same rules listed above as other relatives.
- b. The provisions of O.R.C. §102.03 and §2921.42 render it unlawful for a public official to use their influence to obtain a benefit, including a job for their relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action.
- c. For purposes of the Article, the term "relative" shall include: spouse, children (including adoptive, foster or step), grandchildren, parents (including foster, step and in-law), grandparents, siblings, domestic partner, brother-in-law, sister-in-law, daughter-in-law, son-in-law, step-siblings, aunt or uncle; niece or nephew, first cousin, a legal guardian or other person who stands in the place of a parent to the employee, or a person residing in your household not in this list.
- d. In order to avoid favoritism, conflicts of interest, and to maintain morale, safety, security and productivity, employees cannot advocate for, recommend, or cause the employment, appointment, promotion, transfer, or advancement of their own relative.

- e. This policy also applies to persons who are not legally married, but in the Appointing Authority's judgement may be unduly likely to improperly alter their organizational decisions in favor of their partner.
- f. The only exception to this policy that can be made by the Appointing Authority is if the position to be filled requires a person with specialized training and experience not generally available in the employment market, there is a vital need to fill the position, a substantial bona fide effort has been made to locate and employ such a person who is not a relative of any employee, and the relationship between the relative and the applicant or employee is unlikely to materially affect his or her employment with the County.

D. DATING

1. Definitions
 - a. Personal Relationship – A relationship involving employees who are dating, engaged in a romantic relationship or cohabitating.
 - b. Supervisor – An employee who has authority, direct or indirect, over another employee by virtue of their rank or job classification.
 - c. Subordinate – An employee who is answerable to another employee based on their rank or classification.
 - d. Dating – One or more social meetings between employees under circumstances reasonably intended to lead to a romantic relationship.
2. Romantic relationships between an employee and a supervisor within the same County department have the inherent potential to create conflicts of interest. It is the policy of the Board of Commissioners that romantic relationships between an employee and any supervisor or between two supervisors in the same County department are prohibited. This includes, but is not limited to, those relationships in which a supervisor may influence directly or indirectly, the work of the subordinate or be in a position to influence any decision concerning the terms and conditions of the subordinate's employment. Should such a relationship develop or be created through promotion or transfer, one of the affected employees must be transferred or discharged.
3. Other employees who are involved in a romantic relationship are responsible for upholding all County policies and procedures. A romantic relationship between any two employees is therefore prohibited when the employees' conduct interferes with the workplace, regardless of whether the employees are in different departments and regardless of supervisory status.
4. In the event that an employee becomes involved in a romantic relationship with another county employee, they shall notify their Appointing Authority as soon as possible.

E. SOLICITATION

1. The Board of County Commissioners limits solicitation and distribution on its premises as those activities can interfere with the County's operations, reduce employee efficiency, offend customers, and pose a threat to security. No person, whether representing himself/herself, or any organization or agency, shall solicit any person, whether such person is an employee of Mahoning County, for the purpose of soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers or vendors given prior authority), or engaging in any other solicitation, distribution, or similar activity on the premises, at a worksite, on or about any common areas, or grounds under the control and supervision of the Board of Commissioners, as such defined in O.R.C. §307.

2. The County may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist these drives; however, participation is entirely voluntary.

The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:

- a. Distribution of literature, solicitation and the sale of merchandise or services are prohibited in public, work and reception areas and is restricted to non-work areas.
 - b. Soliciting and distributing literature or selling during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term “working time” does not include an employee’s authorized lunch or rest periods or other times when the employee is not required to be working.
 - c. Distributing literature in a way that causes litter on County property is prohibited.
3. The County maintains various communications systems to communicate County-related information to employees and to disseminate or post notices required by law. These systems include, but are not limited to bulletin boards, electronic mail, voice mail, telephones, facsimile machines, text messaging and personal computers, and are for business use only. The unauthorized use of the communications systems or the distribution or posting of notices, photographs, or other materials on any County property is prohibited.
 4. Violations of this policy will be addressed on a case-by-case basis. Disciplinary measures will be determined by the severity of the violation, not the content of the solicitation or literature involved.
 5. The placing of products to be sold within the Reception Area(s) is prohibited.

F. BULLETIN BOARDS

1. Bulletin boards shall be used only for the posting of departmental, agency or County business. No bulletin boards shall be used to post any solicitation or advertisement for any event, lottery, drawings, meeting, or other occasion which is not specifically and directly related to the conduct of the business of a government agency. This applies when the sponsoring or beneficiary agency is either for a profit or a no-profit agency.
2. Posting of any of the above also applies to the walls of any County facility.
3. All notices, advertisements and other materials, which are posted in violation of this policy, shall be promptly removed.
4. The placing of products to be sold within the Receptionist Area(s) is prohibited.
5. Listing of group lottery ticket purchasers is not permitted to be posted within the working areas.

G. DRESS STANDARDS

1. **General**
 - a. All employees of Mahoning County shall exercise appropriate judgement with regard to personal appearance, dress and grooming to be most effective in the performance of their workplace duties. The County recognizes that personal appearance is an important element of self-expression and strives not to control or dictate appropriate employee appearance, specifically with regard to jewelry or tattoos worn as a matter of personal choice. Generally, attire should be neat and clean. Supervisors shall be responsible for the uniform and consistent application of the dress code policy. Decisions of inappropriateness are at the discretion of the Department Director and/or Board of Commissioners.

- b. These are the factors that you should take into consideration when determining appropriate dress:
 - i. The nature of the work;
 - ii. Safety considerations of self and others, such as necessary precautions when working near machinery or hazardous work areas (employees are required to wear proper safety equipment at all times, without exception for any reason);
 - iii. Damage to County property;
 - iv. Offensiveness to co-workers, customers, vendors and others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature;
 - v. The nature of public contact, if any, with the normal expectations of outside parties with whom you will work; and
 - vi. The prevailing dress practices of other employees in similar jobs.
- c. An environment of mutual cooperation, respect, and fair and consistent treatment for all employees is the County's goal. Nonetheless, the County is legally responsible for ensuring that no employees are subject to harassment or a hostile work environment. As an initial step toward resolution of any complaint or offense under this policy, supervisors will be responsible for explaining the policy and answering employee questions. If an agreeable solution cannot be reached at that stage, the department head will follow County policy to resolve the issue.

2. Violations of Policy

- a. In cases involving a minor disregard of this policy, the employee will be verbally advised of the problem with the expectation of no further reoccurrences and will be encouraged to identify appropriate options.
- b. In cases of flagrant violations of this policy, the employee may be required to remove offensive jewelry, cover tattoos, leave the worksite, change to proper dress and return to the work site in a timely manner. Employees will not be paid for the time they are away from work changing clothes.
- c. Continued disregard of this policy will result in disciplinary action.

3. Professional Casual Dress Day

Each Appointing Authority may provide for a Professional Casual Dress on Fridays. However, the standards as outlined in the policy will be observed.

H. GAMBLING

The County does not permit gambling in any form by County employees during work time. For the purpose of this policy, work time includes regular working hours, lunch periods, breaks, or clean-up times.

I. CONCEALED CARRY

- 1. Consistent with the Ohio Revised Code, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or ordnance onto the property of the County. A valid concealed carry license does not authorize an individual to carry such a weapon onto these premises. Law enforcement officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon.
- 2. Except for commissioned law enforcement officers, County employees are prohibited from carrying any deadly weapon or dangerous ordnance onto county property or carry any deadly weapon or dangerous ordnance while on County business.

These situations include, but are not limited to attending training sessions or seminars, wearing a County identification badge, uniform, or other County issued paraphernalia that an employee is required to wear relative to their employment, working in a resident's home or other sites off County premises, or acting within the course and scope of employment.

3. Except as provided in Item I(1), no employee or member of the public may carry, transport or store a concealed weapon, firearm or ammunition while traveling on County business, or in a County owned or County leased vehicle.
4. Except as provided in Item I(1), no County employee shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous weapon or dangerous ordnance into any building owned or leased by Mahoning County.
5. This policy does not prohibit employees that may lawfully possess a firearm from transporting and/or storing a firearm or ammunition in their personal vehicle at work locations where their personal vehicle is otherwise permitted (e.g., County Parking Lot). However, the employee must leave the firearm and ammunition in their personal vehicle. Employees are neither permitted to remove their firearm or ammunition from their personal vehicles while at work locations nor are they permitted to bring a concealed firearm or ammunition into a County owned building. The employee's firearm and ammunition must be stored in their personal vehicle in accordance with the storage provisions of the Concealed Carry statute. The firearm and ammunition must be in a locked vehicle either in the glove compartment, a lock box or the trunk.
6. Employees who possess a valid license to carry a concealed weapon are discouraged from storing a weapon in their personal vehicle while at work. Employees possessing a valid license to carry a concealed weapon may bring their weapon with them onto a County parking lot. However, the employee must leave the weapon in their vehicle. Employees are neither permitted to remove their weapon from their vehicles while in a County parking lot nor are they permitted to bring a concealed weapon into a County owned building. An employee with a valid license to carry who is reporting to work may remove the weapon from their own vehicle only for the purpose of transporting it to and from the trunk of the vehicle for storage. The employee's weapon must be stored in the vehicle in accordance with the storage provisions of the Concealed Carry statute. The weapon must be in a locked vehicle either in the glove compartment (or other locked compartment), a lock box or gun case, or in the trunk.
7. Employees shall immediately contact a supervisor if they suspect an employee or member of the public is carrying a concealed weapon, firearm or ammunition on County premises. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a concealed weapon or firearm at any time while they are working for the County, acting within in the course and scope of employment, or acting as a representative of the County.
8. The County will not defend or indemnify an employee, except as provided in Item J(1), who carries or discharges a personal weapon while on County business.
9. As required by O.R.C. §2923.1212, the following sign (or language substantially similar) will be posted at the entrance of every county owned building and at the entrance to the portion of any non-county owned building which is leased to the county:

"Pursuant to Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey or attempt to convey a deadly weapon or dangerous ordnance onto these premises. A valid license does not authorize the licensee to carry a concealed handgun onto these premises."

10. County employees who use a firearm or make comments about firearms in such a way that intimidates, harasses, coerces or threatens another will be subject to disciplinary action up to and including discharge.

J. EXPOSURE TO CONTAGIOUS DISEASE

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

K. PERFORMANCE APPRAISALS

The Appointing Authority may complete performance appraisals (evaluations). Appraisals, if conducted, will be based upon defined and specific criteria, and is intended to be a system of communication between the supervisor and the employee. It is not intended to replace less formal ongoing discussions between the supervisor and the employee. Appraisals are retained as a permanent part of the employee's personnel file.

1. Appraisals will be reviewed and signed by the employee's direct supervisor, and those superiors in the direct chain-of-command. If an employee receives approximately equal supervision from two persons, the supervisors will cooperate in completing the appraisal and both will sign the form.
2. Results will be discussed with the employee and the employee will be asked to sign the appraisal. An employee's signature will reflect their receipt of the evaluation, not their agreement with its contents. Should the employee refuse to sign, a notation will be made reflecting the date and time of the review along with the employee's refusal to sign.
3. The employee will be given an opportunity to make written comments regarding the evaluation prior to signing the appraisal form if the comments are made prior to a deadline established by the supervisor. The employee's responses shall be attached to the appraisal and a copy given to the employee.
4. Probationary employees should be evaluated at least once during their probationary period, and once each calendar or anniversary year thereafter. Special evaluations may be completed as recognition of outstanding performance or to convey to the employee improvement in previously unacceptable performance.
5. If an employee is due an annual review and they are absent from work for an extended period of time, the form will be completed and held for the employee to review upon their return to work.

L. CONTACT WITH NEWS MEDIA

Any employee contacted by the news media or a citizen on a matter related to County operations should direct the caller to contact the appropriate Appointing Authority or designee. This policy is designed to avoid duplication, assure accuracy and protect employees and the County from the dissemination of misstatements and misinformation.

This policy does not prohibit employees from making a public statement, in their off duty hours, on matters of public concern. However, this policy does prohibit employees from making unauthorized public statements during their working hours and from making public statements about matters of private concern that negatively impact the County.

M. PUBLIC RECORDS REQUESTS

The Prosecutor's office should be consulted before responding to an open public records request. Refer to the Public Records Policy.

Records maintained by the County that are not defined as "public records" in O.R.C. §149.43, or other applicable provisions of law, shall not be released from an employee's personnel file unless specifically authorized by such employee in writing. Pursuant to applicable law, medical records are not public records and are maintained in a separate file. Records maintained by the County that are defined as public records shall be released in accordance with law. The County will attempt to give employees at least twenty-four hours of notice before releasing their personal information in response to a public records request.

N. MEETINGS, CONFERENCES AND PROFESSIONAL DEVELOPMENT

The County encourages the professional growth of all employees through continuing education and training.

1. Paid leave may be granted to an employee for bona fide educational conferences, professional organization meetings and training seminars, and must have prior approval of the Appointing Authority.
2. Unpaid leave may be granted to attend educational meetings that are not required by the County, and may be granted at the discretion of the Appointing Authority.
3. The County will pay the cost of registration for all meetings, training and conferences when the employee's attendance is required.
4. Employees in certain positions are required as a condition of continuing employment to take course work and training as defined by the licensing authority.
5. In reviewing requests for class work/training/attendance, the following items will be considered:
 - a. Nature and purpose of the course of study/meeting;
 - b. Benefits to be derived by the employee and the County;
 - c. Level of responsibility, performance and length of service of the employees
 - d. Estimated cost;
 - e. Potential lost time from work; and
 - f. Ability to adequately staff services during the employee's absence.
6. Whenever there are a limited number of openings for a training course, or if attendance will be during an employee's regularly scheduled workday, the Appointing Authority will determine which employees may participate.

CHAPTER 11 – PAID LEAVES OF ABSENCE

A. HOLIDAYS

1. All full-time employees are entitled to the holidays as determined annually by the County. Generally, these will consist of the following paid holidays:

New Year's Day	Martin Luther King, Jr. Day
President's Day	Memorial Day
Juneteenth	Independence Day
Labor Day	Columbus Day
Veteran's Day	Thanksgiving Day
Day after Thanksgiving	½ Day on Christmas Eve
Christmas Day	

Collective bargaining agreements may differ from this list. Please consult the applicable collective bargaining agreement associated with your department.

2. If a full-time employee is required to work on a holiday, he/she will be paid at one and one-half (1-1/2) times his/her regular rate of pay for every hour worked, in addition to his/her regular holiday pay.
3. If a holiday falls on Sunday, it is observed on the following Monday. If a holiday falls on a Saturday, it is observed on the preceding Friday. Twenty-four (24) hour operation employees observe the holiday only on the day it falls.
4. If the holiday occurs while an employee is on vacation leave, the vacation day will not be charged against such leave. An employee shall receive holiday pay rather than paid sick leave for any holiday which occurs when he/she is absent on sick leave. Holiday pay will not be given to any employee who is on a leave of absence without pay.
5. An employee must be on a paid approved leave before and after the holiday in order to be eligible for holiday pay. If an employee calls off sick the day before or the day after the holiday, more than one time per calendar year, they will have to provide a Doctor's excuse within the pay period the holiday falls in to cover an unforeseen illness or they will not be paid for the holiday.
6. Seasonal and intermittent employees are not eligible for holiday pay. Part-time and temporary employees are entitled to holiday pay for their normal hours scheduled for that day.

B. VACATION

1. All full-time employees and part-time employees receive vacation benefits. Vacation time is credited each bi-weekly pay period as shown on the chart below. An employee who is not in active pay status for part of a bi-weekly pay period shall earn a pro-rated amount of vacation leave for that period. Vacation is prorated for part-time employees in proportion to the regularly scheduled hours of work.
2. Vacation leave will accrue during periods of authorized paid leaves of absence but will not accrue while an employee is on unpaid leave status. Vacation accrues only during regularly scheduled work hours, and not on overtime hours.

Years of Service	Vacation Days	Hours Accrued per 80 Hours Worked
Less than 1 year	None	none
1 year to 8 years*	10 workdays	3.1
8 years to 15 years*	15 workdays	4.6
15 years to 22 years*	20 workdays	6.2
22 years* +	25 workdays	7.7

**On the 8th, 15th, and 22nd anniversary of employment, an employee is credited with one (1) additional week of vacation. Vacation begins to accrue at the higher rate after the 8th, 15th, and 22nd anniversary dates.*

3. For the purpose of determining length of service for part-time employees, credit will be given on the basis of the number of hours worked in the pay period, not on the basis of full-time equivalent service. For the purpose of determining length of service for intermittent employees, credit will be given on the basis of actual hours worked.
4. All prior service with any political subdivision of the State of Ohio shall be used to determine years of service for the purposes of vacation accrual, pursuant to O.R.C. §9.44 and any amendments thereto. It is the employee's responsibility to provide all necessary and substantiated documentation of prior service from all prior employers. The County's look-back period for retroactive accrual of vacation credit will only be six (6) years from the date of the request.

As an example, an employee discovers that they have five years of prior State service they earned twenty years ago. After providing proof, their service date would be changed to reflect the previous service. And once this credit is applied to change the service date, the Appointing Authority would be required to look-back six years to see if additional years of service would have caused the employee to accrue at a higher rate any time within that six year period. If so, the employee will be credited with the additional vacation hours.

5. After one (1) full year of service with Mahoning County, an employee will be credited with vacation earned during the first year of employment. New employees with no prior service are eligible for paid vacation only after one (1) full year of employment. If a new employee with no prior service credit terminates employment before serving one (1) full year of employment, he/she will receive no vacation pay out. Employees with prior service are eligible to use paid vacation time as it accrues and do not have to wait for the completion of one full year of service.
6. Employees will be encouraged to schedule a minimum of one forty (40) hour block of time during each calendar year. At least forty (40) hours vacation leave must be scheduled and taken by each employee every year. Vacation leave shall be taken by the employee during the year in which it accrued and prior to the next recurrence of the anniversary date of the employee's employment, provided that the Appointing Authority may, in special and meritorious cases, permit such employee to accumulate and carry over the employee's vacation leave to the following year. No vacation leave shall be carried over for more than three years. The County Auditor must be notified immediately of any employee qualifying for this exception. Under no circumstances will an employee be eligible to accumulate more than three (3) years accrual of vacation credit plus the current year's accrual. The employees must take vacation leave within thirty-six (36) months of the date of accrual.

Vacation requests of less than one (1) week duration must be received at least twenty-four (24) hours in advance. In cases of emergencies, reasonable notice is required and supervisors will be expected to approve vacation leave in less than one (1) day increments.

7. On the day the employee returns to work after an absence, they shall submit a time off request in the appropriate time keeping system.

8. When two or more employees request the same vacation date and all requests cannot be granted, the request will be approved/denied at the discretion of the Department Director or Appointing Authority. Leaves requested less than one (1) month in advance will be granted in the order received. Once an employee has received approval for vacation leave, a more senior employee may not displace him.
9. Vacation leave may be denied during a specific period, if the workload dictates.
10. While on vacation, if an employee is disabled due to illness or experiences a death in the family that would qualify for paid sick leave, he/she may request time off charged to sick leave by showing documented proof of eligibility.
11. All seasonal, intermittent, and temporary employees appointed for 120 days or less will not receive vacation accrual. If an employee is retained after the 120 days and the employee has one (1) full year of service, they will receive the accrual back to the date of hire.
12. A vacation day will not be granted on call-in, except in extenuating circumstances that will be determined by the supervisor. In all such instances, the vacation day must have been accrued.
13. An employee is entitled to compensation, at the employee's current rate of pay, for the prorated portion of any earned but unused vacation leave for the current year to the employee's credit at time of separation, and in addition shall be compensated for any unused vacation leave accrued to the employee's credit, with the permission of the Appointing Authority, for the three years immediately preceding the last anniversary date of employment. Upon separation from service with at least one (1) year of recognized public service, an employee is entitled to compensation for accrued but unused vacation.
14. Vacation leave is not available for use until it appears on the employee's earnings statement and the compensation described in the earnings statement is available to the employee.
15. O.R.C. §325.19 does not authorize a county employee, upon separation from service with a County Appointing Authority, to transfer unused vacation leave benefits to a position of employment with a different Appointing Authority.

C. PERSONAL LEAVE

1. Full-time employees shall receive three (3) personal days starting the second pay of January annually. Part-time employees shall receive a pro-rated amount of personal hours. Each request for leave must be made as soon as possible in advance of its intended usage; however, consideration will be given to emergency circumstances and the staffing needs of the department.
2. Personal leave must be used in no less than two (2) hour increments only, and if not used, shall be forfeited at the end of the year (December 31). As personal time is used, it shall be deducted from the unused balance of the employee's remaining personal leave.
3. Personal leave may be used one (1) or more days at a time at the discretion of the supervisor.
4. For new employees hired after the first of the year, four (4) hours of personal leave will be granted for every two (2) full months of employment from the date of hire to the end of the calendar year, and will be available when noted on the employee's pay stub.
5. For employees moved from part-time to full-time during the calendar year, they shall be given a pro-rated amount for the balance of personal time, and shall be given no more than a total of twenty-four (24) hours for the calendar year.

6. Personal time carries no cash value upon termination and cannot be used toward the notice period for separation. Personal time is transferable to another Appointing Authority only if accepted by that Appointing Authority. Otherwise, any unused personal time will be forfeited at the time of a transfer and will not be paid out.
7. Personal time is not available for use until it appears on the employee's earnings statement and the compensation described in the earnings statement is available to the employee.

D. SICK LEAVE

1. All employees, which include full-time, part-time, temporary, seasonal, intermittent employees and interns (except PRC (Prevention, Retention and Contingency) employees), shall be entitled to sick leave in accordance with O.R.C. §124.38 and §124.39. Generally employees accrue sick leave at four and six-tenths (4.6) hours for each eighty (80) hours of completed service. Sick leave is earned only when an employee is on active pay status, (i.e. for only those days for which the employee is actually paid). The amount of sick leave an employee may accrue is unlimited.
2. An employee who transfers from another public agency to Mahoning County, or who is re-appointed or reinstated, is credited with the unused balance of his/her accumulated sick leave provided the time between separation and reappointment does not exceed ten (10) years, and the employee provides proof of the prior leave balance. "Public agency," as used above, includes the State, counties, municipalities, boards of education, public libraries, for public levy and townships within the State of Ohio. Documentation of employee transfers must be submitted to the County Auditor's office.
3. Sick leave must be requested on the approved sick leave form as soon as the employee returns to work. When an employee will be on extended sick leave, he/she should notify the supervisor of his/her probable return date.
4. The County will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to the County's Human Resources Director.
5. An employee who is absent three (3) or more days consecutively shall be required to present a physician's statement to verify the illness upon return to work. The licensed medical practitioner's certificate must be signed personally by the treating practitioner, and must verify that the employee was unable to work during the period in question, not simply that the employee was "under the doctor's care."
6. The Appointing Authority has the right to question employees concerning their sick leave use, and has the responsibility to investigate all reasons for an employee's absence. Proof of illness, such as a doctor's excuse, may be required when the County believes absence to be excessive, chronic, patterned or abusive. Patterns of sick leave usage immediately prior to, or subsequent to, holidays, vacation, days off and/or weekends may result in sick leave denial and appropriate disciplinary action. Whenever an employee is on sick leave he/she must be at home during his/her scheduled work hours or obtaining treatment or medication. A Supervisor who has any questions as to the validity of the use of sick leave shall investigate the issues and prepare a report for the Appointing Authority. Failure to investigate questions surrounding the use of sick leave will result in discipline for the Supervisor.
7. If an illness or disability continues beyond the time covered by earned sick leave, an employee may request to use earned vacation, personal or compensatory time, or may request an unpaid Leave of Absence in accordance with Chapter 12. Failure to notify Payroll prior to the close of the payroll period (close of business on payday Friday) of what accrued time is wished to be used, may result in falling into an unpaid status or the denial of any leave.

8. Sick leave may be used for:
- Illness, injury or pregnancy-related medical condition of the employee, or a member of the employee's immediate family, where the presence of the employee is reasonably necessary.
 - Exposure of employee to a contagious disease that would have the potential of jeopardizing the health of the employee or the health of others.
 - Medical, dental, optical, or psychological examinations or treatment of the employee or a member of the employee's immediate family, by an appropriate licensed medical practitioner, where the presence of the employee is necessary for the health and welfare of the affected family member, and the appointment cannot be scheduled during non-work time.
 - Elective cosmetic surgeries that are not medically necessary do not constitute an appropriate use of sick leave. Other appropriate leaves of absence, such as vacation, may be requested for such purposes.
9. "Immediate family" is defined as mother, father, brother, sister, child, spouse, grandparent, grandchild, current mother-in-law, current father-in-law, current sister-in-law, current brother-in-law, current daughter-in-law, current son-in-law, step parents, step children, step siblings, legal guardian or other person who stands in the place of a parent (loco parentis) or significant other. "Significant Other" is defined as one who stands in place of a spouse, share a regular and permanent residence, have a committed personal relationship for at least six months, can demonstrate financial interdependence and is not related by blood, not legally married nor in a domestic relationship with anyone else.
10. Sick leave is charged in minimum units as established by the Appointing Authority and payments shall not exceed the normal scheduled workday or workweek earnings. When sick leave is used it shall be deducted from the employee's credit on the basis of one hour of sick leave for every one hour of absence from previously scheduled work.
- Sick leave may be used in segments of not less than one-half hour except for the first two hours of the day in which case the employee shall be required to use one hour increments for absences within the first two hours of the day. An employee who calls off and provides a physician's statement upon their return to work which indicates they were unable to report to work shall be permitted to utilize sick leave in one-half hour increments.
11. An employee who separates from service with the County and retires from OPERS, or dies, after completion of ten (10) or more years of service with the state or any political subdivision of the state is entitled to convert a portion of his/her accrued but unused sick leave into a cash payment at the time of retirement. For purposes of this policy, the conversion is at 25% of the total accumulation not to exceed a payout of 240 hours or 30 days. The payment shall be based on the employee's rate of pay at the time of retirement. The payment will only be made after verification through OPERS or a death certificate. A payout under this provision will eliminate all of the retiring employee's sick leave balance.
12. The Appointing Authority reserves the right to review the credentials of any medical or psychological provider.
13. An employee is expected to report for any fitness for duty exam either medical or psychological. No sick leave will be charged for this purpose.
14. An employee fraudulently obtaining sick leave or falsifying sick leave records will result in denial of such leave together with disciplinary action up to and including termination.

15. Sick leave/late arrival notification policy:

- a. The supervisor will be solely responsible for uniform enforcement of this policy and for determining when absence is excessive or indicates a pattern. The supervisor will be responsible for approving or rejecting payment of sick leave.
 - b. An investigation by the supervisor may be conducted when five (5) separate occasions are exceeded annually.
 - c. The supervisor will be solely responsible, after consultation with the County Human Resources Director, for initiation of disciplinary action.
 - d. The supervisor will be subject to disciplinary action for failure to enforce the policy fairly and uniformly.
 - e. In order to receive pay for a sick leave day, the employee must call their supervisor during the first one-half hour (1/2) after their normal workday begins. Twenty-four (24) hour shift employees must call in at least two (2) hours before the start of their shift in order to provide the supervisor time to find a replacement.
- 16.** An employee must continue to notify the supervisor each succeeding day of absence except in cases of prolonged illness or absence where the employee has been granted a set period of leave. Failure to make proper notification may result in denial of sick leave and/or appropriate disciplinary action.
- 17.** An employee who becomes sick or injured while on vacation may apply to use sick leave time instead of vacation days for the illness or injury.
- 18.** Sick leave is not available for use until it appears on the employee's earnings statement and the compensation described in the earnings statement is available to the employee.
- 19. Organ Donor Leave of Absence** – Full-time employees shall receive up to two-hundred and forty hours (240) of leave with pay during each calendar year to use during those hours when the employee is absent from work because of the employee's donation of any portion of an adult liver, kidney, lung or part of a lung, or part of the pancreas or intestine. Leave for part-time employees shall be pro-rated in accordance with their regularly scheduled hours of work.

A full-time employee shall receive up to fifty-six (56) hours of leave with pay during each calendar year to use during those hours when the employee is absent from work because of the employee's donation of adult bone marrow. Leave for part-time employees shall be pro-rated in accordance with their regularly scheduled hours of work.

The Appointing Authority shall compensate an employee who uses leave granted under this section at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

Family and Medical Leave documentation or other appropriate documentation from a Healthcare Provider is required prior to the leave.

E. BEREAVEMENT LEAVE

Each full-time and part-time employee shall be granted five (5) work days of bereavement leave, exclusive of a paid Holiday, with pay upon the death of a member of the employee's parents, siblings, children, spouse, grandparent, step-child, step parent, step siblings, grandchild, current mother-in-law, current father-in-law, current daughter-in-law, current son-in-law, foster child, legal guardian or other person who stands in the place of a parent (loco parentis) or person for whom the employee stands in place of a parent, or significant other.

“Significant Other” is defined as one who stands in the place of a spouse, share a regular and permanent residence, have a committed personal relationship for at least six months, can demonstrate financial interdependence and is not related by blood, not legally married nor in a domestic relationship with anyone else. The bereavement leave shall be taken in consecutive work days unless approved otherwise by the Department Head. Additional unpaid time off may be granted, or the use of accumulated vacation time may be used at the discretion of the Appointing Authority, if needed.

1. Employees shall be paid compensation equal to the base rate of pay. Part-time employees shall be granted leave based upon the number of hours they would have normally worked.
2. Employees shall be granted bereavement leave in the amount of two (2) days off with pay in the event of a death of the employee’s current brother-in-law, current sister-in-law, or current grandparent in-law.
3. Bereavement leave must be taken at the time of the death of the family member, or a reasonable time thereafter, but no later than one (1) month from time of death unless under exceptional circumstances. Verification of the death of the immediate family member and/or verification of the relationship of the deceased individual is required.
4. Verification of the relationship of the deceased individual may be required at the time, or shortly thereafter, when the employees applies for the use of bereavement leave.

F. LACTATION BREAKS

1. Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one year after the child’s birth.
2. The employee will be provided appropriate space, other than a bathroom, that is completely private and free from intrusion from co-workers and members of the public.
3. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee. To the extent that additional time is needed, an employee will use accrued sick time. Employees should make requests and arrangements with their supervisor.

G. JURY DUTY / CIVIC DUTY

1. Jury Duty

Employees will be excused from regularly scheduled work when subpoenaed for jury duty. If an employee’s jury duty is concluded prior to the completion of the employee’s regularly scheduled workday, he/she must return to work for the remainder of the workday. The County will compensate an employee who is called to, and reports for, panel and/or jury duty, at the employee’s straight-time hourly rate for the hours he was scheduled on that day. The employee must give the County prior notice of jury duty, and submit his/her jury duty fee to the County, in order to receive his/her regular pay.

2. Work Related Proceedings

Employees who are required by the County to appear in court or other proceeding on behalf of the County, will be paid at their appropriate rate of pay for hours actually worked. Employees must obtain prior approval from their supervisor before appearing in court or administrative proceedings on behalf of the County. Employees who receive a subpoena for work-related matters and have a concern regarding that subpoena should seek assistance from their supervisor, who may then contact the Prosecuting Attorney’s Office.

3. Personal Matters

An employee, who must appear in court on personal matters, or on matters unrelated to their employment with the County, must seek an approved vacation leave or an unpaid leave of absence.

H. MILITARY LEAVE

Military leave is governed by O.R.C. §5903, §5960 and §5923 and the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), U.S.C. §43, Part III, Title 38. County employees who perform duty in the uniformed services, which include the Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services, are entitled to military leave. Also refer to the Family and Medical Leave Act Policy.

1. Notice

Employees requesting military leave must submit a written request to the County as soon as they become aware of such orders, unless military necessity prevents the giving of notice or the giving of notice is otherwise impossible or unreasonable or precluded by military necessity. Employees must provide the published order or a written statement from the appropriate military authority with the request for leave and must complete the required leave papers as soon as practicable.

2. Paid Leave

- a. Employees are authorized up to twenty-two (22) eight (8)-hour working days, or one hundred, seventy-six (176) hours within a calendar year. During this period, employees are entitled to receive their regular pay in addition to compensation from military pay.
- b. Any employee required to be serving military duty in excess of twenty-two (22) days or one hundred, seventy-six (176) hours in a calendar year due to an Executive Order issued by the President of the United States, or an act of Congress, or by the Governor in accordance with law, shall be entitled to a leave of absence. During this leave of absence, employees are entitled to be paid a monthly amount equal to the lesser of: 1) the difference between the employee's gross monthly wage and his/her gross monthly uniformed pay and allowances received for the month, or 2) five hundred dollars (\$500). No employee is entitled to receive this benefit if the amount of gross military pay and benefits exceed the employee's gross wages from the County for that period.

Employees who are on military leave in excess of twenty-two (22) days or one hundred, seventy-six (176) hours in a calendar year, may use their accrued vacation leave, personal leave or compensatory time while on military leave. Employees who elect this option shall accrue vacation leave and sick leave while on such paid leave.

3. Health Care Continuation

- a. For military leave up to twenty-two (22) days or one-hundred, seventy-six (176) hours in a calendar year, employees shall continue to be entitled to health insurance benefits as if they are working. These benefits shall continue beyond this period if the employee is on military leave and elects to utilize paid leave.
- b. Employees who exceed the twenty-two (22) days or one hundred, seventy-six (176) hours and do not elect to utilize paid leave are not entitled to the health insurance benefits on the same basis as if they are not working. In these circumstances, employees will be provided notice of their rights to continue this coverage at their cost in accordance with applicable law.

4. Reemployment and Reinstatement Rights

Employees are entitled to all reemployment and reinstatement rights provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA), 43 U.S.C. §4301 et seq.

I. MEETINGS, CONFERENCES AND SEMINARS

The County encourages the professional growth of all employees through continuing education and training.

1. Paid leave may be granted to an employee for a bona fide educational conference, professional organization meeting and training seminars.
2. The County will pay the cost of registrations for all meetings, training and conferences when the employee's attendance is required.
3. Employees in certain positions are required as a condition of continuing employment to take course work and training as defined by the Appointing Authority.
4. Meeting and travel expenses will be reimbursed as outlined in the Travel and Expense Reimbursement sections of the Personnel Policy Manual.

CHAPTER 12 – UNPAID LEAVES OF ABSENCE

A. LEAVE OF ABSENCE WITHOUT PAY

An appointing authority may grant a leave of absence without pay to an employee for professional, educational, or other personal reasons the County deems appropriate. An employee must request, in writing, all leaves of absence without pay. The request shall state reasons for taking leave of absence without pay and the dates for which such leave is being requested. The Appointing Authority has sole discretion whether to grant the leave. Nothing in this rule shall be construed as limiting, superseding, or requiring any leave granted under the Family and Medical Leave Act of 1993 (FMLA).

1. Length of Leave

An unpaid leave of absence may be granted for a maximum duration of six (6) months. Employees on unpaid leave must keep the Appointing Authority informed of the status of their leave and provide advance written notice of their intent to return to work.

2. Abuse of Leave

If it is found that a leave is not actually being used for the purpose for which it was granted, the appointing authority may cancel the leave and direct the employee to immediately report for work by giving written notice via certified mail to the employee.

3. Failure to Return

An employee who fails to return to duty within three (3) working days of the completion of, or a valid cancellation of leave of absence without pay without explanation to the appointing authority, may be removed from the service in accordance with O.R.C. §124.34. An employee who fails to return to service from a leave of absence without pay and is subsequently removed or voluntarily resigns from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

4. Return to Service

Upon completion of a leave absence without pay, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists the employee shall, with the approval of the Appointing Authority, be assigned to a position in a classification similar to that former occupied. If no similar classification exists, the employee may be laid off. The employee may be returned to active pay status prior to the originally scheduled expiration of the leave if both the employee and the Appointing Authority agree to an earlier return.

5. Service Credit

Authorized leaves of absence without pay will count as service credit for annual step increases, layoff purposes, and for computing the amount of vacation leave, provided the employee is properly returned to service and is not serving a probationary period. Employees that do not return to service from a leave of absence without pay shall not receive service credit for the time spent of such leave for leave accrual.

6. Other Benefits

While on leave without pay status, an employee shall not accumulate paid sick or vacation leave or holiday pay.

7. Revocation of Leave

The County may revoke an unpaid leave of absence for business reasons upon a one week's written notice to the employee that he/she must return to work.

8. Personnel Reporting Leave

The appointing authority shall report to the County Benefits Department any unpaid leave of absence which extends for one pay period or longer, and the subsequent return from such a leave. An employee on a non-FMLA unpaid leave of absence will be given COBRA notification regarding health insurance benefits.

9. Probationary Employees

The period during which a probationary employee is on a leave of absence without pay shall not be counted towards an employee's original or promotional probationary period.

10. Political Leave

Unpaid leaves of absence shall not be granted to an employee for the purpose of engaging in partisan political activity or other employment.

B. DISABLING ILLNESS, INJURY OR CONDITION

Subject to the provisions contained in Chapter §123:1-30 of the Administrative Code, upon written request to the appointing authority, employees with a disabling illness or injury who are not eligible to receive disability benefits may be granted a leave of absence without pay, subject to the provisions of this rule. The employee must demonstrate that the probable length of disability will not exceed six (6) months.

1. Length of Leave

Leaves of absence without pay shall be limited to the period of time that the employee is unable to perform the essential job duties of the employee's position. This period may include reasonable rehabilitation and recovery time, as certified by a licensed practitioner, not to exceed six (6) months. If the employee is unable to return to active work status within six months, the County may pursue an involuntary disability separation in accordance with Chapter §123:1-30 of the Administrative Code.

2. Licensed practitioner's certificate

An employee requesting a leave of absence without pay due to a disabling illness or injury must present, at the time the request is made, a licensed practitioner's certificate stating the probable period for which the employee will be unable to perform the essential job duties of the employee's position.

3. Sick leave usage

Upon request, and in accordance with the rules of the County on sick leave and disability leave benefits, an employee shall be required to use any or all of the employee's sick leave accrual only for the period of time, as certified by the licensed practitioner's certificate, that the employee is unable to work as a result of a disabling illness or injury. An employee using sick leave credit shall not be prevented from receiving a leave of absence without pay for the remainder of the period, once sick leave accrual has been exhausted, as defined in paragraph B(1) of this rule.

An employee on an unpaid leave of absence will be given COBRA notification regarding health insurance benefits.

4. Vacation leave usage

Subject to the provisions contained in Chapter §123:1-30 of the Administrative Code, upon request, the employee will be permitted to use any or all of the employee's accumulated vacation leave at any reasonable time prior to, during, or following the period as defined in paragraph B (1) of this rule.

5. Return to work

The Appointing Authority of an employee on leave of absence without pay for a disabling illness or injury shall require the employee, prior to the employee's return to work, to provide a physician's certificate that confirms the employee is able to perform the essential job duties of the employee's position.

C. EDUCATIONAL LEAVE

- 1.** An employee may request unpaid leave to attend educational meetings that are not required by the County.
- 2.** Leave may be granted by the Appointing Authority.

CHAPTER 13 – FAMILY AND MEDICAL LEAVE (“FMLA”)

A. STATEMENT OF POLICY

1. Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy, and returns to work in accordance with the Family and Medical Leave Act of 1993. Eligible employees, as primary caregivers to service members with combat-related injuries may also request time off in compliance with the expansion of FMLA under The Support for Injured Servicemember Act of 2007.
2. This leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.
3. Employees shall not act in a manner inconsistent with Family and Medical Leave.
4. Employees should not perform County work while on FMLA leave. If in special circumstances the business needs of the County dictate such work to be done, and the Appointing Authority has given prior approval, the hours worked need to be reported to the Appointing Authority. The employee will be paid for the hours worked and the time will not be charged as FMLA leave. Any other violation of this provision of the policy may result in termination of employment.

B. DEFINITIONS

As used in this policy, the following terms and phrases shall be defined as follows:

1. Family and/or Medical Leave of Absence:

An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:

- a. Upon the birth of an employee’s child and in order to care for the child.*
- b. Upon the placement of a child with an employee for adoption or foster care.
- c. When an employee is needed to care for a family member who has a serious health condition.
- d. When an employee is unable to perform the functions of his/her position because of the employee’s own serious health condition.
- e. Qualifying service member leave.

*The definition of “son or daughter” includes not only a biological or adopted child, but also a foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

2. Service Member Leave:

The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on “covered active duty” or receiving a “call to covered active duty” In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a “single twelve (12)-month period” to care for a service member with a “serious injury or illness” sustained or aggravated while in the line of active duty on active duty. The “single twelve (12)-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.

3. Leave Amount:

Eligible employees may take twelve (12) weeks of FMLA leave per a rolling twelve (12) month period measured backward from the date the leave is taken. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request.

4. Serious Health Condition:

Any illness, injury, impairment, or physical or mental condition that involves:

- a. Inpatient care.
- b. Any period of incapacity of more than three (3) consecutive calendar days that also involves:
 - i. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
 - ii. Treatments by a health care provider on one occasion that result in a regimen of continuing treatment under the supervision of a health care provider.
- c. Any period of incapacity due to pregnancy or for prenatal care.
- d. A chronic serious health condition which requires at least two “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
- e. Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer’s disease, etc.).
- f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days absent medical intervention. (i.e., chemotherapy, dialysis for kidney disease, etc.).

5. Licensed Health Care Provider:

A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.

6. Family Member:

Spouse, child, parent or a person who stands “*in loco parentis*” to the employee. This term does not include parents-in-laws.

7. Covered Service Member, means either:

- a. A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
- b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.

Note: An individual who was a member of the Armed Forces (including National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period of October 28, 2009 and March 8, 2013, shall not count toward the determination of the five-year period for covered veteran status.

8. Outpatient Status:

The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.

9. Next Of Kin:

The term “next of kin” used with respect to a service member means the nearest blood relative of that individual who has been designated in writing by the service member, other than the veteran’s spouse, parent, son or daughter.

10. Serious Injury or Illness, for purposes for the 26 week military caregiver leave means either:

- a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,
- b. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
 - ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service–Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

11. Covered Active Duty or Call to Covered Active Duty:

- a. In the case of a member of a Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. (Active duty orders of a member of the Regular components of the Armed Forces generally specify if the member is deployed to a foreign country.)
- b. In the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to specific sections of the U.S. Code, as outlined in 29 CFR § 825.126.

12. Deployment To a Foreign Country:

Defined as deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.

13. Qualifying Exigency: (For purposes of the twelve (12)-week qualifying exigency leave) includes any of the following:

- a. Up to seven days of leave to deal with issues arising from a covered military member's short notice deployment, which is a deployment on seven (7) or fewer days' notice.
- b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
- c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
- d. Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.
- e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
- f. Rest and recuperation leave of up to fifteen (15) days to spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. This leave may be used for a period of 15 calendar days from the date the military member commences each instance of Rest and Recuperation leave.
- g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.
- h. Qualifying parental care for military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age, when the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living, as described in 29 C.F.R. § 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.
- i. Any qualifying exigency which arose out of the covered military member's covered active duty or call to covered active duty status.

C. ELIGIBILITY

To be eligible for leave under this policy, an employee must meet all of the following conditions:

1. Worked for the County for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.

2. Actually worked at least one thousand, two hundred and fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
3. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius.
 - a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.
 - b. Spouses who are both employed by the County are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.
4. The employee must not have used all twelve (12) weeks of FMLA leave in the preceding twelve months.

D. USE OF LEAVE

The provisions of this policy shall apply to all family and medical leaves of absence as follows:

1. Generally:

An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. Employees will be required to utilize all of their accumulated unused paid leave (sick, vacation, personal, etc.) as part of FMLA leave. Sick leave is to be used first. Once available paid leave has been exhausted, the remainder of the twelve weeks will be taken as unpaid leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.

2. Birth and Care of An Employee's Child:

An employee who takes leave for the birth of his or her child must first use all available accrued paid vacation and personal leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust all of her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period.

Leave for birth and bonding must be taken within a twelve (12) month period of time and must be taken as a continuous block of leave unless the Appointing Authority agrees to allow intermittent leave.

3. Placement of a Child for Adoption or Foster Care:

An employee who takes leave for the placement of a child for adoption or foster care, or to care for the newly placed child, must first use all available accrued paid vacation and personal leave prior to using unpaid leave for the remainder of the twelve (12) week period. The leave must be taken within twelve (12) months of the placement of the child.

4. Employee's Serious Health Condition or Family Member's Serious Health Condition:

An employee who takes leave because of his/her serious health condition or the serious health condition of his spouse, child or parent must use all available accrued paid sick first, then vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

5. Servicemember and Call to Active Duty FMLA:

An employee requesting Servicemember FMLA leave must provide documentation of the family member or next-of-kin's injury, recovery or need for care. This documentation may be a copy of the military medical information, orders for treatment, or other Armed Forces communication pertaining to the service member's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

An employee requesting leave for the covered family member's Active Duty or Call to Active Duty in the Armed Forces must provide proof of the qualifying family member's call-up of active military service. This documentation may be a copy of the military orders or other official Armed Forces communication.

6. Both Spouses Employed by the County:

Spouses who are both employed by the County are entitled to a combined total of twelve weeks of FMLA leave (rather than 12 weeks each) for the birth of a child, the placement of a child with the employee for adoption or foster care, or the care of certain family members with serious health conditions.

E. FMLA and DISABILITY / WORKERS' COMPENSATION

The Appointing Authority will designate any absence due to Workers' Compensation or disability leave as FMLA leave for eligible employees, and count it toward the twelve week FMLA entitlement if the employee's illness or injury qualifies as a serious health condition. While an employee is receiving compensation related to a Workers' Compensation absence, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee).

F. PROCEDURES FOR REQUESTING FMLA LEAVE

Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. If the employee fails to provide thirty (30) days' notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the employer receives notice. The employee must follow the regular reporting procedures for each absence.

FMLA requests must be submitted on a standard leave form prescribed by the Employer. The medical certification shall indicate: 1) the condition necessitating the requested leave; 2) the date the condition began; (3) the probable duration of the condition; (4) diagnosis of the condition; (5) a statement of the required treatment; (6) a statement, if appropriate, that the employee is unable to perform the functions of his/her position; and (7) the projected date of the employee's return to work. The Employer will determine whether the leave qualifies as FMLA leave, designate any leave that counts against the employee's twelve (12) week entitlement, and notify the employee that the leave has been so designated.

An employee who fails to provide required medical documentation in connection with medical leave in a timely manner will be denied leave until required certification is provided, or in emergency situations involving serious health conditions, will be denied continuation of leave.

When an employee needs foreseeable FMLA leave, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the Employer's operations.

G. CERTIFICATION OF NEED FOR FMLA LEAVE FOR SERIOUS HEALTH CONDITION

An employee who request FMLA leave due to a serious health condition of the employee or a family member must provide certification from a health care provider of the serious health condition within fifteen (15) calendar days from the date of the request made by the Appointing Authority.

When the need for FMLA leave is due to the employee's own serious medical condition, the health care provider must confirm in the certification whether the employee is unable to perform work of any kind or that the employee is unable to perform the essential functions of the employee's position. An employee who requests FMLA leave for his/her family member's serious health condition must provide a doctor's certification of the serious health condition, which must designate that the employee's presence is reasonably necessary. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.

The Employer may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the Employer. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the Employer. If the first and second opinions differ, the Employer, at its own expense, may require the binding opinion of a third health care provider approved jointly by the Employer and the employee. The third opinion will be considered final. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

Employees who request and are granted FMLA leave due to serious health conditions may be required to provide the Employer periodic written reports assessing the continued qualification for FMLA leave. Further, the Employer may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.), or if the employer receives information that casts doubt on the employee's stated reason for the absence. The employee must provide the requested additional reports to the Employer within fifteen (15) days. Any costs associated with the additional reports requested by the Appointing Authority shall be at the employee's expense.

H. CERTIFICATION FOR FMLA LEAVE BECAUSE OF A QUALIFYING EXIGENCY

The Employer may request that an employee provide a copy of the military member's active duty orders to support the request for qualifying exigency leave. Such certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; appropriate contact information for the third party if the qualifying exigency requires meeting with a third party and a description of the meeting; and, if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

I. INTERMITTENT / REDUCED SCHEDULE LEAVE

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee unless specifically authorized in writing by the Appointing Authority. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or, as soon as practicable.

To be entitled to intermittent leave, the employee must, at the time such leave is requested, submit additional certification as prescribed by the Employer establishing the medical necessity for such leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts supporting the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave may be required to meet with the Appointing Authority or designee to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent classification, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the Employer's operations.

J. BENEFIT CONTINUATION

The County will continue to provide health care coverage to an employee on FMLA leave at the same level and under the same conditions as if the employee had continued to work. The employee continues to be responsible for the payment of any contribution amounts he would have been required to pay had he not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

The employee must contact the County's Benefit representative to make arrangements for payment. The contributions for continued coverage are due on the first of every month. In the event that an employee's contribution payment is more than thirty (30) days late, the County may discontinue health insurance coverage and/or any other benefits for which employee contributions are required. The County will notify an employee in writing that it did not receive premium payments and will wait fifteen (15) days before canceling coverage.

If an employee returns from medical leave, the County will deduct and/or withhold from his/her next regular paycheck an amount, if any, equivalent to the required employee contributions to health insurance coverage for the leave period which was paid by the County but which should have been paid on a timely basis by the employee during the leave period. The County will also deduct and/or withhold from such paycheck an amount equivalent to required employee contributions or premiums for continuation of an employee's flexible spending account, when applicable, during the leave period which was paid by the County.

If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the Employer may seek reimbursement from the employee for any amounts paid by the Employer for insurance benefits the employee received through the Employer during any period of unpaid FMLA leave. Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service.

However, specific leaves times (i.e. sick, vacation, and personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

K. REINSTATEMENT

An employee on FMLA leave must give the Employer at least two business days' notice of his/her intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. Where the leave is not because of a serious medical condition or is beyond FMLA entitlement, the County endeavors to place employees returning from leave in their former position or in an equivalent position upon return. The determination as to whether a position is an "equivalent position" will be made by the Employer.

An employee will not be laid off as a result of exercising his/her right to FMLA leave. However, the Employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the agency, the employee would not otherwise be employed at the time reinstatement is requested. An employee on FMLA leave has no greater or lesser right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during her FMLA leave.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to perform the essential functions of his/her position, with or without reasonable accommodation. The County may also require a second medical opinion, at County expense, if necessary to determine fitness for duty.

L. RECORDS

All records relative to FMLA leave will be maintained by the Employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential. Records and documents created for purposes of FMLA containing family medical history or genetic information as defined by the Genetic Information Nondiscrimination Act of 2008 (GINA) shall be maintained in accordance with the confidentiality requirements of Title II of GINA, which permit such information to be disclosed consistent with the requirements of FMLA.

M. KEY EMPLOYEE

Certain highly compensated salaried employees ("key employees") may be denied reinstatement from medical leave if such would cause substantial and grievous economic injury to the operations of the County. At or about the time of request for leave, an employee shall be notified by the County if he/she is deemed a "key employee" and thus subject to possible denial or reinstatement. A "key employee" will receive notice if the County determines that he/she will not be reinstated upon completion of the leave.

N. MISCELLANEOUS

Any employee absent from the workplace on FMLA leave shall remain on the rolls of the County through the authorized period of leave. After authorized leave has expired, unless "personal leave" has been afforded, an employee shall cease to be employed by Mahoning County and will be afforded the opportunity to continue health insurance coverage at the employee's sole expense, consistent with any benefit continuation rights provided by applicable state law and/or by the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA").

CHAPTER 14 - VACANCIES, PROBATIONARY PERIODS, TRANSFERS, PROMOTIONS AND JOB ASSIGNMENTS

The Appointing Authority has sole discretion to determine when a vacancy exists. Vacant positions will be filled in accordance with state and federal laws.

A. RECRUITMENT PROCEDURES

The Appointing Authority may publicly announce the vacancy by any appropriate means, for the purpose of recruiting qualified applicants. Each announcement, insofar as practicable, shall specify the title, summary of duties, minimum qualifications required, wage rate, method of application and deadline for applying. All advertisements and postings will include an Equal Employment Opportunity statement.

B. SELECTION

1. All applicants, including current employees, must complete and submit the required application form in the appropriate time frame before they will be considered for the position. Applications will be reviewed and the position's Appointing Authority or designee, or a panel will interview selected candidates. Fully qualified, current County employees will be given first consideration for transfer or promotion to a vacant position. Qualifications, where developed, structured interviews, as well as other structured tests may be used for selection and to determine internal transfers and promotions.
2. References, driving and criminal records checks and job related testing procedures will be conducted in an objective manner. If an individual has a disability, the test will be administered in a manner that ensures the results reflect the skills, knowledge and other factors to be measured rather than the impaired skills. Only job related skills will be evaluated.

The most qualified applicant(s) will be recommended to the Appointing Authority. Employment recommendations are subject to approval by the Appointing Authority.

C. RECORD KEEPING

1. An Equal Employment Opportunity ("EEO") form will be given to each external employment candidate along with the Employment Application form. The EEO form will be removed from the application after it is completed and kept separate from the application. The EEO form will be kept on file for two (2) years.
2. Applications will be kept on file for at least one (1) year.

D. EMPLOYMENT ELIGIBILITY

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

1. Proof of required licensure and educational requirements:
 - a. Failure to maintain a current license may result in disciplinary action up to and including discharge.
 - b. Payment of any license, registration or examination fee is the responsibility of the employee, unless otherwise contracted with the Appointing Authority.
2. Satisfactory driver's record check showing possession of valid operator's license or CDL.

3. Proof of employment eligibility.
4. If applicable, proof of automobile liability insurance with limits of \$100,000/\$300,000/\$50,000 submitted to the County's Human Resources Director by any employee who must drive his/her private vehicle as a part of the job duties.
5. Submission to and negative findings of drug and alcohol screening.

Employees of Mahoning County are responsible for the arranging of their own transportation to and from the job, and their own parking facilities.

E. PROBATIONARY PERIODS

The probationary period allows the County to closely observe and evaluate the employee's fitness and suitability for the position. Only those employees who demonstrate an acceptable standard of conduct and performance shall be retained in their positions. If at any time during the probationary period, a newly hired employee's service is determined to be such that it does not merit further employment, he/she may be terminated without appeal rights.

Time spent on inactive pay status or non-paid leave of absence shall not be counted toward the completion of the probationary period.

1. Original Appointments

- a. All original appointments in the classified service shall be for a probationary period of one hundred and eighty (180) calendar days. A longer probationary period, not to exceed one (1) year, may be granted by the Appointing Authority.
- b. A newly appointed part-time employee working on a portion of each workday will serve a probationary period of one hundred and eighty (180) calendar days.

A newly appointed part-time employee who works an irregular schedule of fewer than the normal number of days each week will serve a probationary period of one thousand and forty (1,040) hours worked.

- c. A part-time employee going to full-time status will serve a new probationary period of one hundred and eighty (180) calendar days.
- d. No appointment is final until the probationary appointee has satisfactorily completed the probationary period. If the service of a probationary employee is unsatisfactory, the employee may be removed or demoted at any time during the probationary period without recourse.

2. Promotional Appointments

All promotional appointments to the classified service shall have a probationary period equal to that of an original appointment within that classification. During the second half of the probationary period, if the work performance of the promotional probationary employee is unsatisfactory, the employee may be returned to his/her former classification and rate of pay.

3. Unclassified Employees

Unclassified employees serve at the pleasure of the Appointing Authority.

4. Retire-Rehire

Any former employee of Mahoning County who returns to employment with the County is considered a new employee for probationary purposes.

F. JOB ASSIGNMENTS

Employees shall be expected to fully, dutifully and conscientiously perform those tasks as assigned to them. Employees may be expected, from time to time, to complete job assignments which are typically not performed by them or contained in their job description in order to provide required services. No employee can refuse a job assignment unless it would violate law or place him in an imminently harmful or life-threatening situation. If an employee objects to an assignment, he/she should complete the assignment first and then file a complaint under this Manual.

When an employee is assigned to a different job classification for ten (10) consecutive work days or more, the employee will then be compensated as follows:

- a. If the employee's regular rate of pay is higher than the range for the temporary assignment, the employee will be paid his/her regular rate of pay.
- b. If the employee's regular rate of pay is lower than the range for the temporary assignment, the employee will be paid at the minimum rate of the pay grade of the temporary assignment.

G. TRANSFERS

1. Temporary Transfers

- a. A temporary transfer may be used to fill a vacancy caused by: (1) an employee's absence due to sick leave or other approved leave of absence; (2) to provide vacation relief scheduling; (3) to fill an opening pending permanent appointment; (4) to meet an emergency situation; (5) to replace an employee who is temporarily incapacitated from performing regular duties; or (6) for any other reason consistent with law.
- b. A temporary transfer shall not exceed thirty (30) working days, or for a longer period not to exceed ninety (90) working days if agreed to by the employee and employer.
- c. A classified employee temporarily assigned to a position with a higher rate of pay shall receive the regular rate of pay corresponding to the temporary assignment. A classified employee temporarily assigned to substitute in a different job classification with a lower rate of pay shall receive the regular rate of pay of their normal assignment.

2. Permanent Transfers

- a. An employee shall be eligible for a permanent transfer only after successfully completing the probationary period of the current position.
- b. An employee is considered to have been transferred when he/she is given a different assignment within the same classification.
- c. Transfers will be made at the discretion of the Appointing Authority.
- d. An Appointing Authority can initiate a transfer if the transfer would be in the best interest of the County. The needs of the County take precedence over the wishes of an employee.
- e. No permanent transfer to a vacancy may occur until the Appointing Authority has satisfied its obligation to post a Notice of Vacancy, and to consider applicants in accordance with law and policy on vacancies and promotions.

H. PROMOTIONS

Only an employee who has successfully completed a probationary period in his/her current position and is determined to be fully qualified for the position may be considered for a promotion to a higher classification. Fully qualified means the employee possess the required skills, ability and experience and/or education and training to support the appointment.

I. VOLUNTARY DEMOTION

1. An employee who voluntarily requests, and is granted, a transfer to a vacancy in a lower classification will be re-classified and must accept the duties, responsibilities and wages of the lower classification for a minimum of six (6) months before requesting or applying for a transfer or promotion to a higher classification.
2. Approval is at the discretion of the Appointing Authority.
3. A demoted employee will have his/her wage rate reduced to a level within the salary range of the lower classification.

J. JOB AUDITS

1. Jobs are grouped into classifications on the basis of similar duties and qualification requirements. Compensation is determined, in part, by the job classification.
2. The duties and responsibilities of each job will be periodically reviewed and adjusted. When the job duties have changed significantly, the employee and his/her supervisor may request that the Appointing Authority have the position audited as provided under O.R.C. §124. As a result of an audit, a revised job may be moved to another classification. A job audit may not be requested for a period of one (1) year from the date of the results of the last audit, unless the job duties are substantially altered. Generally, there must be a 20% change in the essential job functions to create a reclassification.

CHAPTER 15 – COUNTY PROPERTY

A. GENERAL

Mahoning County's policy is to provide its employees with the materials and services necessary to promote an efficient and productive workplace. Use of County-owned property by employees shall be limited to uses that effectively and appropriately utilize the resources provided for the furtherance of County business.

Employees are prohibited from using County materials, tools, facilities, equipment and labor for personal or private use, regardless of whether the use is during working or non-working time. All County tools and equipment must be used and operated within the laws of the State of Ohio and/or the rules and regulations of the County. Employees may not perform private work for themselves, co-workers, friends or family members during working time or while using County materials, tools, facilities or equipment. Any unauthorized or improper use of County property by an employee may be considered theft and may result in disciplinary action up to and including termination. In addition, the County may refer instances of employee theft or destruction of County property or others acts in violation of applicable local, state or federal law, to the County Prosecutor's office.

B. DEPARTMENT EQUIPMENT

1. Employees are responsible for all keys, access cards, ID badges, cellular telephones, pagers, lap tops and computer tablets, video equipment, tape recorders, tools, uniforms and any other equipment assigned to them, and must return them upon termination of employment. Employees may be required to pay for lost equipment.
2. Lost county property, keys and access cards must be reported immediately to the Appointing Authority.
3. The use of County equipment, machines and property for purposes other than County business is strictly prohibited. This includes, but is not limited to the use of copying machines, scanners, facsimile machines, telephones, bulletin boards, telephones and computers.
4. Employees may not use the County's address for receiving personal mail or use County stationery or postage for sending personal mail.
5. Equipment or supplies removed from County premises must be recorded by the Supervisor, noting a description of the item, when it was removed, when it will be returned and the individual responsible for its return.
6. Employees are required to maintain the security of their work area by locking drawers and files. Securing confidential files in the appropriate areas, putting supplies and equipment away, locking doors, autos and setting security systems are expected to be done on a routine basis.
7. Employees have no reasonable expectation of privacy in the use of County property and facilities. In order to safeguard employees and the workplace, and in order to maximize efficiency, safety and productivity, the County reserves the right, in its sole discretion and without notice to employees, to inspect, monitor or otherwise search County property and facilities, including County owned vehicles, desks, cabinets, lockers, offices and files, or any other enclosed or open area within County property or facilities and to monitor or inspect any items found within such facilities. Employees are required to cooperate in any work place inspection. The County also reserves the right to inspect any packages, mail, parcels, handbags, briefcases, or any other possessions or articles carried to and from County facilities and job sites where permitted by law.

8. As owners of the property, the County reserves the right to replace, repair or remove such property as it deems necessary.
9. Personalized County stationery and business cards may be issued only by the County.

C. TELEPHONE AND VOICE MAIL

1. The County may issue cellular phones to those employees who demonstrate the need for them based on their job duties. Employees are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Cellular phones are not only capable of making and receiving phone calls, they may also be capable of email, text messaging, internet browsing, running third party applications, GPS, and entertainment. Regardless of the capability of a particular cellular phone, County-issued cellular phones are considered County property and are for business use only. Features other than phone use must not be used or activated without direct authorization from a supervisor.

Use of County hand-held cellular phones and while operating a motor vehicle is discouraged, whether the vehicle is in motion or stopped at a traffic light (County-owned or personal). This includes, but is not limited to, answering or making calls, engaging in phone conversations, reading and/or responding to e-mails, instant messages and text messages. If employees need to use a phone, they should attempt to pull over to a safe location if possible.

Employees are not to use County-issued cell phones when landline phones are available. Each employee will be required to sign a receipt upon receipt of a pager or cell phone, certifying their compliance with these policies. The assignment of pagers and cell phones will be reviewed at least yearly by the Department Director, as well as an audit of phone bills and logs.

Employees unable to present the phone in good working condition may be expected to bear the cost of replacement. Employees, who separate from employment with outstanding debts for equipment loss or damage, or unauthorized charges, will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

2. Employees whose job responsibilities include driving are expected to refrain from using their personal or County issued cell phones while driving County vehicles or while driving their personal vehicle on County business. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from complicated or emotional discussions and keep their eyes on the road.
3. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.
4. Employees required to answer the telephone as part of their assigned duties shall do so in a polite and courteous manner. No employee shall use foul or abusive language or other communication over the telephone or in any dealings with the public.
5. The County reserves the right to monitor any phone at any time. Personal phone calls must be kept to an "on emergency basis" only.
6. Supervisors determine whether brief personal telephone calls are of reasonable length, and in the interest of the County, based on employee's work schedule, co-worker needs, work demands, etc.

7. The voice mail system is maintained for the benefit of the employer and the employer may monitor it at any time without prior notice. The system is a County asset and all entries are County property. Improper use of the voice mail system or its use for personal or non-business purposes is prohibited.
8. Toll calls and/or long distance calls for personal reasons shall not be charged to the County.

D. COMPUTER, INTERNET, E-MAIL AND OTHER ONLINE SERVICES

1. County internet, e-mail, text and instant messaging systems, facsimiles, and other online services and electronic equipment (i.e., jump drives) are County property and is provided for County business. Access to any internet site or service using County-owned equipment, which does not further business purposes, is prohibited on- or off-duty. However, the County may permit employees incidental personal use of the computer at their desk or work station during non-working time with their Supervisor's approval. When using a computer for personal use, the employee must not use it in any illegal, obscene, offensive or intimidating manner, or any other manner that violates County policy. Such usage shall not adversely affect business or productivity. Personal usage is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason or for no reason.
2. All information contained, sent or received on the County's computers, internet and e-mail can and will be monitored by the County without notice, consistent with law. These actions may be taken for business purpose inquiries including but not limited to theft investigation, unauthorized disclosure of confidential business or proprietary information, excessive personal use of the system or monitoring work flow and employee productivity. Employee use of the County's computers constitutes the employee's consent to the County reviewing computer history and the use, including password-protected websites and e-mail and deleted material, so that the County may ensure compliance with the policies. The confidentiality of any message should not be assumed.
3. County e-mail is an official form of communication to be used for County business and is subject to public records laws. The contents of all e-mails sent through the County e-mail system shall be appropriate and business-related. Employees should not send any communication via e-mail that they would not be willing to communicate in writing. If an employee receives an open records request for information contained in e-mail sent or received by the employee, the employee must respond to the request for such e-mail in the same way they would respond to a request for paper records. The Prosecutor's Office should be consulted before responding to open records request for e-mail. Even when a message is erased, it is still possible to retrieve and read that message. If you use your personal cell phone, it may be subject to Public Records Law.
4. Personal passwords are regarded as confidential and may not be given to others. Any suspected loss or misuse of passwords is to be reported immediately to the Appointing Authority or appropriate systems administrator. Employees may be required to change passwords following all IT Guidelines.
5. Access to the internet, e-mail or other online services using personally-owned electronic devices (i.e., cell phones, PDAs, smart phones, iPads and laptops) while on duty is prohibited. Paid work time is to be dedicated to work-related activities.
6. All software installed on any County computer must be licensed to the County. Copyrighted and trademarked materials that do not belong to the County must not be placed on any system. No employee may install, uninstall or reconfigure or reproduce any software or hardware owned by the County without prior authorization from the County.
7. No software data or information may be removed from County premises in the form of tape, diskette, print or other media unless the removal is related to County business.

8. All employees shall use all reasonable safeguards when using the internet, e-mail, or other online services to avoid mistaken distribution of another's information.
9. Use of the County's technical resources must not interfere with the employee's productivity, the productivity of any other employee, or the operation of the County's technical resources.
10. Employees who are responsible for, or are assigned portable computer equipment and electronic media (i.e., laptops, flash memory devices, external hard drives, DVDs, CDs, etc.) shall secure those items when not in the office as these items may contain confidential and/or HIPAA information, which could be compromised if lost or stolen. If an employee loses a piece of equipment or it is stolen, they are required to immediately notify their supervisor. Failure to properly secure portable computer equipment and electronic data is subject to disciplinary action.
11. Employees shall not download, upload or otherwise install any unauthorized programs on the computer system, nor reproduce or make personal use of proprietary software purchased by and licensed to the County. Employees will be held responsible for any intended or unintended material which appears on their computers.
12. If an employee accidentally accesses an inappropriate web site in the normal course of business, they should notify their supervisor immediately.

To that end, the following is a non-exclusive list of prohibited uses of County computers and information systems, including but not limited to e-mail, instant messaging, internet, or other online service:

- a. Violation of local, state and/or federal law;
- b. Harassing or disparaging others based on age, race, color, national origin, sex, sexual orientation, disability, religion, military status or political beliefs. Harassment and disparagement include but are not limited to slurs, obscene messages, sexually explicit images, cartoons or messages;
- c. Transmit, download, print or solicit materials (visual, textual or auditory) of pornographic or sexually-oriented messages or images, or that containing ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on age, race, color, national origin, gender, sexual orientation, disability, religious or political beliefs;
- d. Threatening others;
- e. Soliciting or recruiting others for commercial ventures, religious or political causes, outside organizations, or other matters which are not job related or specifically authorized in writing by the Appointing Authority;
- f. Use, sale or distribute controlled substances via the computer, or encourage the same;
- g. Sabotage, e.g. intentionally disrupting network traffic or crashing the network and connecting systems or intentionally introducing a computer virus, or any use that interferes with normal business activities;
- h. Vandalizing the data of another user;
- i. Purchase or sale of personal items or services through advertising or any for-profit business activities or for personal gain;
- j. Forging electronic mail and instant messenger messages, or hiding their identities;

- k. Any use that could possibly bring embarrassment or harm to the County;
- l. Using the Internet or IM for sending chain letters, personal parties, social meetings, gambling, charities, or soliciting for money for religious or political organizations or causes, or any reasons unrelated to the County's business;
- m. Any use that involves the uploading, downloading, distribution or printing of copyrighted materials, which includes articles and software, in violation of the copyright laws;
- n. Uploading or downloading games, viruses, inappropriate graphics or picture files, copyrighted materials, illegal software, and unauthorized access attempts into any system;
- o. Browsing or inquiring upon confidential records maintained by the County without substantial business purpose;
- p. Intentionally using Internet facilities to disable, impair or overload performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user;
- q. Accessing the Internet in any manner that may be disruptive, offensive to others or harmful to morale;
- r. Any access to or release of untrue, distorted, unauthorized proprietary County documents or information or data restricted by government laws or regulations;
- s. Speaking to the media or to the public within any news group, bulletin board or chat room on behalf of the County if not expressly authorized to represent the County;
- t. Using the computer of any other employee without explicit permission; and/or
- u. Downloading and viewing non-work related streaming audio or video (i.e., listening to radio stations, etc.).

Whether on working time or not, these prohibitions apply at all times to the county-owned computers and information systems. Personnel cannot expect that the information they convey, create, file or store in County computers and information systems will be confidential or private regardless of the employee's intent. Use of the employee's own personal electronic devices in the workplace for work-related business could open the device(s) to inspection under the Public Records laws. Any employee who discovers a violation of this policy shall notify their Supervisor immediately. Improper use of the County computer, internet or e-mail usage may result in discipline, up to and including termination.

13. Allowable uses of computer and information systems for business purposes: [CORSIA]

- a. Facilitating job function performance.
- b. Facilitating and communicating business information within County network.
- c. Coordinating meeting locations and resources for the County.
- d. Communicating with outside organizations as required in the performance of employee job functions.

E. VEHICLES

This policy is applicable to everyone who is required to drive a motor vehicle in the course of their employment or activities on behalf of Mahoning County. This policy applies to automobiles, motorcycle or other conveyances titled to, purchased, hired or leased by or insured by or through the Board of County Commissioners, and also applies to privately-owned vehicles operated by County employees in the course of their employment. The privilege of the use of a County-owned vehicle can be rescinded at any time by the Appointing Authority. Interns, volunteers and students are prohibited from operating county vehicles, except for County public safety volunteers.

1. Assignment

Vehicles may be provided for those elected officials, department directors and employees who require transportation in the course of their duties.

- a. Department directors will make vehicle assignment based on a written request. This request must provide a documented justification of need. Approval will be based on transportation needs, emergency requirements, call-out availability, after hour meetings, cost effectiveness, or as otherwise determined by the appropriate Appointing Authority and/or the Board of County Commissioners.
- b. Permanent vehicle assignments are to be reviewed annually by the Board of County Commissioners and the appropriate elected officials, in line with the Budget Appropriations Process.
- c. Temporary short-term vehicle assignments are subject to department director approval.
- d. Before approving a driver, each supervisor must check with the County Risk Management Department to ensure that the employee has been pre-approved to drive on County business.

2. Driver Requirements

- a. Employees shall not use, or permit the use of County automobiles for any purpose other than official County business. Employees shall log personal miles and will be charged back on their W-2 as taxable wages based upon the IRS mileage rate. Commuting to and from work are considered personal miles.
- b. All operators of County vehicles must be at least eighteen (18) years of age, possess a proper and valid Motor Vehicle Operators License that covers the type of vehicle to be operated.
- c. The Director of Risk Management shall verify the validity of a new employee's driver's license if the position requires the possession of a valid driver's license.
- d. Employees who drive County vehicles or who drive their personal vehicles for County business are subject to periodic (at least annual) record checks by a review of the State's Motor Vehicle Registration Records by the County's Director of Risk Management. Employee operated and owned vehicles are recommended to carry \$100,000.00/\$300,000.00 limits of automobile liability on their own vehicles.
- e. Employees, as representatives of the County, are expected to be courteous to the public and obey all motor vehicle laws and regulations.
- f. Alcohol and drugs are not to be used in or on County vehicles. Alcohol and drugs are not to be transported in or on County vehicles except as a function of law enforcement or operation of a medical or nursing institution. County vehicles are not to be operated while an employee is under the influence of alcohol or controlled substances except for approved prescriptive medications, which shall not impair the employee's operational ability, taken under a program of medical care, prescribed by a licensed physician.

All employees operating County vehicles under such a program must notify their supervisor and present their physician's certificate attesting to non-impairment of their ability to operate a County vehicle. Supervisors are responsible to ascertain the fitness of employees to operate vehicles. Any employees believed to be operating a County vehicle under the influence of alcohol shall be subject to the Substance Abuse Intervention Policy.

- g. Operators of County vehicles shall not permit the use or operation of any County vehicle by an unauthorized person. Operators of County vehicles shall not permit unauthorized riders (i.e., children, spouses, friends, etc.) in the County vehicles that are assigned to them. Operators of County vehicles may transport other County employees to and from work as a fuel conservation practice, not as a door-to-door taxi service. Violations of this Section will result in disciplinary action, up to, and including dismissal from County employment.
- h. Any County employee who operates a County-owned motor vehicle, or a privately owned motor vehicle in the discharge of official County business, shall at all times during the course of operation, fully utilize the front seat occupant restraint systems provided in the vehicles and require like use of said systems by any passengers in the vehicle. Infant and child car seats are required to be used in accordance with the laws of the State of Ohio and manufacturer's product manuals.
- i. Employees are responsible for reporting to the Director of Risk Management, the Human Resources Director and their supervisor any change that may affect either the employee's legal or physical ability to drive when charged with: DUI offenses, moving traffic violations obtained while on, or off, duty or continued insurability, as an employee's personal driving record may impact his/her ability to be covered on the County's liability policy. Employees will be subject to discipline for failure to report.
- j. County employees who are assigned a County vehicle by the Appointing Authority for duty to domicile (home) travel shall not utilize that vehicle for private purposes.
- k. Departments, which have gasoline credit cards, shall use them to purchase only gasoline or oil on official County business ONLY. All other supplies and equipment will be purchased through the County Garage.
- l. Employees whose job descriptions require that they possess a valid commercial drivers' license (CDL) are subject to State and Federal regulations and requirements concerning CDL license holders. The CDL requirements are in addition to, not in lieu of, the above-listed requirements for the use of County vehicles.
- m. An employee who operates a motor vehicle for work and who has his/her license suspended, but who has acceptable court-ordered driving privileges, may nevertheless have his/her driving privileges temporarily suspended by the County. When the County suspends driving privileges, the employee will be temporarily reassigned. The County need not reassign an employee who drives for work and has his/her license suspended by a court with no work-related driving privileges.
- n. The County may, at its discretion, monitor the use of County vehicles through the use of a GPS system. Such monitoring by the County shall be limited to an employee's use during working hours; for take-home vehicles, to confirm that a vehicle is not being used improperly during non-working hours; or, for other reasons to confirm that the vehicle is being used for a purpose consistent with this policy.

3. Vehicle Requisition and Replacement

- a. All general fund departments with County vehicles are to utilize our County Vehicle Maintenance Garage located at the Mahoning County Sanitary Engineer's Office, 761 Industrial Road, Youngstown, Ohio. If the garage cannot handle the repairs, you will be advised to seek service at a private facility and will be provided cost estimates by County Garage Staff. The dealer shall service all cars under warranty where the vehicle was purchased (except for oil and lubrication).

- b. The County Vehicle Maintenance Garage mechanics will inspect all vehicles which are near established replacement limits, or which have high maintenance cost. Based on mechanical condition, use date, service reports, and established need, the Appointing Authority or Department Head is to determine if a vehicle should be retained or disposed of and so recommend to the Board of County Commissioners after receiving said report from the mechanic.
- c. When determined to be more cost effective, or if requirements justify, vehicles may be leased or rented.

4. Preventive Maintenance and Service Schedule

Vehicles are to receive preventive maintenance according to standards established by the County Vehicle Maintenance Garage mechanics.

- a. Officials who have vehicles assigned to their department, office or agency are responsible for required maintenance and service. Any user noting service, safety, or maintenance requirements is responsible for notifying his/her department head or supervisor.
- b. Employees using short-term vehicles are responsible for returning the vehicle in a clean condition with the gas tank filled.
- c. A high standard of vehicle cleanliness and appearance, both interior and exterior, shall be required and maintained, consistent with the particular working environment. Department Directors and/or Appointing Authorities are ultimately responsible for enforcing cleanliness standards for vehicles assigned to their department and personnel will be held accountable for the appearance of that portion of the fleet under their operational control.
- d. Vehicle operators shall immediately notify their supervisor, should they detect any unsafe or hazardous condition in or on any County vehicle. (Forms will be provided for this purpose)

5. Accidents Involving County Vehicles and Traffic Citations

- a. County employees involved in an accident while driving or riding in a County vehicle or while conducting County business in a personal vehicle shall adhere to the following procedures:

County-owned vehicle:

- v. Call for medical aid if necessary;
- vi. Call the police for all accidents involving a second party, regardless of severity;
- vii. If vehicle is not functional, have towed to the County Garage;
- viii. Report accident immediately to supervisor or Appointing Authority;
- ix. Report accident to the Director of Risk Management within twenty-four (24) hours of the event;
- x. Record the name, address and insurance company of driver of other vehicle;
- xi. Submit both an "Internal Incident Report" as well as the "County Property Damage Report" to the Director of Risk Management within twenty-four (24) hours of the event;
- xii. Take pictures of any County vehicle damage at the scene, if possible. If not, pictures must be obtained by the employee's supervisor as soon as possible and forwarded to Risk Management; and
- xiii. Do not discuss the accident details with anyone at the scene except for law enforcement;

Personal vehicle:

- xiv. Call for medical aid if necessary;
- xv. Report accident immediately to supervisor or Appointing Authority;
- xvi. Report accident to the Director of Risk Management within twenty-four (24) hours of the event; and
- xvii. Submit an "Internal Incident Report" to the Director of Risk Management within twenty-four (24) hours of the event.

ALL EMPLOYEES INVOLVED IN AN ACCIDENT MAY BE SUBJECT TO A URINE TEST/SCREENING. THIS TEST WILL BE ORDERED WITHIN 24 HOURS OF THE EVENT.

- b. All damages to County-owned vehicles must be evaluated by the Appointing Authority or designee to determine if repairs are necessary.
- c. Pre-Authorization from the Director of Risk Management is required for all in-house or outside vendor repairs to physical damage of all County-owned vehicles.
- d. Parking, moving violations and other fines received during the operation of a County vehicle are the responsibility of the operator. Damage to an employee's vehicle sustained while on County business is the responsibility of the employee or his/her insurance carrier.
- e. Operators of County vehicles who establish poor driving records (accidents or traffic citations while using County equipment) may be assigned to defensive driving or other driver's training courses at the discretion of the supervisor/department director. They may also be subject to reassignment and/or discipline and may forfeit driving privileges in the event of a license revocation, suspension or traffic offense conviction.

6. Disciplinary Action

- a. Recurring traffic violations, failure to comply with established vehicle policies and procedures, and misuse or abuse of County vehicles and equipment may result in disciplinary action up to and including termination, depending on the severity and circumstances surrounding the violation. The Director of Risk Management and/or the Human Resources Director will perform an investigation of any and all violations with the Elected Official of the assigned department involved. They will recommend which actions should be taken by the Board of County Commissioners or the appropriate Elected Official.
- b. An employee who operates a motor vehicle for work and who has his/her license suspended, but who has acceptable court-ordered driving privileges, may nevertheless have his/her driving privileges temporarily suspended by the County. When the County suspends driving privileges, the employee will be temporarily reassigned. The County need not reassign an employee who drives for work and has his/her license suspended by a court with no work-related driving privileges.
- c. The definition of an unacceptable drive can be found in Chapter 7 (G)(6).

7. Identification of County Vehicles

- a. All vehicles titled to Mahoning County, unless otherwise exempted, shall be marked appropriately and in compliance with 307.42 of the Ohio Revised Code.
- b. All markings of Mahoning County vehicles shall be approved by the Risk Management Department with the exception of the Sheriff's Department whose markings are mandated under separate code.
- c. All vehicle markings shall be in the form of adhesive decals and shall be conspicuously placed directly on the surface of both sides of the vehicle. Magnets or other alternative forms of markings are expressly prohibited unless otherwise approved by the Risk Management Department.
- d. Vehicle markings shall include the following:
 - i. County Seal, either with or without departmental identification or County departmental logo approved by Risk Management; and
 - ii. Vehicle Identification number – assigned by the County Garage

- e. Newly acquired vehicles shall be processed through the County Garage prior to being placed into service wherein the vehicle will be logged, assigned a vehicle identification number and marked.
- f. Vehicle gas cards will not be provided until vehicles have been presented for processing and marking.

8. Fuel Conservation

The County fleet shall be managed, maintained and operated so as to minimize the use of fuels. To that end, all department heads and individual operators are charged with the responsibility of conserving fuel by all practical means and fuel consumption will be monitored by the fleet manager on a fleet-wide basis, as well as by department, on a monthly basis.

In the event that circumstances make it necessary, fuel will be allocated and rationed according to a plan approved by the Board of County Commissioners giving priority to emergency vehicles, fill-up as needed to essential service vehicles, and monthly allotments to other vehicles in decreasing amounts depending on use category. The fleet manager in each department shall administer such an approved plan.

The following represent fuel conservation measures to be practiced fleet-wide:

- a. Elimination of all unnecessary trip(s) which are not useful;
- b. Elimination of all extended engine idling for vehicle and/or personal warm-ups;
- c. Elimination of all unattended vehicle engine idling while conducting business;
- d. Establishment of more/most direct routes to work site;
- e. Use of proper vehicle for job at hand (i.e., do not use dump trucks for transporting workers only; utilize multi-passenger vehicles to transport workers and materials, etc.;
- f. Plan and coordinate all work activities so as to use the most efficient vehicles and so that only one (1) trip to the job site is necessary;
- g. Limit use of vehicles known to be "gas-hogs;"
- h. Practice smooth acceleration and deceleration to avoid both "jack-rabbit" starts and panic" stops; and
- i. Combine several short trips into one longer trip.

9. Parking Controls

County employees may be assigned to County-owned buildings which have parking areas provided by the Board of Commissioners. Visitor parking is reserved for public use.

- a. If parking spaces are assigned and permits are issued, the permit must be prominently displayed on the vehicle at all times.
- b. A limited number of parking spaces are reserved for employees with physical disabilities. Employees who require accommodation for a physical disability should contact their appointing authority as soon as possible so that alternative parking arrangement may be made, as appropriate. Eligible employees may be granted a temporary alternative parking assignment for up to four (4) weeks. An employee with a disabling condition lasting longer than four weeks must obtain a temporary or permanent disability placard from the Ohio Bureau of Motor Vehicles. Upon expiration of the placard, the employee will be reassigned to any employee parking space.

CHAPTER 16 – SOCIAL MEDIA POLICY

A. SOCIAL MEDIA LIMITATIONS

Social media includes electronic, web-based technologies that enable people to instantly communicate to share information and content. These tools can encompass text, audio, video, images, blogging, podcasts, and other multimedia communications.

Mahoning County has embraced social media as a means to improve openness, the free exchange of information and camaraderie among employees, accessibility and transparency. Strategic use of social media helps the County foster positive relationships with key audiences, such as customers, social service providers, taxpayers, voters, overseers, government peers and employees.

However, when internet blogging, chat room discussions, e-mail, text messages or other forms of electronic communication extend to employees revealing confidential information about the County or its employees, or engaging in posting inappropriate material about the County or its employees, the employee who posts such information (i.e., Facebook, Twitter, YouTube, MySpace, etc.) or assists in posting such material may be subject to disciplinary action.

Employees shall not post on personal social media accounts, either on a County computer/cell phone.

Employees are reminded to be careful of the information they disclose on the internet, including social media sites. The following uses of social media are strictly prohibited, whether on or off duty:

1. Comments, displays, caricatures, photos, videos, etc. about employees, supervisors, customers, clients or the County that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the County's workplace policies against discrimination, harassment or hostility on account of age, race, religion, sex, ethnicity, gender, sexual orientation, marital status, nationality, disability, military status or other protected class, status, or characteristic; or
2. Statements or uses of the County's logo which are slanderous, detrimental, or maliciously untrue, including evidence of the misuse of the County's authority, information, insignia or equipment, including photos of County vehicles, uniforms, buildings, etc.; or
3. Unprofessional communication which, if left unaddressed, could potentially result in a civil or criminal cause of action against the County. Unprofessional communication also includes that which the County could demonstrate has a substantial risk of negatively affecting the County's reputation, mission or operations, such as slander, defamation or other legal cause of action; or
4. Disclosure of confidential and/or proprietary information acquired in the course of employment. Mahoning County's social media sites are subject to State of Ohio public records laws. Any content maintained in a social media format that is related to County business is a public record.

Confidential information includes not only information that would not be available pursuant to a public records request, but also includes any information which does not relate to an issue of public concern (i.e., social security numbers, biometric identifiers (finger or voice prints), addresses, health plan and beneficiary information) or;

5. Comments or displays which impact employees' abilities to perform their job duties or the County's ability to maintain an efficient workplace; or
6. Information that may tend to compromise the safety or security of the public or public systems; or

7. Conduct or encouragement of illegal activity.

Social media sites may be inspected by the County for cause to determine potential policy violations. If an employee believes that an online communication violates a County policy, the employee should immediately report the communication to his/her supervisor. The County may investigate the matter, determine whether such communication violates policy, and take appropriate action. This policy does not apply to communications protected by the U.S. or Ohio Constitutions, nor will it be interpreted to interfere with any public employees' existing right to engage in protected concerted activity.

Ohio state law and relevant Mahoning County records retention schedules apply to social media formats and content. As new technologies evolve, the County will explore additional social media tools for communication.

8. In the event a County agency operates and maintains a social media site, the Elected Official or Department Head shall designate the employee(s) who is permitted to post, maintain and monitor the postings on behalf of the agency. Absent prior approval, employees shall not add, or remove, any information or posting from the agency's social media site.

9. Conduct that occurs off duty and off premises may also be subject to this policy.

CHAPTER 17 – TRAVEL AND EXPENSE REIMBURSEMENT

A. GENERAL

Section §325.20 of the Ohio Revised Code requires the Board of County Commissioners' advance approval for officials and employees to attend any association meeting, conference, convention or training session at County expense. Examples of travel expenses are registration fees, airfare, public transportation, lodging, meals, mileage, car rental, parking, tolls, etc. Employees who are required to travel on county business will be reimbursed for reasonable expenses incurred in accordance with this policy. Employees are expected to use good judgement and to make related expenditures in a prudent manner by taking advantage of early registration and advance purchase discounts. The method and class of travel selected shall be that which is in the best interest of the County. To facilitate the accuracy and consistency in administering the travel process, each Department is encouraged to designate one of its employees as the primary contact for travel arrangements and reimbursements. Requests for reimbursement of travel expenses shall be documented and accompanied by appropriate Journal Entry and receipts for the travel expenses claimed. Violations of the provisions of this policy may subject the employee to disciplinary action, which may include termination of employment.

B. TRAVEL

1. Authorization

- a. All expenses for travel must be submitted to the Board of County Commissioners for approval prior to the actual travel, and must be in writing with a probable cost broken out. All travel shall be encumbered in accordance with the County's Purchase Order and/or Standard Voucher policy.
- b. A blanket request may be submitted for approval to attend multiple scheduled association meetings in Ohio and Pennsylvania, conferences and trainings throughout each calendar year. This approval by the Board of County Commissioners is required, in addition to proper authorization required by an individual Appointing Authority.
- c. The Board of Commissioners reserves the right to authorize additional employee reimbursement due to inclement weather or other emergency. A Commissioner may temporarily authorize emergency travel. The Board must subsequently approve travel.
- d. Registration fees are reimbursable and may be submitted for prepayment prior to travel. The Appointing Authority bears the responsibility for ensuring that if the employee does not attend, the employee will apply for a refund and/or credit. With the exception of airfare, employees who use personal funds to facilitate other eligible travel arrangements or expenses will not be reimbursed until after the trip occurs and proper documentation is submitted.
- e. Expenses are to be submitted within one (1) month of the last date of travel for each trip out of the County.
- f. Employees seeking reimbursement should incur the lowest reasonable travel expenses and exercise care to avoid impropriety or the appearance of impropriety. Reimbursement is allowed only when reimbursement has not been, and will not be received from other sources.

2. Mileage, Parking and Tolls

- a. A County car or an employee's personal car may be used for approved county travel. Actual total mileage for all personal vehicles should be reported and will be reimbursed at the prevailing Internal Revenue Service's Standard Mileage Rate. This rate will be reviewed prior to the beginning of the new year and adjusted at that time to match the IRS's Rate established for the year ahead.

- b. Such payment shall be considered as a total reimbursement for all vehicle related expenses (e.g., gas, oil, depreciation, etc.).

Employees authorized or required to operate a County-owned vehicle, or a privately owned vehicle on authorized County business, must have a valid Driver's License or, if required, a valid Ohio Commercial Driver's License. Employees must provide proof of such upon request of the department head. Any employee who has such license or driving privileges suspended, revoked or altered in any manner must immediately notify the Department Head in writing, stating the nature, length and alteration.

- c. Employees who are authorized or required to operate a privately owned vehicle on authorized County business must ensure that such vehicle is properly insured and provide proof of such insurance upon request. The employee or owner of the vehicle must have insurance in compliance with Section 4509 (Uninsured Motorist Act) of the Ohio Revised Code. Any changes in insurance status (e.g., lapse, revocation, alteration, change in carrier, etc.) must be reported in writing by the employee to the Department Head prior to any reimbursable travel.
- d. No prior authorization is necessary for mileage in the normal pursuit of business or for meetings.
- e. Mileage reimbursement is payable only on one (1) employee if two or more employees are traveling on the same trip in the same automobile.
- f. Employees of other political subdivisions may ride together in a County vehicle to a meeting on issues impacting County government.
- g. Charges incurred for parking at the destination, and any highway tolls are reimbursable at the actual amount and require receipts.
- h. Mileage should be reported in a timely manner.
- i. No expense reimbursements are paid for travel between home and office.

3. Common Carrier

- a. Reimbursement for travel by air, rail, bus or other common carrier shall not exceed the cost of coach fare or the economy rate in the chosen method of travel.
- b. The employee shall be personally liable for any charges assessed due to his/her failure to cancel reservations within the time limit specified by carriers, unless the failure is due to circumstances beyond his/her control.
- c. Expenses under this section must be supported by an original receipt.
- d. Frequent flyer credits earned by County employees for travel on County business cannot be used for personal travel. These credits must be applied towards further County travel or must be forfeited.

C. MEALS

The County will provide an employee for travel a per diem for meals and incidentals expenses ("M&IE"), and uses the rates established by the General Services Administration (GSA). Those rates can be found at www.gsa.gov/perdiem. The expense rates include meals, non-alcoholic drinks, taxes and tips. The requests for meals per diem may be submitted for payment one (1) week before travel with proper documentation of travel date and meal itinerary.

Employees will not be reimbursed for:

- Meal expenses exceeding the maximum meal rate for their destination city;
 - Any portion of the per diem that covers meals which are also provided as part of the conference fees, unless there is a business or health reason for an alternate meal; and
 - Any portion of the per diem that is being reimbursed as a part of a hospitality meal.
1. If an employee attends a conference, workshop or seminar where a meal is being served as a part of the cost of attending the event, and he or she chooses to forgo the pre-paid meal and eat elsewhere, the employee will be responsible personally for all costs incurred, including the cost of the substituted meal, related travel expense, taxes and gratuities.
 2. On the first and last travel days, employees are only eligible for seventy-five (75) percent of the total M&IE rate. On the GSA Per Diem Rate page there is an M&IE breakdown page which has a table showing the calculated amount for the "First and Last Day of Travel." The first or departure day is the day you leave your home or office. The last, or return day, is the day you return to your home or office.

For meals provided on the day of departure and the last day of travel, the employee must deduct the entire allocated meal cost from the decreased M&IE rate.

If the travel for a meeting or conference is within the county wherein the employee's office/headquarters is located, or within the employee's county of residence; or unless the meeting or conference is less than one-hundred and fifty (150) miles from the locations previously listed only the Per Diem Rate for lunch will be given to the employee. In other words, the employee will only be eligible for reimbursement for lunch for a "day trip."

3. Receipts are not required under any circumstances for reimbursement of meals using per diem rates.

D. LODGING AND OVERNIGHT EXPENSES

1. Hotel bills for approved travel will be paid as submitted on an original invoice or receipt. Travel requests should be approved by the Appointing Authority prior to the date of travel. Employees are expected to use good judgement in obtaining room rates, which reflect the proper use of public funds.
2. When at all possible, employees should include tax exemption forms when paying for a hotel so as to save the County the cost of the sales tax.
3. No reimbursement will be made for lodging if the meeting or conference is within the county wherein the employee's office/headquarters is located, or within the employee's county of residence; or unless the meeting or conference is greater than one-hundred and fifty (150) miles from the locations previously listed and the meeting or conference is scheduled to start prior to 10:00 a.m. Exceptions are at the discretion of the Department Head.
4. The employee shall be personally liable for any charges assessed due to his/her failure to cancel lodging reservations within the time limit specified by the hotel, unless the failure is due to circumstances beyond the employee's control.

E. OTHER EXPENSES

1. Car rentals are permissible when public transportation is not available and transportation between facilities is not provided by the conference. Reimbursement shall be at no higher than the compact rate, unless the number of travelers warrants a larger vehicle.

2. Expenses incurred by employees when holding breakfast, luncheon or dinner meetings necessary to the performance of their official duties are reimbursable, provided that prior approval has been received. These meetings do not fall under the aforementioned per diem, and should be requested for payment with a statement as to the general purpose of said meeting.
3. When an employee travels on County business pursuant to the provisions above, a non-employee(s) may accompany the employee. The non-employee must pay all expenses of the non-employee(s) for food, transportation, lodging or other travel expenses and will not be reimbursed. When lodging expenses are necessary, the non-employee must pay any additional lodging costs above the single occupancy rate.
4. When an employee travels under the provisions of this policy, the employee may extend such travel at the beginning and/or ending of County business, provided such extension does not result in additional expense to the County. Travel will be made in the most efficient, usual and customary fashion, i.e., car or plane. If the employee requires an exception, it must be approved prior to travel by the Appointing Authority. Any additional incremental costs of alternate transportation will be assumed by the employee, unless the exception is granted for documented medical reasons.
5. Travel will be made in the most efficient, usual and customary fashion, i.e., car, plane, etc. If the employee requires an exception, it must be approved prior to travel by the Appointing Authority. Any additional incremental costs of alternate transportation will be assumed by the employee, unless the exception is granted for documented medical reasons.
6. The following expenses are not reimbursable: laundry/dry cleaning, cosmetic needs, car repairs, alcoholic beverages and honor bars, airline club memberships, airline upgrades, in-flight movies, headsets, travel accident insurance premiums or purchase of additional travel insurance, child care, babysitting, pet sitting, house sitting, kennel charges, personal grooming, personal telephone calls (one personal call per day is permitted, not to exceed five minutes in duration), expenses by or for persons who are not County employees, entertainment or pay-per-views movies, and health club fees, or any other expense not directly related to business travel.

CHAPTER 18 – JOB SAFETY, WORKERS’ COMPENSATION AND INJURED ON DUTY

A. JOB SAFETY RESPONSIBILITIES

Every department is responsible for providing safe working conditions, tools, equipment and work methods for its employees.

1. It is the policy of the County to comply with all applicable federal, state and local health and safety regulations and to provide a work environment as free from recognized hazards as feasible.
2. An employee’s supervisor is responsible for addressing unsafe conditions promptly and for ensuring that employees abide by all safety rules and safe working methods.
3. Employees are expected to comply with all safety and health requirements whether established by management or federal, state or local law.
4. Employees have a duty to use the safety equipment provided by the County and to follow all safety rules and safe working methods recommended or required. Violation of safety rules or failure to comply with safety rules will lead to disciplinary action up to and including discharge.
5. Employees are responsible for reporting any safety concerns and/or unsafe working conditions to their supervisor immediately upon discovery. Failure to report a known unsafe condition may result in discipline up to and including discharge.
6. Oversight and monitoring of job safety responsibilities will be handled by the Risk Management Department.

B. WORKERS’ COMPENSATION

State law provides that every County employee is eligible for Workers’ Compensation for injuries arising out of or in the course of his/her employment.

1. Should an employee be involved in an incident and/or injury during the course of employment with the County, he or she is to verbally notify his/her supervisor and Appointing Authority immediately.
2. The employee must complete Mahoning County’s Internal Incident Reporting Packet. If the employee is unable to complete an Injury Form, his/her supervisor is to complete it. This report must be completed, regardless of the apparent seriousness of the injury, and regardless of whether or not medical attention is required. Such report must be forwarded to the Appointing Authority or designee within twenty-four (24) hours of the incident.
3. In the event of serious injury, the injured employee’s supervisor is to notify the Appointing Authority and the Director of Risk Management immediately so that an investigation may be initiated.
4. The employee is responsible for providing the Appointing Authority with his/her expected date of return in writing as soon as it is known, and keeping the employer apprised of his/her condition.
5. An employee who is injured in the line of duty and must leave work before completing the workday will be paid at his/her regular rate for the balance of time left in the scheduled workday. Injured employees are required to comply with all treatment plans of the attending physicians and cooperate fully in returning to work as soon as possible. Failure to cooperate may result in disciplinary action or discharge.
6. Certification of all claims will be handled through the Risk Management Department.

C. INJURED ON DUTY LEAVE

1. When an employee is injured in the course and scope of employment, and is off work more than seven (7) consecutive calendar days as a result of the injury, the employee may be eligible for Injured On-Duty Leave. The employee shall be paid for all days immediately following the date of injury until sixty (60) calendar days after the injury. There shall be no loss of benefits provided by the County or any applicable labor agreement during the leave.
2. To be eligible the employee, when injured, must:
 - a. Submit a completed and signed Mahoning County Internal Incident Report detailing the nature of the injury, the date of occurrence, the identity of all witnesses and persons involved, the facts surrounding the injury, and any other information supporting the granting of Injured On-Duty Leave;
 - b. File for Workers' Compensation benefits with the Ohio Bureau of Workers' Compensation;
 - c. Furnish the County with a signed Mahoning County Authorization to Release Information form for the claimed injury for the release of medical records;
 - d. Suffer lost time from employment for a period exceeding seven (7) consecutive calendar days; and,
 - e. Submit medical certification from the employee's physician of record specifying the extent of injury, the recommended treatment, the employee's inability to return to work as a result of the injury, and an estimated date of return.
3. The County reserves the right to review the employee's status every thirty (30) calendar days and require the employee to have an independent medical examination by a physician selected and paid for by the County at any time during the leave. If at any time during the Injured on Duty Leave, the employer's independent medical examiner opines that the employee is NOT temporarily and totally disabled due to the ability to work full or light duty, maximum medical improvement and/or has permanent restrictions, or if the doctor opines that no work-related injury occurred, the employer shall terminate the payment of Injured on Duty.
4. Leave will be paid at the employee's current hourly rate at the time of injury for a period not to exceed sixty (60) calendar days immediately following the date of injury. If, for any reason, the employee's Workers' Compensation claim is denied or disallowed, said leave shall cease and the employee will be required to reimburse the County for any amounts paid through this section. The rate and method for reimbursement will be determined by the department head in consultation with the Director of Risk Management, on a case-by-case basis.
5. If the employee is not released by their physician at the end of the Injured-On-Duty Leave, the employee will be placed on FMLA leave for a period not to exceed twelve (12) weeks.
6. If the employee is unable to return to work or unwilling to return to work, the County, in conjunction with the Appointing Authority, will begin proceedings for Involuntary Disability Separation or Voluntary Disability Separation pursuant to County policy and Ohio Administrative Code.

D. TRANSITIONAL WORK PROGRAM

This program will be used to direct the work of employees injured on the job, who are attempting to return to work in full capacity, but who have temporary restrictions.

1. If at any time subsequent to the occupational injury the employee is released to return to work with restrictions, after a period of occupational disability, the employee shall submit that information to their Supervisor immediately. The department shall immediately forward the return to work information to the Director of Risk Management.
2. The Director of Risk Management will work with the employee, the union representative (if applicable), the rehabilitation vendor, the Department Head (or designee) to establish the assignment. Transitional Work will not exceed sixty (60) calendar days unless the employee is participating in an approved Vocational Rehabilitation Programs and where the restricted duty is written into the vocational rehabilitation plan. In the case of participation in the vocational rehabilitation program, transitional work will not exceed ninety (90) calendar days. The period will be transitional in that it will provide evidence of the employee's ability to perform job functions that have been established under the review of the employee's physician of record. In using this program, it is the expectation that at the end of the eligible transitional work period, the employee will be able to return to work without restrictions. The assignment of the employee will not cause the displacement of any other employee from any bid position. The transitional work assignments will fall outside of the bidding processes in any C.B.A. and will be discretionary assignments by the Department Head. The transitional work assignments will not be permanent jobs and will not be construed as new jobs created for vacancy bidding.
3. At the end of the eligible transitional work period, the Director of Risk Management, the Department Head, and if applicable, the employee's medical provider, will make a decision as to the employee's availability to return to his/her regular assignment.
4. If an employee is unable to make transition back to regular assignments within the transitional work limit, the Department Head will consult with the Director of Risk Management, Human Resources Director and the Administrative Staff, to place the employee on sick leave, unpaid leave, FMLA, or initiate disability separation proceedings.
5. Employees suffering a work related injury may not refuse to participate in the Bureau of Workers' Compensation Vocational Rehabilitation Program and be eligible for the Transitional Work Program.
6. Employees may be eligible for repeated periods of Transitional Work provided the restricted duty follows significant approved medical interventions including but not limited to surgery or nerve blocks. Decisions regarding the authorization of repeated periods of transitional work will be determined by the Director of Risk Management in concert with the Department Head and will be based on the Director of Risk Management's review of medical documentation on file.

CHAPTER 19 – MEDICAL EXAMS AND DISABILITY SEPARATION

A. MEDICAL EXAMINATIONS

1. The Appointing Authority may require an employee to submit to a medical examination to determine the employee's physical or mental capacity to perform the essential functions of his/her job, with or without accommodation. The exam, when job-related and consistent with business necessity, will be conducted by a licensed medical practitioner selected by the Appointing Authority, and the cost will be borne by the employer. The employee will be given paid leave to attend the examination. Prior to the examination, the Appointing Authority will furnish the practitioner with all relevant requirements of the employee's position.
2. The practitioner shall limit the report to the issue of whether the employee is capable of performing the essential functions of the position. An employee who disagrees with the determination of the medical practitioner may request a second examination, to be conducted by a licensed medical practitioner of the employee's choice and at the employee's expense. If the results of the medical examinations conflict, a third opinion shall be rendered by a neutral party chosen and paid for by the Appointing Authority. The third opinion shall be controlling.
3. If found not capable of performing the duties of their position, with or without reasonable accommodation, the employee may be placed on leave by the Appointing Authority, and the Appointing Authority may pursue an involuntary disability separation.
4. An employee who refuses to submit to an examination, to release the findings of an exam, or to otherwise cooperate in the examination process will be considered insubordinate and may be subject to discipline, up to and including discharge.

B. VOLUNTARY DISABILITY SEPARATION

1. If an employee, after examination, is found unable to perform the essential functions of his/her position, with or without reasonable accommodation, he/she may request use of accumulated, unused, paid and unpaid leave benefits, if applicable.
2. A classified employee who does not dispute the inability to perform the essential functions of the position due to a disabling illness, injury or condition, or who remains unable to perform the essential functions of the position after exhausting available leaves, may request a voluntary disability separation.

C. INVOLUNTARY DISABILITY SEPARATION

1. If, after exhausting available leave, an employee refuses to request a voluntary disability separation, an Appointing Authority may pursue an involuntary disability separation if the Appointing Authority has substantial, credible medical evidence to indicate that the employee remains disabled and incapable of performing the essential job duties.
2. Such involuntary disability separation may be done in accordance with §123:1-30 of the Ohio Administrative Code. The Appointing Authority will schedule a pre-separation hearing and advance notice will be provided to the employee. If, after the hearing, the Appointing Authority determines that the employee is unable to perform the essential functions of the position with or without reasonable accommodation, the Appointing Authority will issue an involuntary disability separation order to be given to the employee and filed with the State Personnel Board of Review. The effective date of separation shall be based on the date in which the employee was no longer in active work status due to the disabling illness, injury or condition.

3. An employee who has been separated from employment due to disability, either voluntary or involuntarily, may request reinstatement in writing within two (2) years. The request shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the essential functions of the employee's position. The Appointing Authority shall have the right to have the employee examined at the employer's expense prior to reinstatement.

CHAPTER 20 - LAYOFF, REINSTATEMENT and JOB ABOLISHMENT

A. LAYOFF and ABOLISHMENT

- 1.** If it becomes necessary to reduce staffing levels, the County shall lay off employees in accordance with law. The County shall determine the number of positions and the classifications in which layoffs will occur. Layoffs and job abolishment may occur for lack of work, lack of funds or reorganization.
- 2.** The Appointing Authority reserves the right to amend this policy from time to time in accordance with applicable law.

CHAPTER 21 – DISCIPLINE

A. POLICY

Employees who have completed their probationary period and who are in the classified civil service may only be disciplined for just cause. Disciplinary action will be dealt with objectively, documented and be commensurate with the offense. Discipline for minor infractions will normally be imposed in a progressive manner with consideration given to the nature of the offense, prior disciplinary action, length of service, the employee's position, the employee's record of performance and conduct along with all other relevant considerations. Nothing in the policy shall be construed to limit the Appointing Authority's discretion to impose a higher level of discipline under appropriate circumstances.

The property and image of the County is to be respected at all times; as such, an employee's off duty conduct that could reasonably negatively impact the County may form the basis for discipline. Staff is responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of County Policy. This duty includes incidents actually observed, reported by staff or the public, or suspected due to other facts. Any comments or questions concerning the standard of conduct expected should be directed to the employee's immediate supervisor.

B. INVESTIGATIONS

1. The Appointing Authority or its designee is obligated to investigate the nature of alleged infractions to determine if a violation of law or policy has occurred. Investigations shall be conducted upon receipt of an allegation of potential misconduct. Investigations shall be conducted promptly and in a reasonable and efficient manner to determine whether the alleged misconduct occurred. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented and advised by an attorney. For all employees, the failure to respond, to respond truthfully and accurately, or to otherwise cooperate in an investigation, shall be considered insubordinate, and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during the pendency of the investigation.
2. Classified employees may be placed on a paid "administrative" leave of absence pending an investigation. A classified employee who has been charged with a violation of law that is punishable as a felony may be placed on unpaid "administrative" leave, for a period not to exceed two (2) months, pending an investigation. However, a classified employee who is placed on unpaid leave and is later exonerated of a felony must be reimbursed for lost pay, plus interest, and lost benefits. Unclassified employees may be placed on paid or unpaid leave pending an investigation.

C. TENURE IN SERVICE

1. Classified employees may be reduced in pay or position, suspended, terminated or otherwise disciplined for, among other reasons, incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any workplace policy by the Appointing Authority, work rule violations, any behavior proven to be detrimental to the County or any other failure of good behavior including a violation of ethics of public employment, conviction of a crime, failure to maintain licensing requirements, or for any other acts of misfeasance, malfeasance or nonfeasance in office or any other reason set forth in Ohio Revised Code §124.34.
2. Employees in the unclassified service serve at the pleasure of their Appointing Authority and may be removed at any time for any reason not inconsistent with law.

3. The property and image of the County is to be respected at all times; as such, an employee's off duty conduct that has a nexus to the workplace or could reasonably have a negative impact on the County may form the basis for discipline. Any comments or questions concerning the standard of conduct expected should be directed toward the employee's immediate supervisor.

D. ARRESTS AND CONVICTIONS

1. Employees have an obligation to immediately inform the Appointing Authority of any on-duty or off-duty arrests or convictions. An arrest or conviction may, or may not, result in discipline depending on the nature of the incident, the job performed, and other relevant considerations. Employees will not be granted vacation leave in order to serve jail time.
2. The filing, prosecution or disposition of criminal charges or other civil administrative investigations against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action, if any, under this policy. The County may investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending administrative or criminal charges. The disposition of such administrative or criminal charge is independent of a disciplinary investigation. Although the County may utilize information obtained during other investigations, the County's decision to take appropriate disciplinary action may or may not correspond with the filing, or non-filing, of criminal charges or civil actions.
3. A felony conviction while employed with the County is just cause for termination.

E. DISCIPLINARY PROCEDURE

1. Documentation of verbal instruction and counseling will be logged by the employee's supervisor. Records of verbal instruction/counseling will become inactive after twelve (12) months if there are no subsequent or related violations. If there are subsequent violations, the verbal instruction/counseling will remain in effect until twelve (12) months after the most recent incident.
2. Written disciplinary action will remain active in the employee's file and be counted in the progressive scheme of discipline for twenty-four (24) months. If at the end of the twenty-four (24) month period, there have been no further instances of the same or a related offense, the action will become inactive. If there are subsequent violations, the written disciplinary action will remain in effect until twenty-four (24) months after the most recent incident. Inactive records will not be considered when processing subsequent disciplinary action.
3. However, all records, and disciplinary proceedings, verbal or written, involving incidents of immoral behavior as referenced in O.R.C. §124.34 will remain in effect during the entire period of an employee's employment with the County.
4. Before imposing a reduction in pay, reduction in position, fine, a paid or unpaid suspension, or removal of a classified civil service employee, the Appointing Authority, or their designee, shall hold a Pre-Disciplinary meeting with the employee to explain the charges against him/her and to permit the employee the opportunity to respond to the charges.
5. The employee shall be provided a letter from the supervisor, Department Head or Appointing Authority which advises the employee of the nature of the charges, the date, time and location of the pre-disciplinary meeting and any rights the employee has to representation. Generally, this information will be provided to the employee at least seventy-two (72) hours before the Pre-Disciplinary meeting. If the employee requests a continuance, they may receive one at the discretion of the Appointing Authority or assigned Hearing Officer.

6. The employee has the right to be accompanied at the Pre-Disciplinary meeting by one employee or a non-employee representative. At the meeting the employee has the right to:
 - a. Appear and present an oral or written statement in response to the charges; or,
 - b. Appear and have a chosen representative present an oral or written statement in response to the charges; or,
 - c. Elect to waive the opportunity to have a pre-disciplinary meeting. Failure to attend a scheduled Pre-Disciplinary meeting will be considered a waiver of the opportunity to have a Pre-Disciplinary meeting.
7. The Pre-Disciplinary meeting will be scheduled as promptly as possible by the Appointing Authority, and the Appointing Authority may impose reasonable rules as to the length of the meeting and the conduct of the participants.
8. The employee does not have the right to call, confront or cross-examine witnesses.
9. The Appointing Authority, or their designee, may prepare a written report after the Pre-Disciplinary meeting concluding whether the alleged conduct occurred. If such a report is prepared, it will be provided to the employee.
10. If the Appointing Authority determines that the employee's continued employment prior to the meeting poses a danger to persons or property or a threat of disrupting operations, the Employer may place the employee on administrative leave with pay pending the conclusion of the disciplinary procedure.
11. Should management determine that a disciplinary suspension, reduction or removal is warranted, the employee will be provided a written statement affirming the charges and imposing discipline in accordance with law. When an employee is suspended for more than three (3) days or removed from his/her position, the Appointing Authority will furnish the employee with a copy of the removal order stating the reasons for the action. A copy will be filed with the State Personnel Board of Review, unless the collective bargaining agreement provides otherwise.
12. Unclassified employees and probationary employees are not eligible for a Pre-Disciplinary meeting.

F. PROGRESSIVE DISCIPLINE OFFENSES

The progressive discipline policy is established as a guide for management to use in administering discipline in a uniform matter. Specific offenses given in any grouping are not all-inclusive and unrelated offenses in different groups are to be considered individually. Different offenses within the same group and related offenses within different groups are to be disciplined progressively (e.g., each incident is disciplined at the next higher level).

Employees are hereby advised of expected job behavior, the types of conduct that are unacceptable and the penalties for unacceptable behavior.

1. GROUP 1 OFFENSES

GROUP 1 OFFENSES are minor in nature and cause minimal disruption.

GROUP 1 OFFENSES include:

- Failure to call in an absence
- Excessive or patterned absences
- Unexcused absence from a scheduled staff meeting

- Chronic tardiness
- Starting late, or leaving early
- Excessive use of personal electronic devices during work hours, including but not limited to cell phones, I-pads, tablets and/or laptops, etc.
- Making preparations to quit work before the appointed break or quitting time
- Leaving the assigned work area without authorization
- Interfering with the work of others
- Malicious mischief, horseplay, wrestling, or other misconduct
- Unnecessary shouting or disruption
- Use of profane or abusive language
- Disorderly conduct
- Unsatisfactory work or failure to maintain required standard of performance
- Failure to work cooperatively with other employees
- Careless use of County property or equipment
- Use or possession of another employee's County-issued equipment without authorization
- Poor housekeeping in work area
- Insolence towards supervision
- Contributing to or creating unsafe or unsanitary conditions
- Failure to follow minor safety rules and procedures
- Failure to observe department rules, policies or procedures
- Unauthorized personal use of County telephones
- Prohibited use of department computers and/or software
- Unauthorized solicitation or distribution on county property
- Gambling during work hours

Appropriate disciplinary action for Group 1 offenses include:

First Offense - Verbal instruction and warning/counseling

Second Offense - Written reprimand

Third Offense - One (1) to three (3) day suspension without pay

Fourth Offense - Five (5) to fifteen (15) day suspension without pay

Fifth Offense - Discharge

2. GROUP 2 OFFENSES

GROUP 2 OFFENSES are of a more serious nature than GROUP 1 OFFENSES and if left undisciplined may cause a serious and lasting disruption to the operation of the County.

GROUP 2 OFFENSES include:

- Use of abusive or threatening language toward supervisors
- Conduct violating morality or common decency, including sexual harassment
- Discourteous treatment of the public
- Reporting for work or working while unfit for duty
- Being in possession of alcoholic beverages on the job
- Sleeping during work hours
- Failure to report for overtime work
- Failure to provide required documentation of absences
- Willful disregard of County rules, regulations, policies, or procedures
- Willful failure to make required reports
- Unauthorized posting or removal of notices or signs from official bulletin boards
- Unauthorized use of County property or equipment
- Obliging the County for any expense or service without authorization

- Failure to report an accident, injury, or equipment damage
- Refusing to give testimony in an accident or incident investigations
- Making or publishing false, vicious or malicious statements about County employees or County operations

Appropriate disciplinary action for GROUP 2 OFFENSES includes:

First Offense - Written reprimand and a two (2) or three (3) day suspension without pay

Second Offense - Five (5) to fifteen (15) day suspension without pay

Third Offense- Discharge

3. GROUP 3 OFFENSES

GROUP 3 OFFENSES are of a very serious or possibly criminal nature or cause critical disruption to the operation of the County.

GROUP 3 OFFENSES include:

- Failure to maintain required licenses or registrations
- Absence from duty without leave
- Insubordination by refusing to perform assigned work or comply with written or verbal instructions of supervisors
- Wanton or willful neglect of duties
- Instigating, leading or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work, or other concerted curtailment, restriction, or interference with work
- Misrepresenting time worked, altering any time record, or allowing a time record to be altered by others.
- Possession, using or selling illegal drug.
- Misuse or selling of prescription drugs.
- Possess, carry or attempt to convey a deadly weapon or ordnance onto County property or while on county business, pursuant to the County's Concealed Carry policies.
- Fighting or attempting to injure other employees, supervisors, or the public
- Threatening, intimidating or coercing other employees, visitors or volunteers.
- Abuse or deliberate destruction or alteration of County property, documents or equipment, or of the property, documents or equipment of other employees
- Stealing, pilfering, or concealing property of the County or of any other employee
- Dishonesty or dishonest action such as opening desks assigned to others, making false statements, making inaccurate or false reports concerning absences, etc.
- Giving false information or withholding pertinent information requested in an employment application
- Knowingly concealing a communicable disease that may endanger others
- Unauthorized altering of a time sheet
- Making false claims or misrepresentation in an attempt to obtain a County benefit
- Giving false testimony during the investigation of a complaint or accident
- Falsifying, assisting in falsifying, or destroying County records
- Misusing or removing records or information without authorization
- Unauthorized release of confidential information
- Unauthorized political activity
- Conduct violating morality or common decency, including sexual harassment
- Performing private work on county time
- Refusal to submit to a drug or alcohol test and/or to release the results of the same.

- Positive test to confirm being under the influence of drugs or alcohol or the improper use of other controlled substance(s) during working hours, on the premises or in any vehicle or at any location where County business is conducted.
- a. Appropriate disciplinary action for GROUP 3 OFFENSES includes:
 - First Offense** - From fifteen (15) days suspension to discharge
 - Second Offense** - Discharge

G. APPEALS

1. Personnel actions such as removals, suspensions of more than three (3) days, reduction in pay or position and layoffs may be appealed through the in-house complaint procedure. Classified employees may choose to appeal to the State Personnel Board of Review, unless the collective bargaining agreement provides otherwise. Should an employee choose to appeal to the State Personnel Board of Review, the in-house hearing procedure may also be used. An employee who wishes to appeal a suspension of three (3) days or fewer may only use the Complaint Procedure.
2. Appeal of a removal, reduction in pay or position or suspension of more than three (3) days may be filed with the State Personnel Board of Review within ten (10) days of receipt of the order. Appeal of a layoff must be made within ten (10) days of the notice of layoff.
3. The State Personnel Board of Review maintains authority to decide whether an appeal warrants a hearing. When an Appeal is heard, the Board may affirm, disaffirm or modify personnel decisions made by the County Commissioners or the Appointing Authority.

CHAPTER 22 - PUBLIC RECORDS POLICY

This policy is not intended to be legal advice. The policy contains a general template for addressing the requirements imposed by House Bill No. 9 mandating that each public office have a public records policy located: (1) at every location in which the public may access the public office's records; (2) in the public office's policies and procedures manual; and (3) with each of the public office's records custodians. The policy does not include legal authority for denying specific public records requests. Incorporation of these types of disclosure exemptions should be reviewed by legal counsel before implementation. Additionally, the template provided requires further explanation in order to make the policy administratively and operationally effective for a public office.

A. MISSION STATEMENT

Openness leads to a better informed citizenry, which leads to better government and better public policy. Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the mission and intent of the Mahoning County Board of Commissioners to at all times fully comply with, and abide by both the spirit and the letter of Ohio's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

B. DEFINING PUBLIC RECORDS

1. A "record" is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. The public office is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.
2. A "public record" is a "record" that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.
3. All records of Mahoning County Board of Commissioners are public unless they are specifically exempt from disclosure under the Ohio Revised Code or case law. Record retention schedules are to be updated regularly and posted prominently.
4. A copy of the most recent edition of the "Ohio Sunshine Laws Manual" is available via the Attorney General's website (www.ohioattorneygeneral.gov/YellowBook) for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

C. RESPONSE TIMEFRAME

1. Public records are to be available for inspection during regular business hours, with the exception of published holidays. Each request should be evaluated for an estimated length of time required to gather the records. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

2. It is the goal of the public office that all requests for public records should be satisfied or be acknowledged in writing or, if feasible, satisfied within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement should include an estimated number of business days it will take to satisfy the request, an estimated cost if copies are requested, and any items within the request that may be exempt from disclosure.

D. HANDLING REQUESTS

1. No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. If it is not clear or overly broad as to what records are being sought, or if the requester has difficulty in making a request, or the office cannot reasonably identify what public records are being requested, the request may be denied. But the office must then provide the requester an opportunity to revise the request by informing the requester of the manner in which the office keeps its records and accessed by the office.
2. The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record(s). It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if: (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required; and (3) that the requester may decline to reveal the requester's identity or intended use.
3. If the public office receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requester shall be so notified in writing.
4. The requester can choose to have the record on paper, in the same form as the public office keeps it, or on any medium upon which the public office determines the record can "reasonably be duplicated as an integral part of the normal operations of the public office."
5. In processing the request, the office does not have an obligation to create new records or perform a search, or research the information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features. Although not required by law, the office should consider generating new records when it makes sense and is practical under the circumstances.
6. In processing a request for inspection of a public record, an office employee may accompany the requester during inspection to make certain original records are not taken or altered.
7. A requester seeking copies of public records is not permitted to make their own copies of the requested records. This measure is to protect the integrity of the original document.
8. Generally, the confidential nature of certain types of information or records precludes their release. Federal and state law provides numerous exemptions to the general rule that disclosure of public records is mandatory. However, most of the exemptions do not, by themselves, prohibit the release of the prescribed records. Rather, these records merely are excluded from the general rule of mandatory disclosure.

In the event a request is made to inspect or obtain a copy of a record maintained by the public office whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to the County Prosecutor for research and/or review. The requester shall be advised that their request is being reviewed by the County Prosecutor to ensure that exempted information is not improperly released.

9. If the office withholds, redacts or otherwise denies requested records, it must provide an explanation for each redaction, including citations to legal authority, for the denial(s). "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspections or copying from an item that otherwise meets the definition of a "record." If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.
10. The office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.
11. An incarcerated person may receive public records, but only if the records concern a criminal investigation and strict guidelines must be followed. The records must be "public records" which are not subject to an exemption from disclosure and the incarcerated person must have secured a finding from the judge who imposed the sentence of incarceration (or that judge's successor) that the information sought in the public record is necessary to support a justifiable claim of the person.

E. ELECTRONIC RECORDS

1. Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.
2. Public record content transmitted to or from private accounts, or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules. These records shall be available for inspection and copying in accordance with the Public Records Act.

F. COSTS FOR PUBLIC RECORDS

1. Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is \$ 0.10 per page. The charge for electronic files downloaded to a compact disk is \$ 1.00 per disk. There is no charge for records that are e-mailed. These fees are subject to change.
2. Requesters may ask that documents be delivered to them. They may be charged the actual cost of the postage and mailing supplies, or other actual costs of the delivery.
3. A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose to whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

G. MANAGING RECORDS

1. Mahoning County's records are subject to record retention schedules. The current schedules are available on the Mahoning County web site and at each County office, locations readily available to the public as required by Ohio Revised Code §149.43(B)(2).
2. Each public office shall:
 - a. Ensure that all personnel become and remain fully trained in the provisions of the Public Records and Open Meeting Acts;
 - b. Adopt policies that encourage employees to immediately report incidents of non-compliance from the acts that they may observe;
 - c. Do nothing that abridges the public's right to obtain information about their government or that inhibits or discourages citizens from doing so;
 - d. Do everything possible to aid those who are seeking information, including but not limited to fully explaining the scope and operation of the Public Records and Open Meeting Acts and assisting citizens in the formulation of requests;
 - e. Construe the provisions of the Public Records and Open Meeting Acts in a manner that favors compliance with requests for information;
 - f. Seek guidance from the Ohio Attorney General whenever a question arises about the application of the Public Records or Open Meeting Acts or about the appropriateness of a request for information; and,
 - g. Clearly and concisely state the reason or reasons why a request for information has been denied.

H. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

The County recognizes the legal and non-legal consequences of failing to properly respond to a public records request. In addition to the distrust in government that failing to comply may cause, the County's failure to comply with a request may result in a court order ordering the County to comply with the law and may be required to pay the requester attorney's fees and damages.

APPENDIX A

Acronyms and Definitions

ADA: Americans with Disabilities Act

Classification: 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.

Classified Employees: Employees employed by the County and not specifically included in the unclassified service.

County: The County of Mahoning, State of Ohio.

DOL: Department of Labor

EAP: Employee Assistance Program

Employer: The Appointing Authority, or the designee of the Appointing Authority, authorized by law to make appointments to positions.

Exempt Employees: Employees who are not subject to the Fair Labor Standards Act.

FMLA: Family and Medical Leave Act

EEOC: Equal Employment Opportunity Commission

Non-exempt Employees: Employees who are covered by and subject to the Fair Labor Standards Act.

OCRC: Ohio Civil Rights Commission

Position: A group of duties and responsibilities assigned or delegated by competent authority to be performed by one person.

Position Description: A written statement of duties defining essential functions of the job, percentage of time spent on those functions, and bona fide occupational qualifications.

Premises: Any Mahoning County vehicle, County-owned buildings, County-leased buildings, offices, restrooms, hallways, common work areas, parking lots, garages, stairwells, elevators, County-owned or leased vehicles, conference and training rooms, auditoriums, sidewalks, green space, stairs, cafeterias/break rooms, and storage area or at any location where employees are conducting County business.

Supervisor: Any individual who has authority, to effectively recommend actions to hire, transfer, suspend, lay-off, recall, promote, discharge, reward, discipline and adjust grievances; to direct the work of employees on a daily basis; to responsibly manage, direct and assign the work of subordinates.

Unclassified Employees: Those employees who are specifically excluded from the classified civil service by O.R.C. §124.11.