



Fairfield County Personnel Policy Manual

July 2024

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To All Employees of Fairfield County:

As elected public officials, it is our responsibility to the citizens of Fairfield County to make our workforce as productive and effective as possible. A cooperative effort between and among county employees is a key to good government. You are an important and necessary part of our success.

As a public employee of Fairfield County, your working life is governed by many rules and regulations. This booklet serves two purposes. One is to acquaint you with the rules and regulations of county employment; the other is to urge you to set high standards, to allow for personal development, to work for recognition and to perform at your personal best.

In 2019, we adopted “We Live the Code” to espouse the goal of providing exceptional internal and external customer service as a core value of Fairfield County government. It is you, Fairfield County employees, who help us accomplish this goal of exceptional customer service each and every day. To you, we say thank you. As we continue to Live the Code, our shared values of teamwork, responsibility, and harmony make Fairfield County a better place for everyone.

Procedures and practices are subject to modification and new developments. New updates will be provided whenever necessary. While, as of this date, these personnel policies are consistent with the Ohio Revised Code, when there is any conflict between a statute and County policy or regulation, the Ohio Revised Code shall prevail. Any questions should be referred to your immediate supervisor.

Sincerely,

Fairfield County Commissioners
Steven Davis
David Levacy
Jeffrey Fix

We Live the Code

I am a member of a TEAM of dedicated professionals who strive to exceed customer expectations. I listen and respond effectively to customer questions and do not discriminate or pass judgement onto those that come before me. I respect and value the opportunity to use my knowledge, techniques and resources to assist, encourage and mentor customers.

I am personally responsible to complete work in a timely and consistent manner. I will be regularly present, punctual and prepared to do the best job possible. I take ownership of errors and take action to correct them in an efficient manner. I will continue to work to improve the performance of myself and others by pursuing opportunities for learning. I will receive feedback in a constructive manner to develop professionally.

I will work harmoniously with others to get the job done, despite pressing deadlines or emerging crises. I will share information with everyone involved to set a tone of cooperation. I will follow policies and procedures as set forth by the county.

ARTICLE 1: INTRODUCTION AND ADMINISTRATION

SECTION: 1:1

SUBJECT: INTRODUCTION, APPLICABILITY & POLICY MANUAL ADMINISTRATION

The provisions of this Policy Manual are applicable to all employees of Fairfield County except as specifically provided. Its purpose is to provide a systematic and organized approach to the establishment, implementation, and administration of the personnel policies and practices relevant to all such employees of Fairfield County. Policies are defined as the basic rules which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies, consistently and fairly administered, are essential to the success of any organization. This policy manual is adopted and interpreted exclusively by the Appointing Authority in each department, and elected officials, and is not subject to modification, change, or contrary interpretation except as may otherwise be required by the law and/or Constitutions of the State of Ohio and federal government. Any statements in conflict with these policies made by anyone else are unauthorized, expressly disallowed, and should not be relied on. Any questions relating to the purpose, goals, and/or interpretation of the policies contained herein should be directed to the Appointing Authority.

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 policies set forth and adopted within this Manual supersede all previous written and unwritten personnel policies of each Appointing Authority. Each Appointing Authority may supplement this manual in accordance with applicable law. It is further the intent of this Manual to comply with all applicable federal, state, and civil service laws and regulations which each Appointing Authority is required to follow. Where there may be an unintended conflict between the Ohio Revised Code or applicable federal law and this manual, the statute shall prevail. Employees are responsible, as a condition of their employment, to abide by these policies and procedures. It is also the responsibility of each manager or supervisor to properly and consistently administer these policies and procedures. In order to effectively implement this Policy Manual and oversee its administration, the following affirmative action will be taken.

First, the most current copy of this manual is available to all employees on the County intranet. Second, the policies in this manual may be revised, with or without notice, as changes in external law or other conditions require. Only the Appointing Authority has the authority to make revisions or interpretations of policies contained herein. Copies of said revisions will be available for all employees on the intranet prior to their effective date. Third, employees are encouraged to make suggestions for improvements in personnel policies and practices. Suggestions should be directed to the Appointing Authority in writing, together with an explanation as to how such a change could improve the services provided to the public.

SECTION: 1:2
SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

It is the continuing policy of Fairfield County to provide equal employment opportunity to qualified individuals regardless of their age, sex, race, color, religion, disability, military status, genetic testing, or national origin, and to conform to applicable Equal Employment Opportunity laws and regulations. Equal opportunity encompasses all aspects of employment practices to include, but not limited to, recruiting, hiring, training, compensation, benefits, promotions, demotions, transfers, layoffs, recall from layoffs, discipline, and other County sponsored activities and programs. Additionally, it is the policy of Fairfield County to provide a means for communicating and resolving grievances and complaints regarding unlawful discriminatory employment practices. Any employee who fails to comply with this policy is subject to appropriate disciplinary action.

A copy of the County's Equal Employment Opportunity Plan is available upon request.

SECTION: 1:3
SUBJECT: SEVERABILITY/SAVINGS CLAUSE

The policies in this Manual supersede any and all previous policies, written or unwritten, on subject matters covered or referred to herein. In the event that any section of this Manual, or amendment or revision thereto, is held to be unenforceable, invalid, contrary to law, or otherwise restrained from its full force and effect by a court or other tribunal of competent jurisdiction, the remaining section(s) of the Manual, to the extent that they remain unaffected by such declaration or restraint, shall continue in full force and effect. Each Appointing Authority reserves the right to effectuate a lawful alternative to any section or part thereof declared unenforceable, invalid, or contrary to law. The County will attempt to give employees advance notice of manual changes. However, the County may revise these policies with or without advance notice. Notice of the revisions will be available to all employees on the County intranet.

SECTION: 1:4
SUBJECT: DISCLAIMER

The policies and procedures established and set forth in this Policy Manual provide guidelines for the supervisors and employees during the course of their employment with Fairfield County, Ohio to ensure, to the extent practicable, uniformity and nondiscriminatory application of conditions of employment.

Nothing herein is intended to, nor shall it be construed or interpreted, so as to create contractual or vested rights for employees with respect to continued employment, benefits, policies, procedures or any other provisions of this Manual other than those rights created by applicable state or federal law.

Where there is a conflict between an express provision of this Manual and a collective bargaining agreement, the collective bargaining agreement shall prevail with respect to that provision.

SECTION: 1:5

SUBJECT: COMPUTER, MOBILE DEVICES, AND INFORMATION SYSTEMS USAGE

General

1. Fairfield County computers, mobile devices, and information systems are the property of Fairfield County. They may be used only for explicitly authorized purposes. Fairfield County reserves the right to examine all data stored in or transmitted by their computers, smartphones, and systems. Without notice, Fairfield County Information Technology (FCIT), and authorized Fairfield County supervisors may enter, search, monitor, track, copy, and retrieve any type of electronic file of any employee or contractor. 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.

Personnel have no rights to privacy with regard to the Internet and e-mail. Authorized designees (as referenced above) may access any files stored on, accessed via, or deleted from computers and information systems. When necessary, Internet, e-mail, and collaboration application usage patterns may be examined for work-related purposes, including situations where there is a need to investigate possible misconduct and to assure that these resources are devoted to maintaining the highest levels of productivity. FCIT has the authority and ability to monitor Internet sites contacted, e-mail, and collaboration application usage at its own discretion or at the request of management.

2. All software installed on any Fairfield County computer or mobile device must be licensed to Fairfield County. No Fairfield County employee may install, uninstall, or reconfigure any software or hardware owned by the county without prior authorization by FCIT.

Allowable Uses of Computer, Mobile Devices, and Information Systems for Business Purposes

1. Facilitating job function performance;
2. Facilitating and communicating business information within the county network;
3. Coordinating meeting locations and resources for the county;
4. Communicating with outside organizations as required in the performance of employee job functions.

Prohibited Uses of Computers, Mobile Devices, and Information Systems, Including but Not Limited to E-mail, Chat, and the Internet

1. Violating local, state, and/or federal law;
2. 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, or sexually explicit images, cartoons, or messages;
3. Threatening others;
4. Soliciting or recruiting others for commercial ventures, religious or political causes, outside organizations, or other matters which are not job related;
5. Using computers, mobile devices, or information systems in association with the operation of any for-profit business activities or for personal gain;
6. Sabotage, e.g. intentionally disrupting network traffic or crashing the network and connecting systems or intentionally introducing malware;
7. Accessing an employee's files without authorization and with no substantial business purpose;
8. Vandalizing the data of another user;
9. Forging any electronic communication;
10. Sending rude or obscene messages (e-mail and chat should not be used to send anything that would embarrass or discredit Fairfield County);
11. Disseminating unauthorized confidential or proprietary Fairfield County or client documents or information or data restricted by government laws or regulations;
12. Browsing or inquiring upon confidential records maintained by Fairfield County without substantial business purpose;
13. Disseminating (including printing) copyrighted materials, articles, or software in violation of copyright laws;
14. Accessing the Internet in any manner that may be disruptive, offensive to others, or harmful to morale;
15. Transmitting materials (visual, textual, or auditory) 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;
16. Sending or soliciting sexually-oriented messages or images;
17. Using the Internet or chat for political activity;
18. Using the Internet to sell goods or services not job related or specifically authorized in writing by an approving authority;
19. Downloading and viewing non-work-related streaming audio or video (e.g. listening to radio stations, etc.) due to the limited bandwidth of the system;
20. 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;
21. Speaking to the media or to the public within any news group or chat room on behalf of Fairfield County if not expressly authorized to represent Fairfield County;
22. Uploading or downloading games, viruses, copyrighted material, inappropriate graphics or picture files, illegal software, and unauthorized access attempts into any system.

NOTE: Whether on working time or not, these prohibitions apply at all times to county-owned computers, mobile devices, and information systems. Personnel cannot expect that the information they convey, create, file, or store in Fairfield County computers and information systems will be confidential or private regardless of the employee's intent.

Use of E-mail and Collaboration Systems

1. Public Records

- a. Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. Email is to be treated in the same fashion as records in other formats and should follow the same retention schedules.
- b. Public E-mail accounts - Records in public email accounts used to conduct public business are subject to disclosure, and all officials, employees, or other representatives of this office are instructed to retain such e-mails that relate to public business in accordance with this public office's record retention schedule. Records in public email accounts used while on county computers not used to conduct public business, while strongly prohibited by this office's policies and procedures are not subject to disclosure.¹
- c. Private E-mail accounts - Records in private email accounts used to conduct public business on public property (i.e. county computers) may be subject to disclosure, and all officials, employees, or other representatives of this office are instructed to retain such private emails should they relate to public business.² Such emails from private account should be treated as records of this office, retaining them per established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

2. Official Use

¹ *State ex rel. Wilson-Simmons v. Lake County Sheriff's Dept.* (1998), 82 Ohio St. 3d 37. (Court holds that the requested e-mail consisting of racist slurs, although reprehensible, does not serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the sheriff's department).

² Case law is undecided as to private email use on county property. Therefore, county employees are cautioned against using private email accounts for public business, particularly when such email is created from county computer usage.

- a. When using e-mail or chat, as with all written official communications, personnel are expected to display a formal, businesslike demeanor in order to reflect professionalism and credibility upon Fairfield County and themselves.
- b. Everyone is responsible and liable for the content of his or her electronic mail or message. As stated earlier, all electronic data may be accessed at any time by FCIT or management for legal or business purposes.

3. Nonofficial Use

- a. Personnel may access e-mail and chat systems for nonofficial business provided that such communication does not disrupt or interfere with official Fairfield County business, is kept to a minimum duration and frequency, and is not political in nature. Similar to telephone usage, minimal personal e-mail and chat may be received or sent provided that no cost is incurred by Fairfield County.
- b. Please remember that there is no expectation of privacy for anything sent by e-mail or chat, and that others can view this information at any time.

4. Internet Access Guidelines

- a. Applicability - This policy provides only guidelines to Fairfield County personnel for Internet access. It does not supersede state or federal laws or any office policies regarding confidentiality, information dissemination, or standards of conduct.
- b. General Information - In the effort to enhance client service and facilitate communication among personnel, Fairfield County provides most personnel with Internet access, as determined by each employee's appointing authority. Personnel Internet access accommodates basic e-mail functions, file transfer, and interactive terminal access to accomplish county business goals. Fairfield County permits personnel to use and explore this technology so that everyone may become as proficient as possible in order to improve work quality and efficiency. All Fairfield County personnel must become familiar with and acknowledge Fairfield County policies relating to the Internet use in order to make the best use of the technology, maintain a professional environment, and protect valuable Fairfield County and client information.
- c. Guidelines for Incidental/Occasional Personal Internet Usage - Generally, the Internet is to be used for work-related purposes. Fairfield County will permit personal use of the Internet with reasonable restrictions as to the amount of time devoted to personal usage and sites visited provided such use does not adversely affect business or productivity. Incidental/occasional use is comparable to time authorized for meals and reasonable breaks during the workday and those times only should be used to attend to personal matters. Fairfield County has the right to insist that agency Internet resources are devoted to maintaining the highest degree of productivity. Personal Internet usage is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Please remember incidental/occasional use is considered part of the meal and break time of personnel. Personnel are not permitted to utilize the Internet for personal use equal to meal and break times and also take their scheduled meal and breaks. Such actions will be considered excessive.
- d. Filtering by Screening Software - FCIT has the right and may filter and deny users Internet access to sites considered inappropriate. Although not all-inclusive, examples of inappropriate sites that may be filtered are those depicting violence/profanity, partial or full nudity, sexual activity, gross depictions, intolerance, satanic/cult images, militant/extremist

images, questionable/illegal, and gambling activities. Please remember that there is no expectation for privacy for an employee's use of the Internet and that others can view this activity at any time. EXCEPTION: Certain employees, such as Sheriff's detectives, require the ability to access the internet without being filtered. The employee's appointing authority may instruct FCIT to cease filtering the internet access of any specific user. Such request does not bypass activity monitoring and/or logging.

Securing Computer Equipment, Mobile Devices, and Electronic Data

1. General

- a. Fairfield County employees who are responsible for or are assigned portable computer equipment, mobile devices, and electronic media (i.e., laptops, flash memory devices, external hard drives, DVD's, CD's, etc.) shall secure those items when not in the office. These items routinely contain confidential and/or HIPAA information, which could be compromised if lost or stolen.
- b. If a Fairfield County employee is responsible for a pool of portable equipment (e.g., equipment that is shared by many employees), the equipment shall be secured while in and out of the office. Sign-in and sign-out sheets shall be utilized to track the location of the equipment at all times. The sign in and out sheet at a minimum should include the employee's name that is using the equipment and date of checkout and return.
- c. When in possession of computer equipment, mobile devices, or media overnight, the computer equipment, mobile device, and media is expected to be secured in the employee's hotel room, residence, etc., in the most secure manner possible. When absolutely necessary, computer equipment, mobile devices can be placed in the trunk of a vehicle so long as items are not visible, but the trunk and the vehicle must be locked. Leaving computer equipment on the front or back seat of a vehicle, or in any way visible, is not permitted.
- d. If an employee loses a piece of equipment or it is stolen, they are required to immediately notify their supervisor and FCIT.
- e. Failure to properly secure portable computer equipment, mobile devices, and electronic data is subject to disciplinary action.

2. Physical Security

- a. Agencies and users shall protect county-owned and county-authorized portable computing devices, removable storage components and removable computer media as well as privately owned or contractor-owned equipment which is connected to the Fairfield County Network from unauthorized access. Physical security measures shall incorporate at a minimum the practices listed below.
 - i. Portable computing devices, mobile devices, computer media and removable components, such as disk drives and network cards, shall be stored in a secure environment. Devices shall not be left unattended without employing adequate safeguards, such as cable locks, restricted access environments or lockable cabinets.
 - ii. When possible, portable computing devices, mobile devices, computer media and removable components shall remain under visual control while traveling. If visual control cannot be maintained, then necessary safeguards shall be employed to protect the physical device, computer media and removable components.
 - iii. Safeguards shall be taken in public or common areas to avoid unauthorized viewing of sensitive or confidential data.

3. Operation and Maintenance

- a. All county, privately-owned or contractor-owned devices that are authorized by FCIT for work use must meet, at minimum, the following guidelines:
 - i. Malware protection. All systems connected to any county-operated network must be protected by malware software approved by FCIT.
 - ii. System configuration. FCIT may require mandatory system configurations or settings for software or operating systems on any devices connected to any county-operated network, in order to protect the network. Device operating systems shall be maintained with appropriate vendor security patches and updates.
 - iii. Encryption. County data, applications and other system resources stored on portable computing devices shall be secured in accordance with the agency's risk assessment as defined in Ohio IT Policy ITP-B.1, "Information Security Framework." Methods for securing information maintained on portable devices may include as applicable, but not be limited to; personal firewalls, BIOS passwords, Data/application encryption, hard drive encryption, screen locking, screen timeout, security tokens.
 - iv. Backup. FCIT does not routinely back-up the contents of any portable devices. Data requiring a backup routine must be saved only to FCIT authorized servers.
- b. Guidelines for management and maintenance of personal and county data on portable computing devices.
 - i. County-owned Devices. Personal data may, from time to time, be temporarily stored on county-owned portable computing devices and mobile devices, provided said data and data access is in accordance with the county's Computer and Information Systems Usage Policy.
 1. Upon termination of employment, contract, or appointment, or when the employee or contractor assignment no longer requires the county-owned device, the device must be immediately returned to FCIT by the employee, contractor, or appointing authority. When a device is removed from service, the employee, contractor, or appointing authority must immediately return the device to FCIT for sanitization. Any non-county data found on the personal device will be permanently deleted. County data remaining on the device will be appropriately addressed by FCIT.
 - ii. Privately-owned Devices. When the device is no longer authorized for official county business because of termination of employment, termination of contract, change of assignment, or any other means, FCIT shall take appropriate action to remove or verify the removal of county software and data.
 - iii. Data Synchronization (Syncing). Fairfield County disclaims legal liability for the loss of non-county data, as well as the confidentiality of data synchronized or transmitted to county-owned or county-operated devices.

4. Lost and Stolen Devices

The loss or theft of any portable computing device or mobile device, regardless of ownership by the county, employee, contractor, or etc., must be immediately reported to FCIT.

5. Privately-Owned and Contractor-Owned Portable Computing Devices

The use of privately-owned or contractor-owned devices (i.e., mobile devices and laptops) for official county business must be authorized in advance by FCIT. Any portable computing device that is authorized by FCIT for county business must meet the following requirements:

- a. The device owner is responsible for the installation and maintenance of malware protection. The malware protection used must be approved by FCIT.
- b. The device owner is responsible for enabling a personal firewall, when the device is capable, prior to connecting the device to any county-owned or operated network.
- c. Disclaim in writing any agency liability for the safeguarding or maintenance of non-state data or portable computing devices used in support of official state business or while acting as an agent of the state. The disclaimer shall include a component stating that users of privately-owned devices used for state work shall not have any expectation of personal privacy regarding the device and that such devices may be confiscated as evidence in civil or criminal proceedings.

6. Education and Awareness

Agencies shall ensure that portable computing device security is addressed in education and awareness programs. All employees, contractors, and other authorized users must agree to this security policy at the beginning of their respective appointments or assignments.

Authentication

Passwords are the primary form of authentication into computer systems. They are the front line of protection for user accounts. A poorly chosen, misused, or misappropriated password may result in the compromise of Fairfield County's entire internal computer network. As such, and as a condition of being granted limited access to a portion of Fairfield County's computer equipment and network all Fairfield County employees, as well as contractors and vendors with access to Fairfield County systems, are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords. An employee's breach of the procedures outlined below may subject the employee to appropriate discipline up to, in an appropriate case, termination of employment.

This policy applies to all employees and other personnel (collectively "users" or singularly a "user") who have access to, use of, or are responsible for an account, or any form of computer or network the use of which supports or requires a password, on any computer, computer system, or network that resides at any Fairfield County facility, has access to the Fairfield County network, or stores any public or non-public Fairfield County information.

1. General Password Information

- a. All user-level computer passwords (e.g., desktop computer, etc.) must be changed at least once every 90 days and this change will be programmatically enforced by Fairfield County. Notwithstanding that policy, in its discretion Fairfield County and its respective departments may impose a policy upon their employees that require passwords to be changed more often than every 90 days. Employees are hereby advised that the timeframe for password expiration is revolving, with each 90-day period commencing at the last time the user changed the password. An employee or other user is always permitted to change passwords more often than the minimum requirement, if he or she so desires.
- b. The password is required to be twenty (20) characters.
- c. Users or user accounts that have system-level privileges granted through group memberships or programs such as "sudo" must have a unique password from all other accounts held by that user. By way of example, and not limitation, domain administration and local computer administration accounts belong to this category.
- d. Passwords must not be inserted into email messages or other forms of electronic communication, regardless of the recipient of the message.
- e. All user-level and system-level passwords must conform to the guidelines described below.

2. Multifactor Authentication

- a. All county user accounts are required to have multifactor authentication enabled through the county deployed multifactor solution. Acceptable second factor sources are as follows:
 - i. The branded mobile app from the deployed solution
 - ii. One Time Password (OTP) sent via text to a mobile device
 - iii. Telephone call to associated phone
 - iv. Physical multifactor device or token as assigned by FCIT (when appropriate for specific cases)

3. Password Guidelines

a. General Password/Passphrase Construction Guidelines

- i. Please follow the below best practices when creating your password/passphrase:
 1. Use an easy to remember but uncommon group of four to eight words.
 2. Add spaces within and between words.
 3. Use capital letters or capitalize certain words.
 4. Add punctuation and special characters that make sense to the user but no one else.
 5. Use unusual or abbreviated spellings of words.
 6. Make some letters into numbers.
- ii. Examples below: NOTE: Do not use either of these examples as passwords.
 1. crazy\$ delightful notice Test
 2. several&Western whether case

b. Password Protection Standards

- i. Do not use the same password for Fairfield County accounts as for other non-Fairfield County access (e.g., personal ISP account, option trading, benefits, etc.).
- ii. Don't reveal a password over the phone or in an e-mail to anyone, for any reason.
- iii. Do not share Fairfield County passwords with anyone, including family members, administrative assistants, secretaries, coworkers, or supervisors, even if you will be away from work for a period of time.
- iv. Don't reveal a password on questionnaires or security forms.
- v. Do not store passwords in a file on ANY computer system (including mobile devices) without encryption that has been previously approved by FCIT.
- vi. Do not write passwords down and store them anywhere in your office.
- vii. If someone demands a password, refer them to this document or have them call someone at FCIT.
- viii. If an account or password is suspected to have been compromised, report the incident to FCIT and change all passwords.
- ix. Password cracking or guessing may be performed on a periodic or random basis by FCIT or its delegate(s). If a password is guessed or cracked during one of these scans, the user will be required to change it.

c. Application Authentication Standards - FCIT must review and approve all applications prior to being deployed on any Fairfield County system. FCIT, in its sole discretion, may approve or deny installation of any given application based on its compliance or exception to this policy.

d. Restricted-Use and Independent Software Authentication Management - For departmental or division (hereinafter, "office") -only software that has internal security not managed by a directory service under the authority of FCIT, the highest supervisor, manager, or director

of that office has the responsibility to maintain the users, passwords, and internal security of that application. In such case, that office shall enforce the password rules and policies set forth herein. That office shall perform a quarterly audit of such system(s). The responsible office shall notify FCIT of any existing applications that qualify for governance under this section of the Password Policy.

- e. Use of Passwords and Passphrases for Remote Access Users - Access to the Fairfield County Networks via remote access is to be controlled using either a one-time password authentication or a public/private key system with a strong passphrase.
- f. Exceptions - Exceptions to this policy include only accounts and passwords upon which a password policy has been mandated by an office of higher authority than FCIT (i.e. Secretary of State, State of Ohio Office of Information Technology, etc.). FCIT shall be notified of any such exceptions.

NOTE - Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action up to and including termination.

Off-Duty Use of Social Media

Fairfield County supports the free exchange of information and camaraderie among employees on the internet off-duty. However, when internet blogging, chat room discussions, email, text messages or other forms of electronic communication extend to employees revealing confidential information about Fairfield County, or engaging in posting inappropriate material about Fairfield County or its officers or employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action, up to and including termination.

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

1. Comments or displays about coworkers or supervisors or Fairfield County that are vulgar, obscene, threatening, intimidating, harassing, or a violation of Fairfield County's workplace policies against discrimination, harassment or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, military status or other protected class, status, or characteristic. Fairfield County policies with respect to these prohibitions apply to off-duty conduct;
2. Statements or uses of Fairfield County's logo or trademark which are slanderous or detrimental to Fairfield County, including evidence of the misuse of Fairfield County's authority, insignia or equipment;
3. Engagement in unprofessional communication. "Unprofessional communication" includes that which, if left unaddressed, could potentially result in a civil or criminal cause of action against Fairfield County. "Unprofessional communication" also includes that which Fairfield County could demonstrate has a substantial risk of negatively affecting Fairfield County's reputation, mission or operations, such as slander, defamation or other legal cause of action.
4. Disclosure of confidential and/or proprietary information acquired in the course of employment. 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.
5. Comments or displays which impact employees' abilities to perform their job duties or Fairfield County's ability to maintain an efficient workplace.

Social media sites may be inspected by Fairfield County to determine potential violations of Fairfield County policy. If an employee believes that an online communication violates any Fairfield County policy, the employee should immediately report the communication to his or her supervisor. Fairfield County may investigate the matter, determine whether such communication violates Fairfield County policies, and take appropriate action. This action may include discipline, up to and including termination.

This policy does not apply to communications protected by the U.S. or Ohio Constitutions. Employees should see their supervisors with any questions or concerns about this policy.

SECTION: 1:6
SUBJECT: PUBLIC RECORDS REQUEST POLICY

Introduction

It is the policy of the Fairfield County Commissioners Office that openness leads to a better-informed citizenry, which leads to better government and better public policy.

Public Records

This office, in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Fairfield County Commissioners are public unless they are exempt from disclosure under the Ohio Revised Code. It is the policy of the Fairfield County Commissioners Office, as required by Ohio law, that records will be organized and maintained so that they are readily available for inspection and copying.

Records Requests

Each request for public records should be evaluated for a response using the following guidelines: Although no specific language is required to make a request, the requestor must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requestor for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

The requestor 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. It is this office's general policy that this information is not to be requested. However, the records custodian may ask for a written request and may ask for the requester's identity and/or intended use of the information requested if 1) it would benefit the requestor by helping the public office identify, locate, or deliver the records being sought, and 2) the requestor is informed that a written request and the requestors identify and intended use of the information requested are not required.

Public records are to be available for inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, during regular business hours, with the exception of published holidays. Public records must be made available for the 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 cords are stored; and the necessity for any legal review of the records requested. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, personnel rosters, etc.

All requests for public records must be acknowledged in writing by the public office within one business day following the office's receipt of the request. If a request is voluminous or will require research, the acknowledgement should include the following:

- An estimated number of business days it will take to satisfy the request.
- An estimated cost if copies are requested.
- Any items within the request that may be exempt from disclosure.

Any denial of public records requested must include an explanation, including legal authority, and the Prosecutor's Office should be consulted prior to denying any request. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Costs for Public Records

Those seeking public records may be charged only the actual costs of making copies. The charge for paper copies is \$0.10 per page or the amount required by law. If a data storage device is used to respond to a public records request, the actual cost of such a device shall be assessed to the requestor and must be paid by the requestor prior to disseminating the requested records. There is no charge for documents e-mailed. Requestors may ask that documents be mailed to them. They will be charged the actual cost of postage and mailing supplies, in addition to the charges set under the costs for public records section. Charges may be waived for efficiency purposes.

E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the Office.

Failure to Respond to a Public Records Request

The Fairfield County Commissioners Office recognizes the legal and non-legal consequences of failure to properly respond to a public records request.

ARTICLE 2: MANAGEMENT PRACTICES AND RIGHTS

SECTION: 2:1

SUBJECT: MANAGEMENT RIGHTS

The Appointing Authorities of Fairfield County reserve the rights which are afforded them by virtue of their capacity and authority under the Ohio Revised Code, together with all such other rights of management which are inherent by custom to his position. Each Appointing Authority appoints employs, promotes, fixes the compensation for, and otherwise regulates the employment of all employees under their jurisdiction and control.

Specifically, management rights include, but are not limited to the following:

1. The right to generally manage through the implementation, enforcement, amendment, deletion, or revision of policies, procedures, rules, regulations and directives.
2. The right to control the efficiency of operations through organization of work methods or procedures; layoff or recall of employees due to operational or financial needs; and improvement in work methods, equipment, machinery and facilities.
3. The right to direct the work force through the determination of its size and number; the number of shifts required; the work schedules and hours of employment; the necessity for overtime and the amount, if required; the selection, retention, and assignment of all employees based upon qualifications and departmental functions and duties, and disciplining them as required, including suspension, termination, or reduction in pay or position; and promoting, and transferring employees as needed pursuant to established policy.
4. The right to effectively, efficiently, and economically manage their offices and/or departments determining acceptable standards of conduct and performances; the methods, means, equipment, materials, and processes for the accomplishment of work; the department's goals, objectives, programs, services, and work to be performed, and to utilize personnel in a manner to meet these purposes and improve productivity.
5. The right to determine when an emergency exists, and implement actions and assignments deemed advisable and necessary to effectively and efficiently respond to such emergency situations.
6. The right to exercise complete control and discretion over the budget.

SECTION: 2:2
SUBJECT: RECRUITMENT AND HIRING

Employment in Fairfield County is employment in a public agency and subject to the laws of Ohio, including, but not limited to Chapter 124 of the Ohio Revised Code. The types of employment available include the following:

1. Full-time (permanent). A full-time employee is an employee whose regular hours of service for the County is based on thirty-five (35) or more hours in a work week and whose appointment is not for a limited period of time. An employee must work at least thirty-five (35) hours in a work week to be considered full-time.
2. Part-time (permanent). A part-time employee is an employee whose regular hours of service for the County total less than thirty-five (35) in a work week, and whose hours of service total at least five hundred twenty (520) hours annually.
3. Intermittent. An intermittent employee is an employee who works an irregular schedule determined by the demands of the Appointing Authority and only as needed. An intermittent employee shall not work more than one thousand (1000) hours per year.
4. Temporary. A temporary employee is an employee who is hired to work a particular, limited period of time, and whose hours of work could be full or part-time during this period but not in excess of six months.
5. Seasonal. A seasonal employee is an employee who works a certain regular season or period of the year performing some work or activity limited to that season or period.

In the event the Appointing Authority determines that a vacancy exists in a classified position and the Appointing Authority intends to fill the vacancy, the following procedures shall be followed. For vacancies other than entry level positions, a notice of such position opening may be posted for a defined period of time, generally at least five (5) working days. The notice shall include the date of posting as well as the date the notice expires, the classification title, rate of pay, department, and the area of vacancy, and a brief description. The Appointing Authority may also elect to fill the position by promotion of an existing employee. The Appointing Authority reserves the right to select a candidate from the applications submitted internally, from the general public, or by promotion of an existing employee.

The Appointing Authority will make reasonable accommodations for any qualified applicant or employment with a known disability to ensure equal opportunity and consideration in the application process.

Any person interested in applying for a position vacancy must timely complete a written application as to skills, abilities, knowledge, experience, and other information relevant to the position being applied for, and which must be given to the Authority by the date specified.

Any employee may apply for a posted position vacancy provided he or she possesses the requisite minimum qualifications and is not serving a probation period. Criteria used in evaluating an applicant's qualifications may include such considerations as past performance, the results of pre-employment skills test, aptitude, attendance records, education, training, prior work history, physical and mental fitness for the position, and length of service with Fairfield County, Ohio and/or any other job-related criteria.

The Appointing Authority retains the sole right to determine the qualifications desired for a position vacancy, to determine the weight attributed to each employment criteria, and to evaluate the relative qualifications of applicants. Applicants shall be evaluated according to how well their qualifications meet the requirements of the position including prior work experience/performance. Not all applicants will be chosen for the interview. The Appointing Authority further reserves the right not to fill or report a vacancy if he determines that no applicant possesses the desired qualifications.

SECTION: 2:3

SUBJECT: PREREQUISITES FOR INITIAL AND CONTINUED EMPLOYMENT

An applicant for employment must timely, accurately, and correctly complete an employment application. Falsification or omission of requested information by the applicant shall be cause for denial of employment, or termination from employment, if discovered after the applicant has been hired. Evidence of immoral character, conviction of a felony, or other unsavory conduct unbecoming a public servant of Fairfield County, or posing a threat to the legitimate business concerns of the Appointing Authority shall also be cause for denial of or termination from the employment; however, prior criminal conviction shall only be a bar to employment if such convictions bear a direct and substantial relationship to the position. Applicants for employment may be required to submit to one or more job-related screening procedures including reference checks, interviews, background checks, job samples, or skill tests, etc.

Also, prior to actual employment, employees in certain classifications who have been extended a conditional offer of employment may be required to undergo a medical examination, including drug testing, at the Appointing Authority's expense in order to ensure that they are capable of performing the duties and responsibilities of the position to be assumed.

However, the Appointing Authority shall make reasonable accommodations to the known physical or mental limitations of a qualified applicant or employee with a disability unless such accommodations would impose an undue hardship on the operations of such Appointing Authority.

All employees and applicants must be able to perform the essential functions of the position, with or without reasonable accommodation. In addition, the Appointing Authority, at its own expense, may require a current employee at any time to take a medical examination conducted by a licensed physician to be selected by the Appointing Authority, if they have any reason to believe the employee is no longer capable of performing the essential duties and responsibilities of his or her position.

Prospective employees in certain classifications may further be required to demonstrate their knowledge or perform certain tests of skill in order to further ascertain such prospective employee's fitness for the position. In the event that a position requires educational degrees, licensure or other certification, the applicant must furnish certified copies of such documents to the Appointing Authority which must be appropriately maintained in good standing if the applicant is subsequently hired.

Upon hire and annually thereafter, Fairfield County employees are to participate in various educational and training sessions as deemed necessary by their appointing authorities. All county employees are required to take an ethics training, cybersecurity training, and unlawful harassment training each year. Each appointing authority shall be responsible for providing these required trainings to new and existing employees in conjunction with Fairfield County Human Resources.

SECTION: 2:4
SUBJECT: SENIORITY

Seniority is defined for purpose of layoff as the uninterrupted length of continuous service with a state agency, board, commission, county office, or a state-supported college or university. Service time may be transferred from agency to agency without loss of seniority provided there is no break in service of more than thirty (30) days. If an employee is terminated from employment for any reason other than layoff, a break in service and seniority occurs. If the employee is "reinstated" within one (1) year of his termination however, continuous service is not deemed to be broken and seniority credit is given for prior service. An employee who is reinstated within one (1) year of the date of layoff retains previously accumulated seniority but receives no seniority credit for time spent while on layoff.

Seniority for the purposes of vacation is calculated according to the number of years of service with the County or any political subdivision of the State of Ohio. The service need not be continuous. The employee should report the prior service to the Appointing Authority within ninety (90) days of beginning employment with the County.

For all other purposes, seniority shall be defined as the uninterrupted length of continuous service with Fairfield County, Ohio. An authorized leave of absence does not constitute a break in service, and seniority continues to accumulate.

SECTION: 2:5
SUBJECT: HOURS OF WORK AND OVERTIME

The County will establish the hours of work for all employees. Staff 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, the County will meet in advance with employees and give at least two weeks advance notice for significant shift and schedule changes.

Due to federal regulations, employees who are not exempt from the overtime provisions of the Fair Labor Standards Act ("FLSA") are prohibited from signing in or beginning work before their scheduled starting time, or signing out/stopping work past their scheduled quitting time except with supervisory approval or in emergency situations. All employees scheduled for a minimum eight (8) hours per day shall be offered an unpaid lunch period, of which the length and time of day to be taken shall be dependent upon an employee's responsibilities and day-to-day assignments. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working during their lunch period except with 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.

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.

Generally, employees not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all hours actually worked in excess of forty in any one work week, regardless of the employee's regularly scheduled work day. Sick leave, vacation leave, personal days, compensatory time, holidays and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation. Overtime shall be compensated at a rate of one and one-half times the employee's regular rate of pay for actual overtime worked. Appointing Authorities may establish policies for payment of on-call rates of pay for employees required to work during emergency situations.

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 in a 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.

Overtime Exempt Employees

Employees who are exempt from the overtime provisions of the FLSA are not eligible for overtime payment. The appropriate appointing authority shall determine if an employee is exempt from overtime requirements for purposes of the FLSA. Such exemptions may include employees whose job duties are executive, administrative or professional in nature. At the discretion of the appointing authority, exempt employees may be required to keep track of, and report, their hours without destroying their exempt status.

Compensatory Time – Non-Exempt Employees Only

Non-exempt employees: At the discretion of the Appointing Authority, certain non-exempt employees may be permitted to take compensatory time-off in lieu of overtime payment. Compensatory time, like overtime, shall accrue at a rate of at one and one-half times the hours actually worked and, for non-safety forces, applies only to hours actually worked in excess of forty (40) in any one work week. For employees of a Job and Family Services, compensatory time must be used within one hundred eighty (180) days of its accrual. For all other County employees, compensatory time must be used within three hundred sixty-five (365) days of its accrual. Compensatory time will be used on a first-in, first-out basis. Compensatory time not used within the requisite time period will be paid out.

Non-safety force employees may not exceed the maximum accrual cap of two hundred forty (240) hours. Safety forces employees may not exceed the maximum accrual cap of four hundred eighty (480) hours.

The appointing authority may, at its sole discretion, require an employee to use his compensatory time prior to the employee reaching the one hundred eighty (180) or three hundred sixty-five (365) day accrual limit. Additionally, the Appointing Authority may choose to pay out an employee's compensatory time. 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.

FLSA Statement

The County intends to comply with all FLSA provisions. Improper deductions that are not in accordance with the FLSA are prohibited. Additionally, improperly classifying individuals as "exempt" from overtime is prohibited. Any deduction that is subsequently determined to be improper, or any exemption status later found to be improper, shall be reimbursed. Any employee who believes that he has had an improper deduction from his salary, or who believes he has been improperly classified under the FLSA, shall submit a complaint in writing to Human Resources (740-652-7895). The Human Resources Director 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.

SECTION: 2:6
SUBJECT: LACTATION BREAKS

All employees that have recently given birth shall be allowed reasonable break time in order to express breast milk for her feeding child each time the employee has a need to express milk, for up to one year after the child's birth. The employee will be provided appropriate space, other than a bathroom, that is shielded from view and free from intrusion from co-workers and members of the public, to be used by the employee for expressing milk. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee. To the extent additional time is needed, such additional time shall be unpaid.

SECTION: 2:7
SUBJECT: WORK 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, as required, to complete job assignments which are typically not performed by them or contained in their job description. No employee can refuse a job assignment unless it would place him in an imminently harmful or life-threatening situation. If an employee objects to an assignment, he should complete the assignment first, and then file a complaint. Each Appointing Authority reserves the right to hire and assign work to student, temporary, casual, intermittent, and/or seasonal employees.

SECTION: 2:8
SUBJECT: WORKPLACE SAFETY

Each Appointing Authority shall attempt to provide safe and healthy working conditions for its employees as is consistent with its resources and/or applicable law. In order to assist the County in this goal, it is necessary for all employees to follow appropriate and accepted safety work rules and to be observant as to potential work environment hazards or unsafe conditions.

In the event that an employee identifies a hazardous or unsafe condition within the work place, the condition shall be reported by the employee to the Appointing Authority as soon as possible after its discovery. The Appointing Authority will review and evaluate the condition and take appropriate corrective measures if necessary.

In the event that an employee is injured during the course of employment, the incident shall be reported to the Appointing Authority or appropriate supervisor immediately. The employee shall fully complete the Workplace Injury Reporting packet found on mymobilewalletcard.com/fairfieldco/ as soon as possible. When a work-related injury is reported to the Appointing Authority, Fairfield County will fully investigate the cause and identify appropriate corrective measures. Fairfield County will also ensure that any work-related injury receives prompt and appropriate medical treatment, including an employee recovery plan that will enable the employee to safely return to work as soon as possible. The supervisor is to notify Human Resources of the accident immediately.

If the employee requires medical attention, an "Incident Reporting Packet" should be sent with the employee to provide to the medical provider at the time treatment is initially sought. If due to the nature of the injury or other compelling circumstances it is not practical to send the Incident Reporting Packet to the medical provider with the injured employee at the time treatment is initially provided, then subsequent thereto it is the employee's responsibility to deliver the Incident Reporting Packet to the medical provider as soon as possible after the initial treatment has been rendered. All applicable forms in the packet must be completed and submitted to Human Resources. If medical attention is not required, an "Employee Report of Incident or Injury" form must be completed and submitted to Human Resources.

If an employee is physically unable to complete the balance of the work day as a result of an accident, he or she shall be placed on sick leave for the remainder of the day. Further absence may require the employee to apply for additional sick leave, vacation, or Workers' Compensation (whichever is applicable). Section 4:13 speaks specifically to Workers' Compensation injuries.

Employees who are operating a commercial motor vehicle while involved in an accident shall be required to immediately submit to a drug and alcohol test if there is a fatality to any individual involved in the accident, or the employee receives a citation for a moving violation and someone involved in the accident receives medical treatment away from the scene, and/or one of the vehicles sustains disabling damage. Drug and/or alcohol testing may also be administered in accordance with the County's policy on alcohol and drug abuse.

SECTION: 2:9
SUBJECT: CLASSIFICATION PLAN

A classification plan based upon the duties and responsibilities of positions shall be maintained by the Appointing Authority. The plan shall include classification specifications consisting of a classification title, nature of work, essential functions, minimum qualifications, and other job-related characteristics. The Appointing Authority shall, as needed, review the duties and responsibilities of positions and make necessary adjustments or revisions to the classification plan.

SECTION: 2:10
SUBJECT: LAYOFF AND RECALL

If it becomes necessary to reduce staffing levels, the Appointing Authority shall lay off employees in accordance with the rules promulgated by the Director of the Department of Administrative Services. Layoffs shall only occur when one of the following reasons can be determined:

1. Lack of work
2. Lack of funds
3. Abolishment of positions for reasons of:
 - a. Reorganization for the efficient operation of the appointing authority;
 - b. For reasons of economy; or
 - c. For lack of work.

When it is demonstrated that there is reason to reduce staffing levels, the Appointing Authority shall determine the number of positions and the classifications in which layoffs will occur. The Appointing Authority shall also prepare an order of layoff and the displacement and recall of laid-off employees. The order shall be based on length of service. For purposes of layoffs, length of service shall be the employee's continuous service. Continuous service includes service with other appointing authorities as long as there is no break in service. Such lists shall be posted in a conspicuous location, for employee inspection, at the time layoff notices are delivered. The Appointing Authority shall otherwise comply with the requirements of the O.R.C. and O.A.C.

The Appointing Authority may implement a paper layoff process by which all layoffs and displacements may be effectuated on paper prior to the actual effective date. This process shall provide all affected employees the opportunity to exercise their displacement rights prior to the actual implementation of the actual layoffs. Once employees have been notified of the layoffs and have exercised their displacement rights, if any, all layoffs may become effective on the same date in accordance with law.

SECTION: 2:11**SUBJECT: TRAVEL, AND EXPENSE REIMBURSEMENT**

An employee may be reimbursed for mileage at the established applicable rate per mile for the use of privately-owned automobiles for County business, provided sufficient funds are available, and a written request is submitted in advance indicating the reasons for the travel. However, such reimbursement may be made only if the employee carries motor vehicle liability insurance as required by law.

An employee must file an itemized expense report within thirty (30) days of returning to work showing the purpose, benefit to the County, and the origin and destination of each trip in sufficient detail for the mileage claimed.

Mileage is payable to only one of two or more employees traveling on the same trip and in the same vehicle. The names of each such person must be listed on the travel voucher. Charges for parking are reimbursable on any day when an employee is entitled to claim reimbursement for mileage.

Only "ordinary and necessary" business expenses for travel (including, for example, reimbursement for meals and lodging) may be reimbursed to the employee who incurred them without that employee paying income tax on the amount of the reimbursement. The Appointing Authority may approve additional expenditures beyond the limits if there is a justified, estimate approved prior to travel to metropolitan areas. Grant term and conditions must still be met. Ordinary and necessary business expenses should be submitted on an itemized expense report as soon as possible and within 30 days.

In order for meal reimbursements to NOT be taxable income to the employee the expenses must have been incurred in connection with overnight travel away from home.

Reimbursement for ordinary and necessary expenses must be "substantiated" through detailed, itemized, and dated receipts.

Reimbursement is authorized in accordance with the current limits established by the County Commissioners. Such limits may be changed from time-to-time. Meal costs which exceed the current limits will be reimbursed if the meal is an integral part of a meeting or conference. Proof of attendance shall be attached to the employee's request for reimbursement.

If meal charges occur during an overnight stay, meal reimbursement for employees shall be the actual cost of the meal up to a maximum of \$15.00 for a meal occurring any time after midnight but no later than 11:00 a.m., \$25.00 for a meal occurring anytime from 11:00 a.m. to 4:00 p.m., and \$35.00 for a meal occurring anytime from 4:00 p.m. to midnight. Only one meal per stated time period will be reimbursed. If meals are included in the registration fee, employees will not be reimbursed for an "outside" meal unless exigent circumstances can be demonstrated. If meals are not incurred in connection with an overnight stay, the reimbursement will be counted as income and the employee is responsible for paying income tax on the amount of the reimbursement. Reimbursement of meal gratuities is authorized at the actual expense but not to exceed 20% of the actual meal expense and must be evidenced in the meal receipt. The amount of gratuity shall count against the applicable meal reimbursement rate.

Personal expenses incurred in traveling are not reimbursable, including but not limited to personal telephone calls, laundry, entertainment and alcoholic beverages.

SECTION: 2:12

SUBJECT: CREDIT & VENDOR CARDS

Employees who are issued a County credit card may only use it for work related purposes. No employee may use a County credit card for personal use. Credit card use is in accordance with the Board of County Commissioners Credit Card Policy included in the manual as “Exhibit C”. Any employee issued a county credit card shall acknowledge receipt and review the policy prior to use prior to use of a county issued credit card.

SECTION: 2:13
SUBJECT: EDUCATION

In order to improve the quality of service to the residents of the County, it is occasionally beneficial to permit employees to participate in professional development activities including meetings, seminars, courses, workshops and/or conferences. As such, authorization with or without pay may be authorized for such purposes provided a request is submitted in writing at least one (1) week in advance. Continuing education (beyond college or university education) is valued at Fairfield County. Most departments offer some form of continuing education for employees. If a department required additional resources for continuing education, the department head or appointing authority should justify and evaluate the request and present it.

Section 4:12 details the tuition reimbursement policy of the county.

SECTION: 2:14
SUBJECT: PERSONNEL RECORDS

Personnel records shall be maintained on all employees by the Appointing Authority. Such records may include information such as application for employment, letters of reference, performance evaluations, disciplinary actions or letters of commendation, and miscellaneous personnel forms and records. Medical records shall not be maintained in the employee's personnel file. Such records shall be kept in a medical file on separate forms, in separate medical files in compliance with the Americans with Disabilities Act.

Any employee may examine his or her personnel file by giving at least twenty-four (24) hours advance notice to the Appointing Authority. Such examination shall be made on non-work time or at some other mutually agreeable time. Confidential information as defined in Section 149.43 of the Ohio Revised Code shall not be released from the employee's personnel file unless specifically authorized by such employee in writing. This includes an employee's social security number.

When a public records request is made for an employee's records, the County will attempt to inform the employee of the request in advance of the release of records. The County will make reasonable efforts to redact personal information, and other non- public information, from the files before release. Notifying the employee of the impending release of neither the requested information nor the employee's objection to such request shall constitute grounds for an unreasonable delay in responding to or releasing the records pursuant to an appropriate request. Employees are responsible for taking prompt and timely legal action at their own cost and expense in the event they wish to prohibit release of the requested documents to the requesting individual or entity.

Employees must notify the Appointing Authority as soon as practicable of any changes in name, address, home telephone number, marital status, citizenship, tax exemptions, affiliation with any branch of the armed forces, or loss of licensure or insurability, if applicable.

Personnel records may only be destroyed in accordance with the County's records retention schedule.

SECTION: 2:15

SUBJECT: CONFIDENTIALITY AND LIMITATIONS ON USE OF MEDICAL INFORMATION

State and federal law imposes strict limitations on the use of medical examinations, medical information and medical related inquiries of employees. All medical information obtained from medical examinations and inquiries shall be collected and maintained on separate forms, in separate medical files, and shall further be treated as a confidential medical record. Medical-related material shall not be placed in an employee's personnel file. The Appointing Authority of the County shall take steps to guarantee the security of the employee's medical information, including:

1. Keeping the information in a medical file in a separate, locked cabinet, apart from the location of personnel files.
2. Designating a specific person or persons to have access to the medical file.

All medical related information shall be kept confidential, with the following exceptions:

1. Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations.
2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment, or if any specific procedures are needed in the case of fire or other evacuations.
3. Government officials investigating compliance with the ADA and other federal and state laws prohibiting discrimination on the basis of disability or handicap shall be provided relevant information on request. (Other federal laws and regulations also may require disclosure of relevant medical information.)
4. Relevant information may be provided to state Workers' Compensation offices in accordance with state Workers' Compensation laws.
5. Relevant information may be provided to insurance companies where the company requires a medical examination to provide health or life insurance for employees.
6. Where authorized or required by law.

SECTION: 2:16
SUBJECT: WEATHER EMERGENCY/CLOSURE OF FACILITIES

The Board of Commissioners has the authority to declare early release of staff or full-day closure of buildings due to emergency conditions. Where practicable, remote operations will continue during a building closure and employees may work remotely. In the event an emergency is declared, the following policies and procedures are in effect and should remote work not be available, time should be charged as outlined.

Early Closing - If the Board of County Commissioners announces an early closing of County buildings, each elected official will be notified of the decision and the time it is to be implemented. In the event of an early closing time, employees sent home will be paid for the balance of their shift. Employees who call in sick, vacation, or compensatory time that morning, will be charged with a full day sick, vacation, or compensatory time, whichever was stated when they called in. Employees who called in to report their inability to get to work because of hazardous conditions will be permitted to use a full day of vacation or compensatory time.

Full Day Closing - In the event the Board of County Commissioners decides to close a building(s) for a complete day, an announcement will be made as soon as practical via the Employee Notification System. This system will call, text, and/or email employees based upon the information employees have entered in Employee Self Service, which is found by locating [inside.Fairfield - Welcome](#) and logging in. That announcement will indicate agency and building status. Employees who are on a previously scheduled sick, vacation or compensatory leave day will be charged a full day of sick, vacation, or compensatory leave, whichever was previously scheduled.

Employees shall make every effort to report to work, unless instructed to do otherwise. Those employees who arrive late will not be penalized.

SECTION: 2:17
SUBJECT: PERFORMANCE EVALUATIONS

The job performance of County employees may be evaluated during an employee's initial or promotional probationary period. The first probationary evaluation will normally be conducted on or about the employee's completion of ninety (90) calendar days of employment, with the second evaluation being completed within two (2) weeks prior to the end of the employee's probationary period. Employees who are not serving a probationary period shall have their performance reviewed at least annually but may be conducted more frequently if deemed necessary. All performance appraisals should be maintained in employee personnel files and should be completed by December 15th.

The primary purpose of a performance evaluation is to review each employee's performance in relation to established expectations and standards of conduct and performance during a specified period. Specifically, performance evaluations are intended to identify the strengths of an employee's performance and areas where improvement can or should be made. Performance evaluations should also encourage better communication between the employee and supervisor and improve employee's understanding of the Appointing Authority's expectations of him or her. Finally, evaluations may be used in considering potential candidates for promotion, determining the need for employee terminations, and in determining the sequence of employees to be laid off when such action is necessary.

SECTION: 2:18
SUBJECT: REMOTE WORK

Remote work allows employees, when appropriate, to work at home or another location for all or part of their workweek. This flexible work option is possible when both the employee and the job/work are suited to such an arrangement. Remote work may be suitable for some positions but not all. Remote work is neither an entitlement nor a benefit, and in no way changes the terms and conditions of employment with Fairfield County or its appointing authorities. All remote work assignments shall be made on a case-by-case basis, focusing first on operational need.

Remote work may be granted in the following forms:

- Full-time
- Part-time (a blend of in and out-of-office hours)
- Short-term projects
- On travel days
- As necessary for emergency situations such as a natural disaster, pandemic, fire, etc.

Appointing authorities must approve all remote work assignments prior to remote work being commenced. Remote work assignments may be discontinued at any time by an appointing authority. While effort may be made to provide the employee with notice, an appointing authority may terminate a remote work assignment without notice or cause.

ELIGIBILITY:

Remote work is an alternative method of meeting operational need and is subject to the discretionary approval of an appointing authority and may be revoked at any time. Some positions by their nature require an employee to be in the office full-time and are designated as such by the appointing authority. These positions

will not be eligible for remote work. Other positions will be evaluated based on position, current need and circumstances, and the productivity and work habits of the individual employee. There should be no expectation that remote work will be ongoing. The supervisor and employee will review the suitability of a remote work assignment and then submit the plan to the appointing authority.

Remote Work Agreement. An employee must complete and sign a Remote Work Agreement and have it signed by their department director prior to the commencement of a remote work assignment. Remote Work Agreement templates may be obtained from Human Resources.

ARTICLE 3: EMPLOYEE CONDUCT AND RIGHTS

SECTION: 3:1

SUBJECT: PROBATIONARY PERIOD

Newly hired or newly promoted employees shall be required to successfully complete a one hundred and eighty (180) calendar day probationary period. Each appointing authority may establish a probationary period in excess of one hundred eighty (180) days in accordance with law. No probationary period may exceed one (1) year. The probationary period allows the Appointing Authority to closely observe and evaluate the employee's fitness and suitability for the position. Only those employees who demonstrate to the Appointing Authority and acceptable standard of conduct and performance shall be retained in their positions. Such employees shall be formally or informally evaluated on or about their completion of ninety (90) days of the probationary period and upon completion of one hundred and eighty (180) days if not terminated prior thereto.

If, at any time during the initial probationary period, a newly hired employee's service is determined to be such that it does not merit further employment, he or she may be terminated. Time spent on inactive pay status or non-paid leave of absence shall not be counted toward the completion of the probationary period.

Employees working irregular schedules and intermittent employees shall have their one hundred and eighty (180) day probationary period based upon the completion of one thousand forty (1040) hours in active pay status.

The failure of an employee to complete a promotional probationary period due to unsatisfactory performance shall result in the returning of the employee to his or her same or similar position prior to the promotion at the former rate of pay.

A newly hired probationary employee is not entitled to a wage increase during his or her probationary period.

A newly hired or newly promoted employee who has completed their probationary period by November 30 shall be eligible for any annual merit increase.

A newly hired or newly promoted employee who begin their probationary period after July 1st may be eligible for a merit increase at the successful completion of their probationary period, and thereafter may be eligible on the regular yearly schedule.

SECTION: 3:2

SUBJECT: PUBLIC EMPLOYEES ETHICS/CONFLICT OF INTEREST

In order to maintain the integrity and confidence that the public has in Fairfield County government offices and departments, it is essential that employees of each Appointing Authority not use their positions for personal gain. In order to achieve this goal, all employees must act in an ethical manner and avoid conflicts of interest. Upon hire, employees are provided copies of Chapter 102 and Section 2921.42 of the Ohio Revised Code. Employees acknowledge receipt of these documents in writing.

Ohio law prohibits public officials, including employees, from using their authority, influence or position to benefit a member of his/her family or any business associate. This restriction includes all public contracts; including employment with the County, investment of public funds and other business relations with the County unless one of the exceptions set forth in the Ohio Revised Code apply to the specific circumstances. In addition, no employee may directly supervise a member of his/her family nor approve any time sheet or payroll related item for a family member.

No employee shall use his or her official position for personal gain, participate directly or indirectly in any activity which is in conflict with his or her official duties, or disclose confidential information regarding the business of the County to any private concern for his or her personal benefit.

No employee shall represent, have an interest in, or be employed by a private interest with which the County does business or act as an agent for or render services on behalf of any private interest where such activities would be incompatible with the duties and responsibilities of such employee.

No employee shall solicit or accept for their personal use anything of economic value from any individual or entity engaged in business with the county.

Any employee found to be in violation of this section shall be subject to possible disciplinary actions up to, and including, termination. Any employee who has a question as to whether or not his or her actions or activities are in violation of this section should direct such inquiry to the Appointing Authority.

SECTION: 3:3
SUBJECT: NEPOTISM

Hiring

The County will receive employment applications from relatives of current employees upon the submission of such application by such relative. However, the following four (4) situations shall prevent the County from hiring a relative of a current employee:

1. If one relative would have supervisory, budgetary, or disciplinary authority over another.
2. If one relative would audit the work of another.
3. If a conflict of interest exists between the relative and the employee or the relative and the County.
4. If the hiring of relatives could result in a conflict of interest.

Employment

Employees are not permitted to work in a position where their supervisor or anyone within his 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.

The provisions of O.R.C. §§ 102.03 and 2921.42 render it unlawful for public officials 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. For purposes of the section, the term “relative” shall include: spouse, fiancé, children, grandchildren, parents, grandparents, siblings, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, step-parents, step-children, step-siblings, a legal guardian or other person who stands in the place of a parent to the employee, and a person who shares the same residence as the employee.

SECTION: 3:4
SUBJECT: ABSENTEEISM AND TARDINESS

Employees who are unable to report for a regularly assigned work day shall be required to notify their Supervisor or other designated representative of such absence and the reason(s) thereof prior to the start of the scheduled shift, if possible but no later than fifteen (15) minutes after the start of the employee's scheduled shift. Employees who do not properly give notice of or document their absence, are habitually tardy, are absent without leave, are using sick leave for improper reasons, use excessive amounts of sick leave or develop a pattern of use, shall be subject to disciplinary action and/or shall not be paid. If an employee is absent without leave or notification for three (3) or more days, he or she may be deemed by the Appointing Authority to have abandoned his or her position and shall be subject to termination from employment.

The Appointing Authority reserves the right to control employee attendance and absenteeism and promulgate any specific rules and regulations in furtherance of this objective. The Appointing Authority may investigate situations of suspected sick leave abuse. Each Appointing Authority may adopt rules and guidelines to implement and enforce this provision.

SECTION: 3:5
SUBJECT: OUTSIDE EMPLOYMENT

No employee shall have other outside employment which conflicts in any manner (including overtime requirements) with such employee's ability to properly and efficiently perform his or her duties and responsibilities with the Appointing Authority. In addition, full-time employees are required to consider this employment with the County to be their "primary" occupation which shall take precedence over any other outside employment which such employees may have. This means that employees are expected to be at work and fit for duty when scheduled. Employees are prohibited from engaging in secondary employment while on sick leave, disability leave or family medical leave. Finally, employees are strictly prohibited from engaging in or conducting outside private business during scheduled working hours and are further prohibited from engaging in conduct which creates a potential or actual conflict of interest with their duties and responsibilities as a County employee.

SECTION: 3:6
SUBJECT: POLITICAL ACTIVITY

This policy lists examples of the specific political activities legally permitted and prohibited of all classified employees pursuant to O.R.C. §124.57, including classified employees on authorized leave of absence from their positions. Unclassified employees may participate in partisan political activities.

Activities Permitted of Classified Employees:

1. Registration and voting.
2. Expressing opinions, either orally or in writing.
3. Voluntary financial contributions to political candidates or organizations.
4. Circulating nonpartisan petitions or petitions stating views on legislation.
5. Attendance at political rallies.
6. Nominating petitions. Employees may sign nominating petitions in support of individuals.
7. Political materials. Employees may display political materials in the employee's home or on the employee's property.
8. Badges, buttons, and stickers. Employees may wear political badges or buttons (so long as doing so does not interfere with job safety) or display political stickers on private vehicles.
9. Serving as a precinct election official under O.R.C. §3501.22.

Activities Prohibited of Classified Employees:

1. Participating in a partisan election as a candidate for office
2. Participating in a nonpartisan election as a candidate for office if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party.
3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
4. Circulating official nominating petitions for any candidate participating in a partisan election.
5. Service in an elected or appointed office in any partisan political organization.
6. Accepting a party-sponsored appointment to any office normally filled by partisan election.
7. Campaigning by writing for 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. Soliciting, either directly or indirectly, any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate.
9. Soliciting the sale, or actual sale, of political party tickets.
10. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues.
11. Service as a witness or challenger for any party or partisan committee.
12. Engaging in political caucuses of a partisan nature.
13. Participating in a political action committee which supports partisan activity.
14. Any employee having a question pertaining to whether specific conduct of a political nature is permissible should contact the Appointing Authority prior to engaging in such conduct.

SECTION: 3:7
SUBJECT: DISCIPLINARY PROCEDURE

Employees who have completed their probationary period and are in the classified civil services may only be disciplined for just cause. Disciplinary action normally will be imposed in a progressive manner with consideration given to the nature of the offense, prior disciplinary action, length of service, the position held by the employee, 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 an appropriate level of discipline under the specific factual circumstances.

The County has the right to investigate all alleged disciplinary violations. 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, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during the pendency of the investigation.

Employees may be disciplined for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, failure of good behavior, violation of a policy or a work rule, misfeasance, malfeasance, nonfeasance, conviction of a felony or any other reason set forth in O.R.C. §124.34. Examples of reasons for which disciplinary action may be taken include, but are not limited to, the following:

1. Failure to maintain appropriate work standards.
2. Failure to comply with the work rules, policies or instructions of a supervisor.
3. Abuse of sick leave or falsification of leave requests.
4. Failure to observe proper safety standards and rules.
5. Engaging in non-work-related activity while on duty.
6. Improper use of Employer's equipment or use of equipment for non-work-related purposes.
7. Failure to cooperate with other employees.
8. Sleeping while on duty.
9. Being in possession of, consuming, selling or being under the influence of alcohol or drugs while on duty.
10. Falsifying records and/or making false statements.
11. Performing private work while on duty.
12. Making or publishing of false, vicious or malicious statements concerning employees, supervisors, the Appointing Authority or their operations.
13. Use of abusive, profane or threatening language towards employees or the public.
14. Unauthorized political activity.
15. Conduct that impacts the employee's credibility and/or has a relationship to the employee's job and/or public perception.
16. Misuse or removal of County records or information without prior authorization.
17. Failure to cooperate in a disciplinary investigation.

Whenever the appointing authority believes that discipline of a classified employee in the form of a suspension, reduction or elimination of longevity pay, demotion or termination is possible, a pre-disciplinary conference shall be scheduled. At least forty-eight (48) hours prior to the pre-disciplinary conference, the appointing authority shall provide the employee with notice of the charges. At the pre-disciplinary conference, the employee may respond to the charges or have his chosen representative respond. A failure to attend the pre-disciplinary conference shall be deemed a waiver by the employee.

An appointing authority may place an employee on leave without pay for up to two months if the employee has been charged with a felony. If the employee does not plead to or is not found guilty of a felony, the appointing authority must reimburse the employee for back pay plus interest. A classified employee who is convicted of a felony immediately forfeits his status as a classified employee.

In lieu of termination, the appointing authority and the employee may enter into a last chance agreement. Such agreement shall be in writing and signed by the parties. A last chance agreement shall include all relevant terms. If the employee violates the agreement, the decision on the type of discipline to impose shall be at the sole discretion of the appointing authority. The only issue that the employee may appeal to the State Personnel Board of Review is whether the employee engaged in wrongful conduct within the meaning of the agreement. Nothing in this section shall be construed to require the appointing authority to offer a last chance agreement.

SECTION: 3:8
SUBJECT: GRIEVANCE PROCEDURE

Misunderstandings and differences of policy, procedures and work rules may sometimes arise when employees are working together on a day-to-day basis. In order that employees have a formal process in which to have their problems and questions heard and appropriately resolved in a timely manner, the following grievance procedure is hereby established:

Step 1 - The grievant is encouraged to discuss the complaint giving rise to the grievance orally with his or her immediate supervisor in an attempt to resolve it. If the complaint is not resolved, a written grievance must be submitted to the grievant's immediate supervisor within five (5) working days from the date of the incident or occurrence giving rise to the grievance. The written grievance shall identify the name and position of the grievant, the date and time of the incident or occurrence, a statement of facts, and the remedy the grievant seeks. Within five (5) working days of receipt of the written grievance, the Supervisor shall provide an answer to the grievant and make further attempts to resolve the dispute.

Step 2 - If the grievance is not resolved in Step 1 to the grievant's satisfaction, the grievant may resubmit it within five (5) working days from the grievant's receipt of the Step 1 answer to the grievant's Department Head. The Department Head shall provide an answer to the grievant within ten (10) working days of receipt of the grievance.

Step 3 - If the grievance is not resolved in Step 2 to the grievant's satisfaction, the grieving may resubmit it within five (5) working days from the grievant's receipt of the Step 2 answer to the Appointing Authority or their designated representative. The Appointing Authority or designated representative shall investigate the grievance and/or meet with the grievant and provide an answer to the grievant within ten (10) working days of receipt of the grievance. Said answer shall be final and binding.

Grievances which arise as a result of actions of individuals at a certain level of the grievance procedure should be submitted directly to that step. For example, grievances relating to policies issued by the Appointing Authority should be submitted directly to Step 3.

The time limits in the grievance procedure may be extended only by mutual written agreement of the parties due to extenuating circumstances. A grievance shall be considered resolved if, at any point, the grievant withdraws his or her grievance in writing or fails to process the grievance within the specified time limits. Any grievance not answered by the Appointing Authority designee at any Step within designated time limits shall be considered to have been answered in the negative and may be taken to the next Step by the grievant in accordance with the procedures above.

SECTION: 3:9
SUBJECT: RESIGNATION AND REINSTATEMENT

In the event that an employee intends to resign, he or she should notify the Appointing Authority in writing at least two (2) weeks in advance of the effective date in order to assure continuity of operations and timely payment of any separation pay.

SECTION: 3:10
SUBJECT: CLASSIFIED AND UNCLASSIFIED STATUS

All employees of the County are in the classified civil service unless they are directly responsible to the elected official and hold a fiduciary and/or administrative relationship to such elected official or are specifically exempted from the classified service in accordance with the appropriate procedures by the Authority or exempted by operation of law (refer to O.R.C Section 124.11). Those employees in the classified service are afforded certain rights and protections under civil service law, including the right to be disciplined only for just cause after completion of probation.

Employees of an Appointing Authority who are in the unclassified service serve at their pleasure and may be terminated for any non-discriminatory reason. Such unclassified employees do not have the right of appeal to the State Personnel Board of Review.

SECTION: 3:11
SUBJECT: MINIMUM QUALIFICATIONS

It is the responsibility of employees to maintain the minimum qualifications of their classification as established by the Appointing Authority and/or mandated by State or Federal law. The Appointing Authority shall determine the qualifications and requirements for each classification. Employees failing to maintain the minimum qualifications of their classification or who do not comply with State or Federal requirements relevant to their position may be subject to either termination of employment or a reduction of position, if a vacancy exists in a classification for which the employee is qualified.

An employee who is reduced in position shall receive the rate of pay of the lower classification and may apply for his former position when a vacancy becomes available and the requirements of the position have been met. All employees are expected to make reasonable and diligent efforts to maintain the qualification of their current classification. The provisions of Section 2:10, Layoff and Recall, shall not be applicable to this section.

In the event that the minimum requirements and qualifications of a classification are changed by external law, it shall be the sole responsibility of the employee to meet such requirements and maintain such qualifications as prescribed by State and/or Federal law. The Appointing Authority has no obligation to create a vacancy for an employee failing to maintain the qualifications of his job.

SECTION: 3:12

SUBJECT: UNLAWFUL HARASSMENT AND DISCRIMINATION

Purpose

It is the policy of Fairfield County to provide its employees an environment free of employee discrimination or harassment including sexual harassment. Discrimination and unlawful harassment are issues that can affect employees at all levels. Discrimination and unlawful harassment are inappropriate and illegal and will not be tolerated. Such behavior interferes with the well-being and productivity of the employee and the efficiency of our organization, negatively affecting morale, motivation and job performance. Fairfield County, in a commitment to eliminating this inappropriate behavior, has established the following policy. Employees shall not engage in any discriminatory or harassing behavior based on an individual's race, color, sex, religion, national origin, age, disability, ancestry, military status, or genetic information.

Legal Definition

Unlawful discrimination occurs when individuals are treated less favorably in their employment because of their race, color, religion, sex, national origin, age, ancestry, disability, genetic information, or military status. 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 one of the above-listed protected classifications.

Unlawful harassment is a form of employment discrimination. Harassment is unwelcome conduct that is based on race, color, religion, sex, national origin, age, ancestry, disability, genetic information, and/or military status. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

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: (1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or, (3) 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 that is based on one of the other protected categories listed above is similarly unlawful and must be reported.

Any discrimination or harassment based on an individual's race, sex, national origin, age or disability, military status or genetic information will not be tolerated.

Behavior That Can Constitute Sexual or Unlawful Harassment

Sexual or unlawful harassment does not generally encompass conduct of a socially acceptable nature however, some conduct which is appropriate in a social setting may be inappropriate in the work place. Sexual harassment occurs when behavior of a sexual nature is directed toward an employee who finds that behavior unwelcome and offensive or the behavior fails to respect rights of others, is demeaning or lowers morale. Acquiescence in the behavior will not negate the existence of sexual or unlawful harassment.

“Unwelcome” does not mean involuntary. Prohibited conduct includes but is not limited to sexual comments, suggestions, jokes, leering, pats, squeezes or other similar contact, and posting of sexual

pictures, cartoons, photos or other graphics.

Sexual or unlawful harassment may also extend beyond the confines of this organization. Conduct that occurs off duty and off premises against an employee of the County will also be subject to this policy.

For purposes of this policy some examples of sexual harassment or unlawful harassment include, but are not limited to:

1. Jokes and comments of a sexual or discriminatory nature whether directed at a particular individual or told within an apparently friendly group;
2. Any touching, leering, pursuing or other attention that is unwelcome whether by the person who is the focus of the attention or others within view;
3. Direct propositions of a sexual nature or pressure for sexual activity which is unwelcome;
4. Display of sexually oriented materials in a location where others can see it.

Acts such as these constitute sexual harassment or unlawful harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual;
3. Such conduct has the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile or offensive working environment.

Complaints

Employees who feel they have been subject to discrimination, sexual harassment or unlawful harassment by an employee or other individual in any way affiliated with this organization, have witnessed discrimination or harassment or wish to raise questions or concerns shall immediately contact their supervisor, department head, the Appointing Authority or the County Prosecutor.

Although an employee is encouraged to confront an alleged harasser or discriminator, he or she also shall report any incidents to management. When a supervisor or department head is notified of alleged harassment or discrimination, he or she will immediately investigate the complaint. The investigation may include private interviews of the employee allegedly harassed or discriminated against, the employee allegedly committing the harassment or discrimination and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality cannot be guaranteed. Determinations 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 or discrimination and prevent its recurrence will be taken. All employees are required to cooperate in any investigation.

Retaliation

Anti-discrimination laws also 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 that he has been subjected to retaliatory conduct as a result of actions taken under this policy, or as a result of his relationship with an individual who took action under this policy,

shall report such conduct to the supervisor, Department Head, Appointing Authority or County Prosecutor immediately. Any person found to have retaliated against an individual for engaging in activity protected by this policy will be subject to discipline. Disciplinary action for filing a false complaint is not a retaliatory act.

False Complaints

Although legitimate complaints made in good faith are strongly encouraged, false complaints or complaints made in bad faith will not be tolerated. Failure to prove sexual and/or unlawful harassment will not constitute a false complaint without further evidence of bad faith. False complaints are considered a violation of this policy and an employee who makes a false complaint may be subject to discipline.

Corrective Action

Sexual and unlawful harassment will not be tolerated. Sexual and unlawful harassment is considered to be failure of good behavior and conduct unbecoming. Disciplinary action will result and be reflective of the seriousness of the violation. If the investigation establishes that the accused employee engaged in sexual or unlawful harassment, discipline will be administered which may include removal.

Offenders will be disciplined without regard to their position or job performance. Any individual exhibiting discriminatory or harassing behavior towards an employee exercising a right under this policy will also be subject to discipline. Any employee who has knowledge of sexually harassing or unlawful harassing conduct that allows the conduct to go unaddressed will be subject to discipline.

Employees are responsible for:

1. adhering to this policy
2. discouraging sexual harassment or unlawful harassment
3. reporting any and all incidents to appropriate persons
4. cooperating in any investigation which might result
5. directing any questions to their supervisor or department head

NOTE: An employee who has questions or concerns regarding this policy should contact their supervisor.

SECTION: 3:13

SUBJECT: SMOKE AND TOBACCO FREE WORK ENVIRONMENT

There shall be no smoking or tobacco use in County facilities or vehicles. This includes the use of electronic cigarettes. The Appointing Authority recognizes that each employee has a right to smoke and may do so at designated outside locations. Employees will not, however, be allowed to lessen their total daily or weekly work time in order to smoke.

SECTION: 3:14
SUBJECT: ALCOHOLISM AND DRUG ABUSE

Drug-Free Workplace

Alcoholism and drug addiction are treatable diseases. Therefore, employees who believe that they may have an alcohol, drug addiction or substance abuse problem are encouraged to seek professional treatment and assistance. No employee who seeks such treatment or assistance prior to the time that the alcohol/drug addiction/substance abuse problem effects his/her performance or otherwise becomes known by the appointing authority will have his 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 in accordance with law. 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.

Fairfield County maintains a drug and alcohol-free workplace 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, dispensing, possession, use or being under the influence of alcohol, drugs or other controlled substances are strictly prohibited during working hours 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 conducts preemployment drug and alcohol screening and 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.

Drug Policy

Controlled Substance: Means any controlled substance contained in Schedules 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812; or as defined in § 3719.01 O.R.C.).

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.

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 consonant with

O.R.C. § 3719.01 et seq.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the employer's work place is strictly prohibited and will result in criminal prosecution and employee discipline.

Any employee arrested or convicted of any Federal or State criminal drug statute must notify the employer of that fact immediately, and prior to returning to work, but no longer than five (5) calendar days of the arrest or conviction.

Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances and/or alcohol 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.

NOTE: 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.

Fairfield County has a zero-tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using 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 either 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 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.

Drug/Alcohol Testing Policy

In order to maintain a safe and healthful work environment, the County reserves the right to set standards for employment and to 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.

Where the County has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to go to a medical clinic, at the County's expense, to provide blood and/or urine specimens. Reasonable suspicion shall generally mean suspicion based on personal observation by a County representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.

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.

Any employee who tests positive may request retesting of the original specimen at their own expense.

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 costs related to the rehabilitation shall be paid by the employee. Employees must take any available, accumulated, paid or

unpaid leave during their absence. Failure to fully participate in or successfully complete such a rehabilitation program may result in disciplinary action.

In addition to the testing allowed under section (b)(1), above Employees who return to work after the successful rehabilitation will be subject to random drug tests for a period of two years from the date of their return.

Employees subject to random drug tests who refuse to participate in the drug/alcohol testing and/or rehabilitation program or who continue to test positive for substance abuse will face additional disciplinary actions, up to and including removal.

Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol 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.

Discipline

Fairfield 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, including a refusal to test or a positive test result on a return to duty or follow-up test shall result in the employee's discharge. 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.

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:

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;

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;

Failure to execute or release forms required as part of the testing process.

Prescription/OTC 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 the 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.

Drivers with CDLs and the FMSCA Drug and Alcohol Clearinghouse

Fairfield County is committed to complying with the Federal Motor Carrier Safety Administration's (FMCSA) Drug and Alcohol Clearinghouse. Fairfield County will report failed and refused drug and alcohol tests by CDL drivers.

Additionally, Fairfield County will conduct the required queries of the FMSCA Clearinghouse annually and during the pre-employment process in order to ensure driver eligibility to perform safety sensitive functions, including driving a commercial vehicle. In order for Fairfield County to conduct the necessary queries, employees and applicants are required to complete the required written consent.

Consistent with the FMCSA Clearinghouse requirements, Fairfield County shall conduct a full query of the Clearinghouse of each pre-employment driver during the background investigation process. Fairfield County will conduct limited queries, at least annually, for all employees required to possess and maintain a CDL.

Fairfield County will report all drug and alcohol program violations to the FMSCA Clearinghouse, including negative return-to-duty test results, as well as the date of the successful completion of a follow-up testing plan for any driver with unresolved drug and alcohol program violations.

Fairfield County will report the following to the FMSCA Clearinghouse:

1. Alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
2. A negative return to duty test result;
3. A refusal to submit to a drug or an alcohol test;
4. A refusal to test determination made in accordance with 49 CFR 40.191;
5. A report that the driver has successfully completed all follow-up tests;
6. Verified positive, adulterated, or substituted drug test result;
7. Pre-duty or on-duty alcohol use;
8. Drug use as defined in the regulations;
9. Fairfield County's report of completion of follow-up testing;
10. Other results required by law.

Fairfield County will not report drug and alcohol testing results outside of DOT required tests.

In the event a driver refuses consent during the pre-employment screening process, Fairfield County shall not hire the driver. In the event a current employee refuses to give consent, the employee may be disciplined, up to and including termination. Further, a current employee refusing consent may be found to be incapable of performing their essential job duties as they will not be permitted to drive. A driver cannot drive until the query is conducted. If a query of a current employee returns notice that a drug or alcohol violation exists, a full query will be conducted upon the receipt of specific consent by the employee.

CDL drivers may petition to correct FMCSA Clearinghouse records.

SECTION: 3:15

SUBJECT: SOLICITATION, DISTRIBUTION AND SALE OF MERCHANDISE

Solicitation Distribution

The following policy on solicitation and distribution is hereby adopted by the Appointing Authority as to any and all employer premises of the County, including but not limited to administrative offices, work sites, and locations.

Non-employees

Non-employees of the County who intend a solicitation and distribution visit to the interior premises of the employer's facility shall give the employer not less than seven (7) calendar days' notice of each visit. Such notice shall be accompanied by a list of persons intending access and a designated time. All solicitation and distribution activity by non-employees shall be confined to non-work time and in non-work areas designated by the Appointing Authority and must not jeopardize health and safety.

Employees

Employees of Fairfield County are not permitted to engage in solicitation of other employees and distribution during any employees, work time whether in work or non-work areas. Employees may conduct solicitation and distribution activity in work and non-work areas, but only if both employees are on non-work time.

Each Appointing Authority may regulate any solicitation and distribution activity by any employee or non-employee which disrupts or interferes with the normal work on the County premises.

Definitions

The term "Solicitation" as used in this policy includes, but is not limited to, any act which requests, urges or seeks to induce in any way any employee to give or pay or obligate to pay money for any cause for any reason or to sign any document indicating membership in any organization, association, or group, or indicating support for or a pledge to any such organization, association, or group.

The term "Distribution" as used in this policy includes the passing out of any type of literature, advertising, handbills, circulars, forms, or any other memorabilia.

The term "work area" as used in this policy includes, but is not limited to, all offices, work sites, locations, conference rooms, and corridors leading directly thereto, and such other areas which are essential to the performance of an employee's duties.

The term "non-work area," as used in this Policy Manual includes, but is not limited to, cafeterias, break rooms, or other areas where work is not customarily performed.

The term "work time", as used in this Policy Manual includes, but is not limited to, such time when an employee is engaged or should be engaged in work duties and assignments.

The term "non-work time" as used in this policy includes, but is not limited to, such time when an employee is not required to perform work duties and assignments, such as meal periods, authorized breaks, and before and after scheduled shifts or working hours.

Sale of Merchandise

Generally, employees shall not be permitted to sell merchandise on County premises. In limited circumstances, however, the selling of merchandise by employees may be permitted with prior written approval.

SECTION: 3:16

SUBJECT: COUNTY PROPERTY

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. 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. All County tools and equipment must be used and operated within the laws of the State of Ohio and/or rules and regulations of the County. Employees who separate from service with the County are responsible for return of reusable County property in their possession.

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 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.

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 over the telephone or in any dealings with the public. The County reserves the right to monitor any phone at any time. Personal phone calls must be kept to an "on emergency basis" only. Toll calls and/or long distance for personal reasons shall not be charged to the County.

The County may issue cellular phones to its employees. 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 cellular phones while operating a motor vehicle (County-owned or personal) is prohibited.

SECTION: 3:17

SUBJECT: CONDUCT AND APPEARANCE

The primary purpose of the various Fairfield County departments and offices is to serve the public in meeting its needs. In this regard, employees of the County will be expected to be prompt, efficient, professional and courteous in dealings with the public, whether directly or indirectly, and treat their fellow employees with mutual respect.

In addition, each Appointing Authority reserves the right to prescribe standards for dress and grooming and require that an employee's overall appearance be appropriate to the workplace, be in good taste, neat, and put forth a favorable image on behalf of the County.

If uniforms are provided to any employees, such uniforms must be worn during scheduled working hours. The wearing of any item of clothing that bears objectionable, obscene, and/or profane pictures, caricatures, writings, or other forms of inappropriate communication is strictly prohibited.

SECTION: 3:18

SUBJECT: CONCEAL CARRY

This policy addresses various issues concerning the provisions of Ohio's "Concealed Carry" statute. The County makes reasonable efforts to provide safe and secure working conditions. Employees share in this responsibility. Employees should report any perceived unsafe working conditions to their supervisor.

The Concealed Carry statute authorizes individuals, who meet certain licensing requirements, to carry a concealed firearm as defined in the statute. The Concealed Carry statute exempts certain areas, including public buildings from the scope of this law. In addition to the specific restrictions in the Concealed Carry statute, the Fairfield County Commissioners have adopted this policy to address issues pertaining to employment and the application of this statute. In addition to the specific provisions of the conceal carry statute, employees are expected to comply with this policy.

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 Fairfield County property. 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.

Fairfield County employees are prohibited from carrying firearms any time they are working for the County or acting within the course and scope of employment. 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 and working in resident's homes or other sites off County premises. Except for law enforcement officers, no employee or member of the public may carry, transport, or store a concealed weapon, firearm, or ammunition in a County owned vehicle.

This policy does not prohibit employees possessing a valid license to carry a concealed handgun from transporting and/or storing a firearm or ammunition in their personal vehicle at work locations where their personal vehicle is otherwise permitted to be (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.

Employees shall immediately contact a supervisor if they suspect an employee or member of the public is carrying a concealed weapon on the premises of the County. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a concealed weapon 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.

Fairfield County reserves the right to inspect County owned property at any time. In addition, if the County has reasonable suspicion that an employee or visitor is carrying a concealed weapon in violation of this policy, it reserves the right to require the individual to voluntarily demonstrate compliance with this policy. If the individual refuses to comply, he/she may be denied access to the County facility or vehicle.

Any violation of this policy may result in disciplinary action, up to and including termination.

SECTION: 3:19**SUBJECT: VIOLENCE-FREE WORKPLACE**

Fairfield County will not tolerate threats or acts of workplace violence and we are committed to providing a safe and professional work environment. All employees are expected to treat co-workers, managers, elected officials and the public in a mature and professional manner. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect County employees or which occur on county property will not be tolerated.

Prohibited workplace violence consists of:

1. All threats or acts of violence occurring on county property, regardless of the relationship between the county and the individual involved in the incident.
2. All threats or acts of violence not occurring on county property, but involving someone who is acting in the capacity as a representative the county.
3. All threats or acts of violence not occurring on county property, but involving an employee of the county if the threats or acts of violence affect the legitimate interests of the county.
4. Any threats or acts of violence resulting in the conviction of an employee or agent of the county, or of an individual performing service on the department's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests of the county.
5. With exception to law enforcement officers, pursuant to Ohio law, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance in county owned or leased buildings, secured areas, and vehicles. A valid license does not authorize the licensee to carry a weapon onto these premises. Violators of this policy will be subject to discipline, up to and including immediate termination and possibly prosecuted for violation of Ohio law.

Employees should also be alert to any threats or acts of violent behavior from co-workers, the public, clients, or others. Employees and management should utilize necessary precautions to protect all parties when a threat is made. It is the responsibility of each employee to report incidents of threats or acts of physical violence of which he or she is aware to his/her immediate supervisor or to the appointing authority. If a county employee is the individual reporting the incident, the report should be addressed to the reporting individual's immediate supervisor or a member of the management staff for assessment and possible referral to the appropriate law enforcement agency. Any employee involved in violating this policy will be subjected to disciplinary action, which may include termination, in accordance with the applicable law.

SECTION: 3:20
SUBJECT: WORKPLACE SEARCHES

Fairfield County is concerned with the safety and security of its workplace. To provide a safe, secure, and healthy workplace, from time-to-time, workplace searches may be necessary and will be conducted when probable cause and/or reasonable suspicion is present as part of an investigation of specific allegations, including but not limited to drug/alcohol use or possession at the workplace, illegal possession of weapons at the workplace, evidence of theft from the workplace, and abusing the use of County property for personal purposes or outside ventures.

All Fairfield County facilities, buildings, offices, furnishings, equipment and computers are property of the County, and are provided to employees for their use in the conduct of County business. The County retains the right to search all buildings, offices, furnishings, equipment, computers, cell telephones and other items brought onto County premises at any time, with or without notice or employee consent, including personal property employees may bring to work such as purses, briefcases, lunch boxes, backpacks, bags, etc. Employees who bring personal property onto County premises, or use County equipment or materials for personal purposes, do so at their own peril and should not expect privacy.

In addition, any supervisor has the authority to inspect packages or other articles leaving the County's premises in the possession of any employee if that employee is reasonably suspected of removing County owned property without permission. The County maintains the right to cut and remove personal locks from County-owned property at any time. The County also reserves the right to review records of County-owned telephone usage, including cellular telephones.

If during an investigation or search, information indicating the possible commission of a crime or other illegal violations is discovered, the County personnel may disclose that information to law enforcement authorities or to other appropriate persons.

Employees refusing to cooperate in a work-related search or security investigation will be disciplined, with penalties up to and including termination of employment.

SECTION: 3:21
SUBJECT: CELLULAR PHONE USE

The use of cellular telephones is, in some instances the most effective manner in which to conduct Fairfield county business, particularly for those designated employees who, by the nature of their job responsibilities, need to be accessible beyond the traditional workday or for those who work must work from multiple locations or in the field. Fairfield County recognizes these designated employees may occasionally be required to make business telephone calls and send and receive business e-mail and text messages. As such, designated Fairfield County employees may be assigned one of the following:

1. Designated employees may be issued a county owned cellular telephone phone for use in direct consequence of the discharge of their job duties; or
2. Designated employees may receive up to a \$60.00 per month stipend, with appointing authority approval, to reimburse the employee who chooses to use their personal cellular telephone to perform their job duties.

All employees should refrain from using cell phones for personal calls, text messages or games during work time (except during meal and rest periods). Regardless of whether an employee uses a county owned cellular telephone or their personal cell telephone to conduct Fairfield County business, **all** county policies concerning harassment, discrimination, retaliation, public records, confidential information, and ethics shall apply to the phone's use. Cell phones used for County matters may be subject to disclosure or inspection upon a legal demand being made. Employees are expected to protect personal devices used for work-related purposes from loss, damage, or theft as they would a county owned cellular telephone.

Employees shall comply with any applicable local, state, and federal laws and regulations at all times, including the use of hands-free devices while driving. Employees who are charged with traffic violations resulting from the use of their personal cell phones while driving shall be solely responsible for all liabilities that result from such actions.

SECTION: 3:22

SUBJECT: COUNTY EMPLOYEE MOTOR VEHICLE ELIGIBILITY

This policy is applicable to all elected officials, full or part-time employees, summer workers, volunteers, and contract employees of Fairfield County, Ohio who are required to drive a motor vehicle in the course of their employment or activities on behalf of Fairfield County, Ohio. For purposes of this policy, the above-listed categories of persons are referred to as "Employees." This policy applies to vehicles titled to, purchased or leased by, or insured by or through the Board of Fairfield County Commissioners and also applies to privately-owned vehicles operated by Fairfield County employees in the course of their employment or activities on behalf of Fairfield County, Ohio and vehicles rented by employees for travel in and out of Fairfield County for authorized reasons.

Employees are responsible to ensure safe vehicle operation. It is the responsibility of every Fairfield County employee who drives a vehicle to comply with the following:

- a. All drivers must be at least eighteen (18) years of age.
- b. All drivers must maintain a valid Driver's License that applies to the type of vehicle to be operated. (e.g. Commercial Driver's License)
- c. All drivers must operate the vehicle in a safe, courteous and economical manner.
- d. All drivers and all passengers in vehicles so equipped shall wear safety belts. Infant/child car seats are required to be used in accordance with the laws of the State of Ohio and manufacturers' product manuals.
- e. All drivers and passengers shall comply with the motor vehicle laws of the State of Ohio or the state in which they are driving for or on behalf of the County.
- f. If an employee is operating a motorcycle in the course of their employment, they must wear a safety helmet.

Driver Eligibility

Pre-employment/employment qualifications - Hiring or promoting persons who will be required to drive as a function of his/her job duties will be at the sole discretion of Fairfield County or the applicable appointing authority. An applicant or employee, who will be required to drive as a function of his/her job duties, may be denied employment on the basis of a driving record deemed unsatisfactory by Fairfield County or the applicable appointing authority. At the discretion of the appointing authority, denial of employment may be made without regard to the number of points or violations, whether they occurred within the past thirty-six (36) months or whether they occurred within the State of Ohio.

1. Employees or applicants for employment may be considered qualified to drive when the following are met to the satisfaction of Fairfield County or the applicable appointing authority:
 - a. A review of the applicant's or employee's motor vehicle driving record ("MVR")
 - b. A favorable recommendation by Fairfield County's insurance carrier ("Insurer")
 - c. The provision by the applicant or employee of proof of insurance or compliance with the State of Ohio's Financial Responsibility Laws.
 - d. Employees whose position requires a commercial driver's license (CDL) will follow the driving policy specific to their department and position. In the event of a conflict, the department-specific policy controls, but only if the department-specific policy meets or exceeds the provisions of this policy.
2. Employees or applicants for employment who, at the sole discretion of Fairfield County or the applicable appointing authority, have an MVR that demonstrates poor driving habits shall not drive

any vehicle on behalf of Fairfield County without receiving, and providing evidence satisfactory to Fairfield County or the applicable appointing authority that they have received additional training and/or intervention and/or discipline and/or until otherwise exhibiting to the appointing authority's satisfaction that there has been substantial improvement in their driving abilities, performance and skills. Fairfield County's Insurer may exclude coverage for any driver or drivers on a temporary or permanent basis.

Active employment qualifications - Fairfield County's Human Resources Department shall maintain an Eligible Drivers List containing the names of all employees eligible under this policy and authorized to drive a vehicle for or on behalf of Fairfield County or the applicable appointing authority. Motor vehicle records of drivers will be submitted by Human Resources annually for review and approval by Fairfield County's Insurer. Upon completion of such review, the Insurer will forward to the employer recommendations regarding continuation of eligibility restrictions, etc.

1. Upon evaluation by Fairfield County of an employee's MVR and a recommendation by Fairfield County's Insurer, drivers may have their driving eligibility temporarily or permanently suspended/revoked and/or be required to participate in driving or alcohol/controlled substance intervention programs. Any conviction of one or more of the ten violations below appearing on an employee's MVR during the prior 36 months may result in the above action being taken.
 - a. Driving under the influence of alcohol or drugs
 - b. Leaving the scene of an accident
 - c. Vehicular homicides or manslaughter
 - d. Driving during a period of suspension or revocation
 - e. Reckless operation or other intentional and dangerous use of a motor vehicle
 - f. Attempting to elude or flee a law enforcement officer after a traffic violation
 - g. Road rage statute violations
 - h. Falling asleep while driving
 - i. Use of a motor vehicle in the commission of a crime
 - j. Non-Compliance with Ohio's Financial Responsibility Law

NOTE: An arrest or conviction for one or more of the above violations on or off county time by an employee whose job requires that he/she drive a motor vehicle for or on behalf of Fairfield county or the applicable appointing authority must be reported within 24 hours of arrest/conviction and prior to operating a vehicle on behalf of the County to the employee's immediate supervisor and failure to do so may, at the discretion of Fairfield County or the applicable appointing authority, result in disciplinary action up to and including employee's termination from employment.

2. Upon evaluation by Fairfield County of an employee's MVR and a recommendation by Fairfield County's Insurer, drivers may have their driving eligibility temporarily or permanently suspended/revoked due to the appearance of any of these items on an employee's MVR within the prior 36-month period.
 - a. Two or more "At Fault" accidents
 - b. Two or more moving violations
 - c. One "At Fault" accident and one moving violation.
3. In any case where the appointing authority or the County's Insurance carrier has temporarily or permanently suspended/revoked the employee's driving eligibility and driving is an essential, necessary or substantial function of the employee's job, the appointing authority may take

appropriate disciplinary action, up to and including termination, as permitted by department policy, laws and regulations of the State of Ohio, and any applicable collective bargaining agreement.

Continued Eligibility

Each employee's eligibility to operate a vehicle is within the discretion of the appointing authority and extends only so long as the employee is in compliance with this Policy.

Violation Reporting

Any employee eligible to operate a vehicle must notify his/her immediate supervisor in any case where his/her license has expired or is suspended or revoked. Employees must further report any and all accidents, arrests, violations, and citations issued to him or her while driving for or on behalf of the County. Failure to do so may result in disciplinary action.

Alcoholic Beverages or Controlled Substances

No alcoholic beverages, illegal drugs or controlled substances are permitted in or on a vehicle except as a function of law enforcement or medical emergency vehicles.

No alcoholic beverages, illegal drugs, or controlled substances are permitted to be transported in or on a vehicle except as a function of law enforcement.

No employee shall operate a vehicle under the influence of alcohol or illegal drugs or illegal use of prescription drugs or after having consumed or used any alcohol or illegal drugs or substances and while such alcohol or illegal drugs or substances remain in the employee's body in any detectable quantity.

Firearms

Employees, other than law enforcement officers or other persons specifically authorized to carry a firearm, are prohibited from carrying firearms in any vehicle driven for or on behalf of the County or applicable appointing authority. Such prohibition shall apply to all non-law enforcement employees regardless of whether such employee has been issued a concealed carry permit under ORC 2923.124, et seq.

Accidents and Traffic Citations

In the event of a traffic accident or traffic stop for a violation while in the course of employment, employees shall:

1. Stop, no matter how minor the accident. Report all collisions involving vehicles to the law enforcement agency having jurisdiction.
2. Take precautions to avoid further damage or injury to persons or property.
3. Make no statements admitting responsibility.
4. Do not advise other parties involved on any matter, especially that the County will pay for the damage resulting from said accident.
5. If collision is with an unattended vehicle or other object, try to locate the owner and call the law enforcement agency. If this cannot be done, leave a written notice with your name, department name, address, and telephone number.
6. The driver of a vehicle is responsible for the vehicle until it has been returned to the department or collected by the towing service. Unsafe vehicles should not be driven from the scene of an accident. Contact your Supervisor regarding damage and towing if necessary.
7. Report all accidents and known damage to vehicles as follows:

- a. Report accidents and/or damage to vehicles to your Supervisor, who shall notify Human Resources immediately
- b. Employee's Supervisor shall record and secure all appropriate information on initial accident report and forward to Human Resources within twenty-four (24) hours.
 - i. In the event of a collision, the Supervisor shall forward the following information to Human Resources:
 1. A copy of all law enforcement reports, citations including all statements made at the scene or afterward to law enforcement, attached.
 2. Repair estimates, when appropriate, in due course. In all investigations of the accident by Fairfield County or the applicable appointing authority, the emphasis will be on fact-finding, however, discipline may result.
- c. The Employee's appointing authority may take such disciplinary action as permitted by department policy, laws and regulations of the State of Ohio, or any applicable collective bargaining agreement.

Use of Personal Vehicles on Official County Business

This policy applies to employees who use personal vehicles while on County business.

Use of personal vehicles by employees on county business is discouraged unless a county vehicle is not available, the use of a county vehicle would cause serious inconvenience, extreme hardship, or the use of a personal vehicle is otherwise authorized by the department supervisor or his/her designee.

This policy applies in all respects to Employees who use personal vehicles while on County business.

Employees who use personal vehicles while on County business shall abide by all County rules, including department rules.

All employees who use their own vehicle on County business shall first show proof of liability insurance coverage for their personal vehicle to their Department manager in the amounts of at least \$25,000 per person for bodily injury; \$50,000 per occurrence for bodily injury; and \$10,000 property damage per occurrence.

Employees who are authorized and required to use their personal vehicles on County business will be reimbursed per mile at the authorized county rate.

Tax Implications for County Owned Vehicles

Where an employer-provided vehicle is used 100% for business purposes (except for de Minimis personal use) the use of that vehicle has no tax consequences to the employee and is not reported by the employee as income.

Where an employer-provided vehicle is used for both, business and personal purposes, the substantiated business portion use of the vehicle is not taxable to the employee as income but the personal use of the vehicle is taxable to the employee as wages. This substantiation rule requires the maintenance of records sufficient to satisfy the IRC 274(d).

Once proper substantiation is established, in order to determine how much of the use of the vehicle should be treated as income to the employee, the employee is to use one of four valuation rules: the General Valuation Rule, the Automobile Lease Valuation Rule, the Vehicle Cents-Per-Mile Rule, or the Commuting

Rule.

Personal Use of County Owned Vehicles

No County vehicle is to be used for personal reasons, other than de minimis personal use such as a stop for a personal errand on the way between a business destination and the employee's home or to stop for lunch between two business destinations. Additionally, an Appointing Authority may for bona fide non-compensatory business reasons, require an employee to commute to and/or from work in a County owned vehicle. This would not constitute personal use of a County vehicle.

Miscellaneous

Parking tickets, moving violations, and other fines received while operating a vehicle are the responsibility of the driver.

Employees must report theft of or from a County vehicle to local law enforcement.

Cell phone usage is discouraged and is limited to hands free devices only while the vehicle is moving. If an employee utilizes a cell phone or other electronic communication device that is not hands free while driving a vehicle for or on behalf of Fairfield County or the applicable appointing authority and they have not been authorized to do so, they may be subject to discipline up to, and including, suspension or termination.

Texting is prohibited at all times while driving a vehicle for or on behalf of Fairfield County or the applicable appointing authority.

For personal safety and county liability, employees and passengers shall comply with the state statute on seatbelt usage.

The use of tobacco products is prohibited in all county-owned or leased vehicles.

SECTION: 3:23

SUBJECT: AMERICANS WITH DISABILITY ACT REQUIREMENTS AND COMPLIANCE

Each Appointing Authority has designated an individual to coordinate its efforts to comply with and carry out its responsibilities under the Americans with Disabilities Act (ADA), including the investigation of ADA complaints. The ADA prohibits discrimination, in terms of hire, promotion, transfer, or any other benefits and privileges of employment, of any qualified individual with a disability, who satisfies the requisite skill, experience, education and other job-related requirements of the position such individual holds or desires, and with or without reasonable accommodation, can perform the essential functions of the position.

Any individual who believes he/she is subject to unlawful discrimination based upon disability may submit a complaint to the designated ADA coordinator. A record of the complaint and action taken will be maintained. An investigation will be conducted and a decision will be rendered by the ADA Coordinator or designated individual within fifteen (15) working days, or as soon as possible thereafter.

If the individual is not satisfied with the decision of the ADA coordinator or designee, he/she may appeal such decision to the Appointing Authority who shall consider the appeal of the employee, or designate an individual to conduct a further review and investigation of the initial decision. The decision of the Appointing Authority is final. However, nothing herein shall preclude an individual from filing a complaint with the U.S. Department of Justice or any other federal or state agency with jurisdiction.

The physical or mental limitations of an otherwise qualified applicant or employee with a disability shall be reasonably accommodated unless the accommodation would pose an undue hardship.

Undue hardship, for the purposes of this policy, means an action that requires significant difficulty or expense when considered in light of relevant factors, or would be extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the Appointing Authority.

Among the factors to be considered in determining whether an accommodation would create an undue hardship include the nature and the cost of the accommodation, size of the department and its overall financial resources, the effect of the accommodation on expenses and resources, the nature and structure of the operation, conflict with state and federal laws, the impact of the accommodation on other employees, etc. Decisions as to whether an accommodation is reasonable shall be made on a case-by-case basis. Examples of possible accommodations may include job restructuring, acquisition or modification of equipment or facilities, reassignment to a vacant position, or other adjustment to a job, employment practice, or work environment.

SECTION: 3:24

SUBJECT: PREGNANT WORKERS FAIRNESS ACT

The Pregnant Workers Fairness Act took effect June 27, 2023. Covered employers must provide reasonable accommodations to workers with known limitations due to pregnancy, childbirth, or related medical conditions, unless the accommodation poses an undue hardship to the employer. As a covered employer Fairfield County would follow the Pregnancy Workers Fairness Act.

SECTION: 3:25

SUBJECT: FRAUD REPORTING DUE TO VIOLATION OR MISUSE OF PUBLIC RESOURCES AND WHISTLEBLOWER PROTECTION

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

The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, or through the United States mail.

Auditor of State's fraud contact information:

Telephone: 1-866-FRAUD OH (1-866-372-8364)

Web: www.ohioauditor.gov

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

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with the supervisor, appointing authority, the office of internal auditing, in the State Office of Management and Budget, or the Auditor of State's fraud-reporting system, may report it to a prosecuting attorney (740-652-7560) or peace officer. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102 (Public Officers-Ethics), section 2921.42 (having an unlawful interest in a public contract), or section 2921.43 (soliciting or accepting improper compensation) of the Revised Code, the employee may report it to the appropriate ethics commission. To reach the Ohio Ethics Commission, call 614-466-7090 or via their website at www.ethics.ohio.gov

An employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported. 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.

Except for situations involving the reporting of false information, as described in the immediately preceding paragraph, no officer or employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report or filing a complaint including, without limitation, doing any of the following:

1. Removing or suspending the employee from employment;
2. Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
3. Transferring or reassigning the employee;

4. Denying the employee promotion that otherwise would have been received;
5. Reducing the employee in pay or position.

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified employee as a result of the employee's having filed a report or complaint the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the board shall immediately notify the employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119 of the Revised Code.

ARTICLE 4: EMPLOYEE BENEFITS

SECTION: 4:1

SUBJECT: SICK LEAVE

All employees shall be entitled to sick leave in accordance with Sections 124.38 and 124.39 of the Ohio Revised Code as follows:

Accumulation

Each employee shall be entitled for each eighty hour pay period on active status to sick leave of four and six-tenths hours of pay, and unused sick leave may be accumulated without limit. Part-time employees and employees with less than an eighty hour pay period are credited proportionately. Hours over eighty per pay period are not computed for sick leave purposes. Sick leave is used in ¼ hour increments, and cannot be used to put you into an overtime situation. Previous accumulated sick leave of an employee who has separated from public service shall be re-credited if reemployment in public service takes place within ten (10) years of the last termination from public service and the employee provides proof of the prior leave balance. An employee is expected to provide proof of a prior sick leave balance within 90 days of commencing employment with Fairfield County. An employee who transfers from one public agency to another shall be credited with up to the maximum of sick leave accumulation permitted in the public agency to which the employee transfers.

Use

Sick leave may be used by employees and upon approval of the Appointing Authority for absences due to the following:

1. Illness, injury, or pregnancy-related medical condition of the employee.
2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
3. Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate practitioner.
4. Death of a member of the employee's immediate family. Such usage shall be limited to reasonably necessary time, not to exceed three (3) days. The Appointing Authority may grant additional time off on a case by case basis.
5. Illness, injury, or pregnancy-related medical condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
6. Medical, dental or optical examinations or treatments of an employee or of a member of an employee's immediate family where the employee's care and attendance is reasonably required.
7. Elective cosmetic surgeries that are not medically necessary do not constitute an appropriate usage of sick leave. Other appropriate leaves of absence, such as vacation, may be requested for such purposes.

For purposes of sick leave, immediate family is defined as: grandparent; great-grandparents; brother; sister; brother-in-law; sister-in-law; daughter-in-law; son-in-law; father; mother; father-in-law; mother-in-law;

spouse; child; step-child; step-parent; grandchild; legal guardian; or another person who stands in place of a parent.

Grandparent-in-law, aunts and uncles shall also be considered immediate family for bereavement leave purposes. Such usage shall be limited to reasonably necessary time, not to exceed one (1) day. The appointing authority may grant additional time off on a case by case basis not to exceed three (3) days.

Employee Notification

When an employee is unable to report to work due to illness or other acceptable sick leave reason, he or she shall notify his or her supervisor of such reason as reasonably in advance of the absence as possible but in no event later than fifteen (15) minutes after the scheduled start of the employee's shift. An employee must continue such notification 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 of an employee to make proper notification may result in denial of sick leave and/or appropriate disciplinary action.

Written Statement

In order to justify the use of sick leave, an employee must submit a satisfactory written signed statement. Anytime medical attention is required an employee must submit a certificate from a licensed physician stating the nature of the illness and the specific date(s) the employee was under physician care. In addition, if an employee is off sick for more than three (3) consecutive workdays, the employee must obtain a physician's statement in order to be paid for sick leave. Finally, if an employee uses sick leave on more than eight (8) occasions during any calendar year, subject to compliance with the requirements of the Attendance Policy, he/she must provide a certificate from a licensed physician in order to be paid. For purposes of this section, the written statement must provide sufficient detail to explain the reason for the employee to be off on sick leave. The Appointing Authority reserves the right to request additional justification for sick leave use. Failure to provide the necessary written statement could result in denial of leave and/or disciplinary action.

Sick Leave Abuse

Application by an employee for sick leave through fraud or dishonesty will result in denial of such leave together with disciplinary action up to and including dismissal. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation, days off and/or weekends or excessive sick leave usage may result in sick leave denial and appropriate disciplinary action. The appointing authority reserves the right to investigate allegations of sick leave abuse. The Appointing Authority reserves the right to question employees concerning their sick leave use. Whenever an employee is on sick leave he/she must be at home during his/her scheduled work hours or obtaining treatment or medication. Payout of sick leave shall be in accordance with Section 4:18 of this manual.

Wellness Incentive Program

The Employer shall maintain a Wellness Incentive Program as an incentive to minimize sick leave and increase attendance. The wellness period runs from the first payroll beginning date in November through the last payroll ending date in October. In order to be eligible, an employee must be a full-time employee for the entire wellness period. All new full-time employees hired after the first payroll beginning date in November, of each year, are eligible for the program beginning with the next twelve (12) month wellness period following their date of hire where they are employed for the entire wellness period. Based upon the

following schedule, eligible full-time employees will be permitted to convert a determined amount of unused sick leave to an equal number of personal leave hours. Sick leave used for bereavement purposes during the wellness period, in accordance with sections 4:1 and 4:2 will not be considered in the calculation of sick time used.

1. If a full-time employee uses 16 hours or less of sick or unpaid leave during a wellness period, the employee may convert up to 48 hours of sick leave to personal leave hours.
2. If a full-time employee uses between 16.25 and 24 hours of sick or unpaid leave during a wellness period, the employee may convert up to 40 hours of sick leave to personal leave hours.
3. If a full-time employee uses between 24.25 and 32 hours of sick or unpaid leave during a wellness period, the employee may convert up to 32 hours of sick leave to personal leave hours.
4. If a full-time employee uses between 32.25 and 40 hours of sick or unpaid leave during a wellness period, the employee may convert up to 24 hours of sick leave to personal leave hours.
5. If a full-time employee uses between 40.25 and 48 hours of sick or unpaid leave during a wellness period, the employee may convert up to 16 hours of sick leave to personal leave hours.
6. If a full-time employee uses between 48.25 and 56 hours of sick or unpaid leave during a wellness period, the employee may convert up to 8 hours of sick leave to personal leave hours.

If an employee elects to convert the hours to personal leave days, the employee must utilize the personal days within the wellness period that immediately follows the wellness period in which the personal days were earned.

After the last payroll ending date in October, the agency's payroll department will notify all employees who are eligible for the sick leave conversion program and provide them with a "Request to Convert Sick Leave to Personal Leave" form.

SECTION: 4:2

SUBJECT: BEREAVEMENT LEAVE FOR DEATH OF SPOUSE

To provide employees with additional bereavement leave due to the death of a spouse beyond the current bereavement leave provided in this Personnel Policy Manual, four (4) paid bereavement leave days are available. The leave shall not count against an employee's sick, vacation, personal or compensatory leave balance and is in addition to the three (3) days of sick leave that can be utilized for bereavement leave.

SECTION: 4:3
SUBJECT: VACATION

Full-Time Employees

All full-time employees of the County shall be entitled to vacation after completion of a 6-month probationary period with Fairfield County.

At 6 months of service, an employee has one week of vacation to use. For the first 12 months of service and until the 60th month work anniversary, an employee accrues 2 weeks of vacation.

At the 60th month anniversary, an employee receives a lump sum of one week added to the vacation balance and the accrual rate changes to 3 weeks of vacation.

At the 120th month anniversary, an employee receives a lump sum of one week added to the vacation balance and the accrual rate changes to 4 weeks of vacation.

At the 180th month anniversary, an employee receives a lump sum of one week added to the vacation balance and the accrual rate changes to 5 weeks of vacation.

Service Time	Vacation Time Earned Each Year
Less than 6 months of public service	0 weeks
At 6 months of public service	1 week
At 12 months of public service	2 weeks
At 60 months of public service	3 weeks
At 120 months of public service	4 weeks
At 180 months of public service	5 weeks

The number of weeks are prorated based on the number of regular hours an employee is scheduled to work.

The lump sum is added at milestone anniversary dates because there is no way to accrue but not have access to the additional week in the year prior to the attainment of the milestone year.

Part-Time Employees

All part-time employees, as defined in section 2:2, shall be entitled to vacation after the completion of a 6-month probationary period with Fairfield County.

At 6 months of service, a part-time employee will have any accrued vacation hours from the previous six months made available for use.

Part-time employees shall earn vacation at the rate of 0.0388 per hour worked.

Use

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 (3) years.

In accordance with O.R.C. section 325.19, employees are entitled to prior service credit for time spent with the State of Ohio or any political subdivision of the State. For purposes of vacation leave accrual only, the county shall prospectively recognize military service credit and service credit with the federal government, its subdivisions or agencies. It is the employee's responsibility to provide necessary documentation of prior service. Documentation must be provided within ninety (90) days of employment with the County or within 90 days of any modifications to service credit provisions contained within this section.

Vacation leave does not accrue during time spent on a leave of absence without pay; however, time spent on authorized leave of absence counts toward the number of years of service in determining vacation accumulation. Vacation requests should be received by the employee's immediate supervisor at least ten (10) work days in advance, the approval of which is subject to operational needs. If an Appointing Authority cannot honor all employees' requests for vacation for a particular period, vacation shall be granted based on the date of the request and seniority. In emergency situations, vacation requests with less than two (2)

weeks advance notice may be approved. Such situations will be scrutinized carefully and may require appropriate supporting documentation. Each Appointing Authority shall determine the number of employees within each work unit that may be on vacation leave at any given time. Vacation time may be taken in one quarter (1/4) hour increments. The Appointing Authority may revoke vacation leave that has been approved if required by operational reasons.

Vacation carry over, subject to departmental approval, unused vacation leave hours to the next year as part of the employee's vacation leave bank subject to the maximum accrual level of 3 years in accordance with Section 4:3 and O.R.C. section 325.19.

Vacation Leave Conversion

Once per calendar year, every employee not in a probationary status, shall elect to be paid at his/her regular straight-time hourly rate in effect, up to one year's accrual of vacation leave at the employee's current rate, on a one-for-one basis. Election for payment must be made in full on-hour increments.

All eligible employee will be provided a conversion form provided by Human Resources to make their vacation leave conversion payment election.

SECTION: 4:4
SUBJECT: HOLIDAYS

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

1. New Year's Day (January 1st)
2. Martin Luther King Day (3rd Monday of January)
3. President's Day (3rd Monday of February)
4. Good Friday at Noon (Recognized Friday)
5. Memorial Day (Last Monday in May)
6. Juneteenth Day (June 19th)
7. Independence Day (July 4th)
8. Labor Day (1st Monday of September)
9. Fairfield County Fair Day (Friday of the Fair)
10. Veterans Day (November 11th)
11. Thanksgiving Day (4th Thursday of November)
12. Day after Thanksgiving (4th Friday of November)
13. Christmas Eve at Noon (December 24th)
14. Christmas (December 25th)

If the holiday falls on a Saturday, it shall be observed on the preceding Friday; if the holiday falls on a Sunday, it shall be observed on the following Monday. If the holiday occurs while an employee is on vacation leave, the vacation day will not be charged against such leave. Holiday pay will not be given to any employee who is on a leave of absence without pay. An employee must be in active pay status, approved paid leave or on a flexible work schedule status before and after the holiday in order to be eligible for holiday pay.

Each part-time or seasonal employee shall be entitled to holiday pay if the holiday falls on a day that the employee is scheduled to work. Such part-time or seasonal employees shall receive holiday pay for the number of hours that he/she would have been scheduled to work, not to exceed eight hours.

An employee in a non-exempt position who is required to work on a day designated as a holiday shall be entitled to pay for such time worked at overtime rates in addition to his/her regular holiday pay.

An employee in an exempt position, who is required to work on a holiday, shall be granted compensatory time off at time and one-half within thirty (30) days thereafter. An employee shall receive holiday pay rather than paid sick leave for any holiday which occurs when he is absent on sick leave.

SECTION: 4:5**SUBJECT: LEAVES OF ABSENCE WITHOUT PAY****Personal Leave of Absence**

An employee may be granted a personal leave of absence without pay for personal reasons upon written request to the Appointing Authority for a period of up to six (6) months. The granting of a personal leave of absence shall be at the sole discretion of the Appointing Authority and will depend upon the nature of the request and operational needs of such Appointing Authority.

Employees returning from authorized leaves of absences shall be placed in their same or similar positions. Failure to return to duty from a leave of absence within three (3) working days of its completion shall be cause for termination. Leave time not being used for its stated and requested purpose(s) shall be immediately canceled with the employee being subject to disciplinary action. The Appointing Authority has no obligation to continue to provide health insurance benefits during an unpaid leave of absence except to the extent required by applicable law. An employee shall be informed, upon request, as to what rights he/she may have in accordance with applicable law to have his/her insurance continued during such leave.

Education Leave

The Appointing Authority may grant a leave of absence for a period of up to two (2) years for purposes of education, training, or specialized experience which would be of benefit to the service of the County by improved performance at any level or for voluntary service in any governmental sponsored program of public betterment.

Disability Leave and Separation

When an employee becomes physically or mentally incapacitated such that he/she is unable to perform the essential functions of his/her position, with or without reasonable accommodation, he/she may request or be placed on a disability leave of absence an employee must exhaust all paid leave during disability leave. An employee may be placed on unpaid disability leave when he/she is unable to perform the essential functions of the job with or without reasonable accommodation and all paid leave is exhausted. An employee may request a voluntary disability separation upon presentation of appropriate medical documentation. If an employee fails to request a voluntary disability separation, the Appointing Authority may place the employee on an involuntary disability separation. However, a medical or psychological examination conducted by a licensed practitioner shall be required prior to placing an employee on disability separation unless the employee is hospitalized at the time of the disability separation, or substantial credible medical evidence already exists that documents the employee's inability to perform the essential job duties.

For an involuntary disability separation, the Appointing Authority shall schedule a pre-separation hearing when it has substantial credible medical evidence of the employee's disability and the Appointing Authority has determined that an employee is incapable of performing the essential job duties of his or her assigned position due to the disabling illness, injury or condition. At this hearing (if the employee does not waive it), the employee shall have the right to examine the Appointing Authority's evidence of disability, to rebut that evidence, and to present testimony and evidence on his/her behalf.

If the Appointing Authority, after weighing the testimony presented and evidenced adduced at the pre-separation hearing, determines that the employee is incapable of performing his essential job functions with or without reasonable accommodation, an O.R.C. 124.34 order of involuntary disability separation shall be issued, along with a notice to the employee of the required procedures to apply for reinstatement. An employee given a disability separation shall have the right to reinstatement within two years of the disability separation or unpaid leave of absence, as appropriate upon submission of appropriate medical documentation.

Upon completion of a disability leave of absence and submission of any required documentation, the employee shall be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists. An employee may be returned to work before the scheduled expiration of a disability leave if requested by the employee and upon advance submission of substantial, credible medical documentation, if required, that the employee is once again capable of performing the essential functions of his/her position, with or without reasonable accommodation.

In the event an employee requests reinstatement from a disability leave of absence or involuntary disability separation and the Appointing Authority, upon review of the medical evidence presented initially determines that the employee remains incapable of performing the essential job duties of his/her position with or without reasonable accommodation, a pre-reinstatement hearing shall be scheduled. If the employee does not waive the right to that hearing, then he/she shall have the right to examine the evidence of continuing disability, to rebut that evidence, and to present evidence and testimony on his/her own behalf.

Disability Insurance Leave

In the event an employee elects and utilizes a disability insurance leave option, it is required to utilize the appropriate accruals during the elimination period. Employees may supplement their disability leave with their accumulated time off. The combination of accrual and disability leave payments cannot exceed 100% of the employee's regular pay.

Application for Leave

Any leave of absence without pay, and any other extensions thereof, must be applied for in writing at least thirty (30) calendar days in advance of the date on which the leave is requested to begin except in emergency leaves which shall be handled on an individual basis. A leave of absence shall be requested and authorized on the appropriate form.

Sick Leave Credit and Vacation Credit

An employee on leave of absence without pay does not earn sick leave or vacation credit.

Failure to Return from Leave of Absence

An employee who fails to return to duty after a leave of absence shall be considered absent without pay and subject to disciplinary action. An employee who fails to return to duty within three (3) days of the completion of a leave of absence, without notification, will be considered absent without leave and may be discharged for neglect of duty. An employee who fails to apply for reinstatement within three years of a disability leave and/or separation as required by applicable law or regulation shall be deemed permanently separated.

Absence Without Leave

An employee who at any time absents himself from duty without leave may be subject to disciplinary action. An employee who absents himself habitually without leave, or for three (3) or more successive duty days, without leave and without notice of the reason for such absence, shall be subject to termination from employment.

Abuse of Leave

If a leave of absence is granted for a specific purpose, and it is found that the leave is not actually being used for such purpose, the Appointing Authority may cancel the leave and direct the employee to report for work by giving written notice to the employee. The employee may also be subject to disciplinary action for falsification of his request for the leave of absence.

SECTION: 4:6
SUBJECT: COURT LEAVE

Jury Duty

Employees will be excused from regularly scheduled work for jury duty. If an employee's jury duty is concluded prior to the completion of the employee's regularly scheduled workday, he 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 pay his jury duty fee to the County, in order to receive his regular pay.

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.

Personal Matters

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

SECTION: 4:7
SUBJECT: MILITARY LEAVE

Military leave is governed by Ohio Revised Code Chapters 5903, 5906 and 5923 and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Paid Military Leave

All permanent employees of the County who are members of the Ohio organized militia or members of other reserve components of the armed forces, including the Ohio National Guard, are entitled to military leave. Employees requesting military leave must submit a written request to their appointing authority or department head as soon as they become aware of such orders. Employees must provide the published order or a written statement from the appropriate military authority with the request for leave.

Pursuant to O.R.C. section 5923.05, employees are authorized to such military leave of absence up to twenty-two (22) eight (8)-hour working days or 176 hours within a calendar year. During this period, employees are entitled to receive their regular pay in addition to compensation from military pay. Any employee required to be serving military duty in excess of twenty-two (22) days or 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 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.

For military leave up to twenty-two (22) days or 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 in accordance with section C. Employees who exceed the twenty-two (22) days or 176 hours and do not elect the option in section D are not entitled to the health insurance benefits on the same basis as if they are working. In these circumstances, employees will be provided notice of their rights to continue this coverage at their cost in accordance with applicable law.

Unpaid Military Family Leave

1. Pursuant to Ohio Revised Code Section 5906.02, once per calendar year, employees may take unpaid military family leave up to ten days or eighty hours, whichever is less, if all of the following conditions are satisfied:
 - a. Employee has been employed for at least twelve consecutive months and for at least one thousand two hundred fifty hours in the twelve months immediately preceding commencement of the leave.
 - b. Employee is the parent, spouse, or a person who has or had legal custody of a person who is a member of the uniformed services and who is called into active duty in the uniformed services for a period longer than thirty days or is injured, wounded, or hospitalized while serving on active duty in the uniformed services.
 - c. Employee gives proper notice to the County that the Employee intends to take leave pursuant to this policy. Notice of at least fourteen (14) days prior to taking the leave is required if the leave is because of a call to active duty. Notice of at least two days prior to taking the leave is required if the leave is because of an injury, wound, or hospitalization. However, if the Employee receives notice from a representative of the uniformed services that the injury, wound, or hospitalization is of a critical or life-threatening nature, the Employee may take the leave without providing the two-day notice to the County as long as the Employee advises the County as soon as possible.
 - d. The dates on which Employee takes leave occur no more than two weeks prior to, or one week after, the deployment date of the employee's spouse, child, or ward or former ward.
 - e. The employee does not have any other leave available for the employee's use except sick leave.
2. Notice - The County will continue to provide employment benefits to Employee during the period of time they are on leave. Employee shall be responsible for the same proportion of the cost of the benefits as the Employee regularly pays during periods of time when the Employee is not on leave.
3. Certification - The County may require an employee requesting to use unpaid military family leave to provide certification from the appropriate military authority to verify that the employee satisfies the conditions described in section 1 (b), (c), and (d) of this policy.
4. Definitions
 - a. The term "active duty" under this policy means full-time duty in the active military service of the United States or active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or a proclamation of the governor. "Active duty" does not include active duty for training, initial active duty for training, or the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any duty unless such period is contemporaneous with an active duty period.
 - b. The term "uniformed services" means the armed forces, the Ohio organized militia when engaged in full-time National Guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

Employees on military leave have the right to reinstatement upon conclusion of such leave in accordance with law.

SECTION: 4:8
SUBJECT: PRECINCT ELECTION OFFICIAL LEAVE

An employee who is a resident of Fairfield County and is not an elected official or a public school teacher may request paid administrative leave to serve as an approved precinct election official on the day of an election. However, nothing in this policy supersedes or negates any provision of a collective bargaining unit.

The employee must obtain written authorization for paid administrative leave from his or her appointing authority, department head, or designee, prior to contacting the Board of Elections to register as an official of an election, if paid administrative leave on Election Day is desired.

The appointing authority, department head, or designee reserves the right to reject a request based on operational need. Should several employees apply who perform similar functions and operational need dictates that not all may participate; priority shall be defined and given by the appointing authority, department head, or designee, with a procedure that is applied uniformly to all similarly situated employees.

The Board of Elections reserves the right to refuse to place an employee as a poll worker on the day of the election. In such an instance, the employee must report to work during the employee's regular work hours. The Board of Elections may give priority to employees who have served as officials in prior elections.

The employee may be required to attend training courses as mandated by Ohio Law and conducted by the Fairfield County Board of Elections. The employee must attend said training courses as required by the Board of Elections, of which there are options that are outside the traditional working hours. Paid administrative leave is not applicable for the required training.

The normal Election Day workday is 6:00 AM until 8:00 PM, or until all election responsibilities are completed. The employee's prompt return to work on the employee's next regular working day is expected.

An employee using paid administrative leave to serve as a Precinct Election Official is entitled to paid administrative leave plus compensation designated by the Board of Elections based on the assigned election official duties. The paid administrative leave in this case is not considered "hours worked," for the purposes of computing overtime. An employee would be eligible for paid administrative leave for their regularly scheduled hours of work on the day of the election.

SECTION: 4:9
SUBJECT: INSURANCES

The County Commissioners will make available hospitalization and major medical insurance to eligible County employees. Such insurance plans, coverage, eligibility requirements, continuation of benefits, employee contribution rates, and costs shall be determined by the Board of County Commissioners.

The County Commissioners shall also provide insurance and coverage as required or deemed necessary for liability, Workers' Compensation and unemployment. The County pays the full premium cost for these insurances.

Employees on an unpaid leave of absence (or who meet other conditions) may continue health insurance coverage at their own cost under Public Law 99-272, Title X (COBRA) provided they meet COBRA requirements. Employees who continue COBRA coverage may be assessed two percent (2%) of the monthly premium to cover administrative fees. Continuation of coverage will generally be for a period of up to eighteen (18) months. However, in certain circumstances, COBRA coverage may be extended to thirty-six (36) months. An employee has sixty (60) days in which to exercise the continuation coverage option.

Employees are solely responsible for notifying the Appointing Authority of any status changes affecting insurance coverage (i.e. marriage, divorce, dependents, etc.)

Insurance continuation at the employee's normal cost may be granted for up to six (6) months by the Appointing Authority for employees who become disabled and are off work. After the six-month period, the Appointing Authority would review the case and, if circumstances warrant the need, could continue coverage for an additional three (3) months. At the expiration of nine (9) months, the Appointing Authority would again review the case and, if circumstances warrant the need, could continue coverage for another three (3) months for a total of twelve (12) months before offering COBRA coverage for up to 36 months.

SECTION: 4:10
SUBJECT: RETIREMENT

Employees of Fairfield County are required by law to participate in the Ohio Public Employees Retirement System (OPERS) (certain employees participate in the State Teachers Retirement System) which is a program that is independent of the Federal Social Security system. Eligible employees must participate in accordance with applicable law. Ohio law establishes the percentages of contribution for the employer and the employee which may be changed from time to time.

Any employee giving consideration to retirement is encouraged to notify the Appointing Authority at least ninety (90) days in advance of the anticipated effective date so that appropriate application may be made and a replacement can be found.

If an employee leaves County employment before he/she is eligible for retirement, he/she may request that the funds which he/she has paid into the system be refunded to him/her. It is not, however, required that the employee withdraw these funds since he/she also may have the option of leaving the funds in the system and drawing a monthly benefit upon reaching retirement.

The PERS also provides other benefits to public employees including survivor and disability benefits as well as health and medical insurance to eligible retirees.

Further information may be requested by writing to: Public Employees Retirement System, 277 East Town Street, Columbus, Ohio 43215 or by going to www.opers.org

Also, eligible employees may participate, through voluntary payroll deduction, in a deferred compensation program approved by the Commissioners, to assist them in accumulating additional funds for retirement. Only legally authorized representatives of each plan are permitted to explain the program. The Commissioners' office will make arrangements for employees to meet with such plan representatives or to obtain more information.

SECTION: 4:11
SUBJECT: COMPENSATION AND PAYROLL

Compensation

Wages and salaries of employees shall be established in a manner compatible with the philosophy, goals, objectives and financial resources of Fairfield County. To that end, The Fairfield County Commissioners have adopted a Compensation Plan for county employees. All employees of Fairfield County shall be paid a salary or wage consistent with the Compensation Plan adopted by the Board of County Commissioners. The Compensation Plan was developed in accordance with market rates as identified in independent studies and identified in multiple association wage surveys. In accordance with the Compensation Plan, employees may advance to successively higher rates of compensation based upon promotion, reclassification, and/or merit. The Compensation Plan Policies and Procedures are attached as Addendum "A" to the Personnel Policy Manual. The Compensation Schedule is on file with the Fairfield County Human Resources and Risk Management office.

Payroll

All employees of Fairfield County are paid by warrant of the County Auditor on a bi-weekly basis. Paychecks are generally issued every other Friday. There is a two (2) week time lag in the County's payroll system, such that the check you receive on a Friday is for the period ending two (2) weeks previously. For example, a new employee scheduled to begin work on the first day of a full two (2) week pay period will not receive his/her first paycheck until four (4) weeks after commencing employment. When an employee leaves County employment, the last paycheck is released two (2) weeks after the last day of the pay period in which the employee terminates. For purposes of payroll, the work week is Saturday through Friday.

Deductions from an employee's pay for federal, state and city income taxes (where applicable) as well as employee contributions for retirement (i.e. PERS), Medicare (for those employees hired after April 1986), and health insurance premiums shall be made as authorized by the employee as required by law.

SECTION: 4:12
SUBJECT: TUITION REIMBURSEMENT

Purpose

It is the desire of Fairfield County to create an environment that stimulates, challenges, and encourages employees to broaden their knowledge and skill by continuing their education. Reimbursement of primary expenses associated with a degree program or individual course work is available to those employees who meet the criteria and successfully complete the program or course.

The tuition policy applies to the following departments; Commissioners, Emergency Management Agency, Economic Development, Maintenance, Job and Family Services, Utilities, Dog Shelter and Adoption Center, Auditor, Treasurer, Prosecutor, Recorder, County Judges, Clerk of Courts, Coroner, Sheriff, Board of Elections, Veteran Services, and FAF Council.

The program does not include agencies of the Soil and Water Conservation District, Park District, Health Department, Regional Planning, and the Multi-County Juvenile Detention Center. It does not include councils of governments, such as the Major Crimes Unit. It does not include Developmental Disabilities, Engineer, and ADAMH as they have their own policies.

Eligible courses must correspond or be applicable to the employee's current position or department within the county. If there is interest to include courses that would correspond or be applicable to a position with a participating County department that is outside the employee's current department, the policy can be adjusted to include this expansion.

Scope

Eligible employees are those full-time employees working at least thirty-five (35) hours per week.

Definitions

Employee: any full-time (working at least thirty-five hours per week) individual who has completed their initial probationary period within their current Fairfield County department.

Accredited: an institution that has been state certified and is registered with the Higher Learning Commission of the North Central Association of Colleges and Schools or another accrediting agency recognized by the Committee on Recognition of Postsecondary Accreditation. Courses completed through accredited online colleges and universities may also be eligible based upon requirements set forth in this policy.

Reimbursable Expenses: Fairfield County will reimburse the employee upon completion of the course(s)

1. For an undergraduate degree:

50% of the costs for course tuition and lab fees, not to exceed \$5,000 annually, which must be paid in full by the employee prior to reimbursement under this policy.

2. For a graduate degree:

75% of the costs for course tuition and lab fees, not to exceed \$7,500 annually, which must be paid in full by the employee prior to reimbursement under this policy.

Statement of Justification: A written narrative that fully explains the relationship of the course to the applicant's career goals and how the course may impact the employee's knowledge and skill level. The applicant and his/her supervisor must submit a Statement of Justification attached to application for each request.

Non-reimbursable Items: Items such as study guides/textbooks, notebooks, pens, paper, travel expenses, parking fees, student health insurance fees, deferred payment fees, enrollment and/or application fees, administration fees, general fees and graduation fees are considered non-reimbursable items.

Good Standing: The employee must not have had any written warnings, suspensions, or other disciplinary actions filed, nor be subject to a performance improvement plan within one year of applying for tuition assistance. In addition, the employee must have achieved at least a "meets standard" rating on their most recent performance evaluation.

Policy

Fairfield County will reimburse an employee up to 50% for the actual course tuition and required lab fees charged to the employee for courses toward an undergraduate degree. This amount should not exceed \$5,000 in total reimbursable expenses annually, during the academic year.

Fairfield County will reimburse an employee up to 75% for the actual course tuition and required lab fees charged to the employee for courses toward a graduate degree. This amount should not exceed \$7,500 in total reimbursable expenses annually, during the academic year.

The employee shall provide proof of payment in full before reimbursement will be processed. An appointing authority may choose to reimburse an employee at a higher amount than that outlined in County policy, but any deviation from standard policy must be in compliance with appointing authority policy and recognized budgetary considerations.

1. Reimbursement Eligibility Requirements:

Courses must correspond or be applicable to the employee's current position or department within the county and must directly benefit the county.

- a. Employee eligibility is based on the job-related performance of the employee, which must be in good standing prior to and throughout the period for which the tuition reimbursement was approved.
- b. No employee on a paid or an unpaid leave of absence, unauthorized leave of absence, disability leave, workers' compensation leave, or injury leave may apply for tuition reimbursement.
- c. The employee must have completed their initial probationary period and be at full time status (thirty-five hours per week) within their current Fairfield County department prior to applying for tuition reimbursement.
- d. The applicant's supervisor must provide a Statement of Justification explaining why it would be currently beneficial to the County to provide tuition reimbursement to the applicant.
- e. It is the responsibility of the employee to obtain approval for tuition reimbursement from his/her supervisor, the Department Head/Elected Official, and the County Department of Human Resources at least thirty (30) days prior to the start of the course(s) for each academic term.
- f. The employee must receive a grade of "C," its equivalent, or better to receive tuition

- assistance for each course that tuition reimbursement is requested.
- g. The college or university must be an accredited institution as previously defined.

2. General Information

- a. Tuition reimbursement applies toward specific courses, associate and undergraduate degree programs, as well as graduate degree programs as long as the degree program coincides with the employee's position or department.
- b. Tuition assistance does not apply to seminars, workshops, conferences, certifications, or self-help courses.
- c. Due to many educational institutions offering satellite locations and internet capabilities, tuition reimbursement would be extended to those courses associated with an accredited university or college.
- d. All courses must be taken outside regularly scheduled working hours whenever possible. Flexible scheduling may be permitted with prior written approval of the employee's supervisor and/or Department Head/Elected Official. All scheduled hours for courses must be filed with the employee's supervisor and/or Department Head/Elected Official. All courses are subject to approval under the guidelines of this policy.
- e. If a course(s) is not successfully completed (grade of "C", its equivalent, or better), Fairfield County will not provide tuition reimbursement for that course.
- f. An employee who is terminated during current enrollment in the Tuition Reimbursement program through job elimination, a reduction in workforce, or who is transferred within the County will be reimbursed in accordance with the provisions of this policy.
- g. If an employee voluntarily resigns, retires, or is terminated with cause from the County and is currently participating or has participated within the last (3) three years in the tuition reimbursement program, he/she must repay the tuition assistance based on the following schedule:
 - i. 100% repayment of tuition reimbursement received if the employee is no longer employed by Fairfield County within one (1) year or less after the date the course was completed.
 - ii. 75% repayment of tuition reimbursement received if the employee is no longer employed by Fairfield County one (1) or more years but less than two (2) years after the date the course was completed.
 - iii. 50% repayment of tuition reimbursement received if the employee is no longer employed by Fairfield County within two (2) or more years but less than three (3) years after the date the course was completed.
 - iv. 25% repayment of tuition reimbursement received if the employee is no longer employed by Fairfield County three (3) or more years but less than four (4) years after the date the course was completed.
 - v. 0% repayment of tuition reimbursement if the employee is no longer employed four (4) or more years after the date the course was completed.
- h. By participating in the tuition reimbursement program, the employee acknowledges that any tuition assistance due for repayment at the conclusion of their employment will be deducted from their final pay.
- i. Fairfield County reserves the right to suspend or restrict tuition reimbursement at any time based upon the availability of funds. Current approved enrollees will remain eligible for reimbursement for their current approved enrollment period.
- j. Where applications exceed available funds, actions such as the following may be taken:
 - i. Fairfield County may reduce the number of courses or credit hours eligible for tuition

- assistance;
 - ii. Fairfield County may select employees whose learning needs are critical to the county;
 - iii. Fairfield County may set an official, uniformly applied percentage figure as the amount of tuition assistance for which Fairfield County is responsible;
 - iv. Fairfield County may reject any and all applications for tuition assistance;
 - v. Fairfield County may distribute available funds equally among eligible employees or reduce the maximum reimbursement per person.
- k. Fairfield County may place a cap on the account which funds the Tuition Assistance program when the maximum available funds are utilized. Fairfield County departments may contribute supplemental funding.
3. Taxable Income The use of tuition reimbursement may affect your taxable income. For more information, please consult with a tax advisor.

4. Application Procedure

- a. Courses and degree programs shall be clearly classified as job-related, job-enhancement, and offer technical or skill growth that will enable the employee to perform at a higher level or prepare him/her for advancement within their department.
- b. Employees seeking tuition reimbursement must present verification from the educational institution of his/her acceptance for the specific degree program or course.
- c. The employee may contact his/her supervisor or the County Human Resources Department to obtain information on the Tuition Reimbursement Policy and the Tuition Reimbursement Application.
- d. The employee must fully complete the Tuition Reimbursement Application, attach the course schedule and description as well as the Applicant Statement of Justification/Supervisor Statement of Justification, and receive the necessary signatures for approval prior to submission to County Human Resources.
- e. Employees that report to appointing authorities other than the Board of Commissioners must have their appointing authority sign the application form prior to submission to County Human Resources.
- f. Employees under the Board of Commissioners must submit the form to County Human Resources without the appointing authority signature. County Human Resources will ensure completion of the appointing authority or designee's signature.
- g. The fully completed application (including necessary signatures as defined above) must be received by County Human Resources at least thirty (30) days prior to the beginning of the course(s) for which funds are sought. If the employee has registered for multiple courses, indicate all courses on the application.
- h. County Human Resources will review all applications to ensure policy requirements are met and funds are available, before approving or denying each application according to policy guidelines.
- i. County Human Resources will provide a copy of the completed application to the employee and supervisor following the review process.
 - i. All original applications will be retained in the County Human Resources Department.
 - ii. If County Human Resources denies the Tuition Reimbursement Application, the application and a written statement specifying the reason(s) for the action will be returned to the employee and the immediate supervisor.

- iii. An employee, whose request has been denied at any level, may ask for a meeting with the denying party and their immediate supervisor to discuss the reason(s) for denial.

5. Reimbursement Procedure

- a. Employees will only be reimbursed after each course is satisfactorily completed according to policy guidelines.
- b. When the employee has successfully completed the course(s) for which tuition reimbursement was approved, the employee must submit the following documentation to the County Human Resources Department:
 - i. An itemized tuition statement, including tuition and lab costs, indicating full payment (a zero balance) and
 - ii. Grade report of a “C”, its equivalent or better
- c. The County Human Resources Department will complete Section IV of the application and will forward the application and reimbursement form to the Auditor’s Office for processing.
- d. If there are discrepancies or questions with the submitted documents, a delay in reimbursement processing may occur. The County Human Resources Department will contact the employee to rectify the discrepancies within a reasonable time.
- e. With the exception of the original reimbursement page, receipts, and grade information, the original Tuition Reimbursement Application and final documentation will be retained in the County Human Resources Department.

SECTION: 4:13
SUBJECT: WORKERS' COMPENSATION

Each Appointing Authority participates in the Ohio State Workers' Compensation Program which is designed to assist workers accidentally injured in the course of and for reasons arising out of the worker's employment. Employees on Workers' Compensation leave shall be placed on "inactive" payroll and shall not accrue vacation or sick leave and shall not be paid for holidays. No employee shall receive both workers' compensation and sick pay. The Appointing Authority shall pay all premiums for Workers' Compensation Insurance. Any employee who is injured on the job, regardless of how minor the injury appears, must immediately report such injury to the appropriate supervisor and complete the proper form.

An employee may be placed on wage continuation in lieu of workers compensation payments. An employee receiving wage continuation shall not accrue vacation or sick leave. The determination concerning whether an employee will be placed on wage continuation shall be made on a case by case basis.

An employee may be placed into a transitional work program. Transitional work is a program to promote the injured employee's recovery and return to work process while reducing the costs associated with the work-related injury or illness. Transitional work is a progressive and individualized program. For an employee who has work restrictions, it is an interim step in the physical conditioning and recovery of the employee until they are able to return to their job assignment with no limitations. Transitional work is defined as any temporary job, task, or function or any combination of such that may be performed with restrictions in a safe manner without risk of re-injury. The transitional work may be assigned at a department/location other than the employee's regularly assigned department. The duration and availability of transitional work will be evaluated on an individual basis and will take into consideration the physical restrictions of the employee and the needs of the department and Appointing Authority.

SECTION: 4:14

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM (EAP)

Employees who are suffering from any type of personal problem are encouraged to voluntarily seek diagnostic counseling and treatment. These problems include, but are not limited to, alcoholism and other drug misuse, marital, family, gambling, legal, financial, and psychological. No employee suffering from any of these problems will have his/her job security or promotional opportunities jeopardized by requesting diagnosis and treatment. Fairfield County Employee Assistance Program details can be found by visiting [Fairfield County Ohio \(mymobilewalletcard.com\)](http://Fairfield County Ohio (mymobilewalletcard.com)) or by contacting Human Resources.

Any supervisor, who believes that the deteriorating job performance and conduct of an employee is caused by a personal problem, may refer an employee to the EAP. Such referral requests shall be kept confidential. The supervisor should first meet privately with the employee to discuss his/her job performance and conduct only and encourage the employee to seek outside diagnosis and treatment by a professional. (Supervisors should understand that they are not competent or expected to diagnose personal problems or otherwise make judgments about the causes of or treatments for behavioral problems.) It is the employee who is then responsible for accepting and complying with a supervisor's referral. The employee is further responsible for following the treatment prescribed.

If the employee rejects the offer of counseling assistance and job performance and conduct problems are resolved, no further actions will be necessary by the supervisor. However, if the referral to the EAP is rejected by the employee and the job performance and conduct problems continue or recur, the employee shall be subject to disciplinary action.

Nothing herein shall be construed or interpreted so as to relieve an employee with any of the above-described problems of their responsibility for fulfilling the requirements and standards for their job, complying with all work and safety rules, and otherwise maintaining satisfactory job performance. The failure of any employee to meet these performance requirements and standards shall subject him/her to disciplinary action.

SECTION: 4:15
SUBJECT: FAMILY AND MEDICAL LEAVE

Statement of Policy

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. Additional details and claim initiation details can be found by visiting [Fairfield County Ohio \(mymobilewalletcard.com\)](http://Fairfield County Ohio (mymobilewalletcard.com)) or by contacting Human Resources.

Definitions

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

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:

1. Upon the birth of an employee's child and in order to care for the child.
2. Upon the placement of a child with an employee for adoption or foster care.
3. When an employee is needed to care for a family member who has a serious health condition.
4. When an employee is unable to perform the functions of his position because of the employee's own serious health condition.
5. Qualifying service member leave.

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 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.

1. "Per year": A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. 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. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four weeks beginning June 1, 2009, and four weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.
2. "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 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. Treatment by a health care provider on a single occasion that results 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.).

Licensed Health Care Provider: A doctor of medicine, doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law

Family Member: Spouse, child, parent or a person who stands “in loco parentis” to the employee.

Covered Service Member: Means either:

1. 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
2. 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.
3. 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.

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.

Next Of Kin: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.

Serious Injury or Illness: Purposes for the 26-week military caregiver leave means either:

1. 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,
2. 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:

- a. 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
- b. 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
- c. 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
- d. 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.

Covered Active Duty” or “call to covered active duty:

1. 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.”
2. 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.

Deployment to a foreign country: Deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.

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

1. 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).
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. Any qualifying exigency which arose out of the covered military member's covered active duty or call to covered active duty status.

Leave Entitlement

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 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.
4. 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.
5. 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.

Use of Leave

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

Generally: An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc.) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave. Sick leave use under the FMLA must be medically necessary and follow the relevant sick leave policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.

Birth of An Employee's Child: An employee who takes leave to give birth must first use all available accrued paid 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 sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. Sick leave use under the FMLA must be medically necessary and follow the relevant sick leave policy.

Bonding, Placement of a Child for Adoption or Foster Care: An employee who takes leave for bonding time, related to the birth, adoption or foster care placement, eligible leave options are vacation, personal, wellness, and comp leave prior to using unpaid leave for the remainder of the twelve (12) week period.

Employee's Serious Health Condition or Family Member's Serious Health Condition: An employee who takes leave because of his serious health condition or the serious health condition of his family member must use all available accrued paid sick, comp, and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

FMLA and Disability/Workers' Compensation

An employee who is eligible for FMLA leave because of his own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using worker's compensation benefits, the Employer may designate the absence as FMLA leave, and count it against the employee's twelve (12) week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the worker's compensation program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor can the employer require him to do so, while the employee is receiving compensation from such a program.

Procedures for Requesting FMLA Leave

Requests for FMLA leave must be submitted to both Sedgwick, the county's FMLA administrator ("Sedgwick") and the Employer at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. You may contact Sedgwick at 1-888-436-9530 or <https://timeoff.sedgwick.com>. 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. Sedgwick and 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.

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.

Certification of Need for FMLA Leave for Serious Health Condition

An employee requesting FMLA leave due to his 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. Such certification shall be submitted at the time FMLA leave is requested, or if the need for leave is not foreseeable, as soon as practicable. 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, at its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. 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.

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. 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.

Certification for Leave taken 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.

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 class, 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.

Employee Benefits

Except as provided below, while an employee is on FMLA leave, the Employer will continue to pay its portion of premiums for any life, medical, and dental insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. 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 Employer will not continue to pay the Employer portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for his portion of the premium is late by more than thirty (30) days. 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.

Reinstatement

An employee on FMLA leave must give the Employer at least two business days' notice of his 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. 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 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 position, with or without reasonable accommodation.

Records

All records relative to FMLA leave will be maintained by the Employer and/or Sedgwick 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.

SECTION: 4:16

SUBJECT: EMPLOYEE RECOGNITION

Fairfield County understands that acknowledgement of exemplary employee performance is important and serves a public purpose in creating an excellent customer service environment. Employees may be recognized for specific work performance, employee motivation, and attitude, and other qualities that demonstrate exemplary employee performance and excellent customer service.

We strongly support recognizing employees for their good work and excellent customer service, but recognize that all appointing authorities and employees must do their part to use every available cost-saving measure to ensure that vital services are not impaired. We encourage and favor finding creative ways to recognize employees in ways that do not cost money or are of de minimis cost. Some examples of this are:

- Office Mascot or Trophy – Share the mascot with someone when they’ve gone above and beyond the call of duty
- Let employees reward one another and express their appreciation
- Give little surprises, such as a letter or note or appreciation
- Employee of the Month – Allow staff nominations and reward with a special parking spot and a certificate
- Tuition Reimbursement Program
- Regularly tell our employees how much you appreciate them!

All appointing authorities, establishing employee recognition programs, should submit proposed policies to Fairfield County Human Resources for comment and review for policy consistency.

SECTION: 4:17

SUBJECT: PAYMENT UPON SEPARATION OF SERVICE

Sick Leave

- A. Upon retirement or resignation from active service with Fairfield County and total public service of at least five (5) years, an employee may elect to be paid for one-quarter (1/4) of their accrued sick leave balance up to a maximum value of thirty (30) days of pay. This payment shall be based on the employee's rate of pay at the time of retirement or resignation and eliminates all sick leave credits accrued but unused by the employee at the time the payment is made.

Subsequent public employment will begin with a zero-sick leave balance. Sick leave payment under this section may be made only once to a Fairfield County employee. An employee who qualifies for a payout must apply for such payment within thirty (30) days of separation or forfeit right to a payout.

An employee who elects not to receive payment for unused sick leave upon retirement or resignation, will be credited with his/her balance of accumulated sick leave upon reemployment in another public agency within the State of Ohio provided the time between separation and reappointment does not exceed ten (10) years.

- B. Upon death of an employee in active service with Fairfield County and total public service of at least five (5) years, an employee (or his or her estate) may be paid for one-half (1/2) of their accrued sick leave balance up to a maximum value of sixty (60) days of pay. This payment shall be based on the employee's rate of pay at the time of death.

Vacation

Upon separation from service with the County for any reason, with at least one (1) year of recognized public service, an employee shall be entitled to compensation at **his/her** current rate of pay for all accrued and unused vacation leave up to a maximum of three (3) years of vacation leave. No vacation payouts shall be made to employees during their initial probationary period.

Upon Death

If an employee dies during his tenure of employment, credit for any leaves will be paid to the surviving spouse or to his/her estate, provided the above criteria are met.

Compensatory Time

Upon separation from service, an employee shall be entitled to compensation for all accrued but unused compensatory time.

SECTION: 4:18
SUBJECT: PERSONAL LEAVE

All county employees (except seasonal employees) shall be granted three personal leave days per calendar year. There will be no carryover of personal leave days. Personal leave days will be prorated based upon an employee's actual working schedule, for example, a part-time employee working 30 hours a week will receive a total of 18 hours, a full-time employee working 40 hours will receive 24 hours. Prior approval will be required to utilize personal leave and use must be reflected in employee timekeeping. New employees hired before July 1st shall be entitled to the full three days of personal leave. New employees hired after July 1st shall receive one day of personal leave.

One additional personal leave day may be granted to an employee who receives an overall Exceeds Standards on their annual performance appraisal. The employee's performance appraisal must be completed on the approved Fairfield County appraisal tool and the completed performance appraisal included within the employee's personnel file. The additional personal leave day shall be awarded and used under the same terms as outlined within the personal leave policy.

Fairfield County Compensation Plan Policies and Procedures
Addendum "A" to the Fairfield County Personnel Policy Manual

Effective February 28, 2017; Updated July 1, 2024

1. All employees of Fairfield County should be paid a salary or wage consistent with the Compensation Plan adopted by the Board of County Commissioners. Such plan was developed in accordance with market rates as identified in independent studies and identified in multiple association wage surveys. The Compensation Plan identifies a minimum and a maximum range for job classifications. The compensation schedule for job classifications is on file with Fairfield County Human Resources.
2. The implementation of the February 28, 2017 plan provides for employees who are currently in a classification that is being moved to a higher pay range to receive an increase to either the minimum of the new pay range or an increase of 5%, whichever is greater for classifications in pay ranges 1-5 and an increase to either the minimum of the new pay range or an increase of 10%, whichever is greater for pay ranges 6 and above.
3. Redlining at the maximum rate of the pay range will go into effect January 1, 2018. Redlining occurs when an employee reaches the maximum hourly rate in their range. The employee is not eligible for increases to their hourly rate beyond the maximum for their assigned pay range.
4. The pay schedule of all employees shall be bi-weekly in accordance with the Ohio Revised Code. Amounts will be computed on an hourly basis, including employees exempt from the overtime provisions of the Fair Labor Standards Act. Employees who are considered exempt from overtime will certify a minimum of eighty hours (or prorated to the standard for the department) worked each bi-weekly pay period. Supervisors will confirm with employees whether they are exempt from overtime. Employees eligible for overtime will accrue overtime and/or compensatory time in accordance with the Personnel Policy Manual of Fairfield County.
5. New employees shall be hired at the minimum rate of the appropriate pay range; however, new employees may be hired up to the middle of the pay range based upon exceptional qualifications and/or experience for the classification.
6. When an employee is promoted or re-assigned to a classification in a higher pay range, up to pay range 5, the employee will receive an increase to either the minimum of the new pay range or an increase of 5%, whichever is greater. When an employee is promoted to a classification in pay ranges 6 and above, the employee will receive an increase to either the minimum of the new pay range or an increase of 10%, whichever is greater. No increase in pay will exceed the maximum rate of pay in the range for the new classification. A promoted employee may be hired at the midpoint of the new pay range, if the midpoint is greater than the 5% or 10% increase in pay for promotions, based upon exceptional qualifications.
7. When an employee is involuntarily demoted to a classification in a lower pay range, the employee's rate of pay shall be reduced to a rate of pay that represents the employee's former rate of pay in the lower pay range. This is the rate that the employee received prior to the promotion.

8. When an employee is voluntarily demoted to a classification in a lower pay range, the employee's rate of pay shall be reduced to a rate of pay that represents either the maximum rate of pay for the new range or the employee will receive a 5% decrease in pay, whichever results in a lower rate of pay.
9. When an employee transfers to a position in the same pay range, the employee will continue to receive the same rate of pay.
10. When an employee is temporarily appointed to a classification in a higher pay range for a period of more than two weeks, the appointing authority or designee will approve a temporary increase in pay equal to the minimum of the higher pay range or a 5% increase in pay, whichever is greater. The employee will revert back to their original rate of pay when the temporary assignment terminates.
11. No decrease will occur for employees temporarily filling a position in a lower pay range.
12. Newly hired or newly promoted employees who have completed their probationary period by November 30 each year shall be eligible for any annual merit increase. Newly hired or newly promoted employees who begin their probationary period after July 1st may be eligible for a merit increase at the successful completion of their probationary period, and thereafter may be eligible on the regular yearly schedule.
13. Annually, each employee will receive a performance appraisal which may result in a merit increase within the budget constraints of the departments. No increase shall result in a rate of pay that exceeds the maximum of an employee's respective pay range after January 1, 2018.
14. Standard merit increases shall be 5% for exceeding standards, 3% for meeting standards and 1% for partially meeting standards on the annual performance appraisals. Failing to meet standards will result in no increase for the year.
15. Each appointing authority participating in standard merit pay must follow the Fairfield County Compensation Plan. Appointing authorities must conduct performance appraisals on the county approved performance appraisal tool. All appointing authorities shall file a summary document with Human Resources that includes employee name, date of performance appraisal and rating on the performance appraisal. All performance appraisals should be maintained in employee personnel files and should be completed by November 30th.
16. No hourly increases above the maximum will be granted after the 2017 review period. After this period, all redlined employees will receive a one-time supplement to their pay based upon the outcome of their performance appraisal. Supplements will not exceed the percentage of increase provided for merit increases. Redlined employees will not experience an increase in their hourly rate of pay.

17. At the discretion of the appointing authority, merit increases may be suspended when the annual budget authorized by the Board of Commissioners does not support merit increases.
18. The compensation plan recognizes that compensation may be set by contract for certain county boards and offices.
19. A public service recognition credit shall be paid to employees for their milestone public service anniversaries. Employees who achieve 5, 10, 15, 20, 25, 30, 35, or 40 years of public service shall be eligible. The public service recognition credit is compensation and shall constitute a payment of \$50 per year of public service and is payable on a pay period determined by Human Resources. An employee must be in active pay status at the time of payment to be eligible for the public service recognition credit.



**PUBLIC RECORDS POLICY
OF
FAIRFIELD COUNTY
COMMISSIONERS
Fairfield County, Ohio**
Addendum “B” to the Fairfield
County Personnel Policy Manual

Fairfield County Commissioners' Public Records Policy

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Introduction:

This Public Records Policy is adopted by the Fairfield County Commissioners in accordance with the applicable provisions of House Bill 9 (126th General Assembly), primary authority being Ohio Revised Code Chapter 149. **This policy is not intended to be legal advice.** It is the policy of this office to strictly adhere to the state's Public Records Act as well as other state and federal laws. The office of the Fairfield County Commissioners is sometimes referred to herein as "the office" or "this office".

The Public Records Act imposes two primary obligations upon public offices:

- Provide prompt inspection of public records; and
- Provide copies of public records within a reasonable period of time.

These obligations, in turn, provide the public with two primary rights:

- The right to prompt inspection of public records; and
- The right to copies within a reasonable period of time.

The Public Records Act evolved from the principle that Ohio's citizens are entitled to access the records of their government. To advance that principle, the Public Records Act is to be interpreted³ liberally in favor of disclosure.⁴ Additionally, the exemptions to the Public Records Act, which are discussed more fully later, should be narrowly construed.⁵ In summary, whenever possible, the Public Records Act and its exemptions should be construed liberally in favor of giving the public utmost access to their records.

For public records requests please contact

Rochelle Menningen,
Commissioners' Clerk
210 East Main Street, Room 301
Lancaster, Ohio 43130
(740) 652-7090
rachel.elsea@fairfieldcountyohio.gov

¹ *State ex rel. Warren Newspapers v. Huston* (1994), 70 Ohio St.3d 619.

² *White v. Clinton Cty. Bd. Of Cmsrs.*(1996), 76 Ohio St. 3d 416; *State ex rel. Patterson v. Ayers* (1960)., 171 Ohio St. 369. ³ *Huston*, 70 Ohio St. 3d 6

Section 1 PUBLIC RECORDS

Under Ohio law, a public office may only create records that are “necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affected by the agency’s activities.”⁶

Section 1.1 Public Record Definition

In accordance with the Ohio Revised Code and court rulings, a record is defined as any item kept⁷ by a public office that meets all of the following:

- Is stored on a fixed medium, (such as paper, electronic – including but not limited to e-mail, and other formats);
- Is created or received by, or sent under the jurisdiction of a public office;
- Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.⁸

If any of these three requirements is absent, the item is not a “record” and therefore not a public record.

Furthermore, a 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.⁹

Section 1.2 Exemptions to Public Records Law

Generally, the confidential nature of certain types of information or records precludes their release. Federal and state law provides numerous exceptions to the general rule that disclosure of public records is mandatory. However, most of the exceptions do not, by themselves, prohibit the release of the prescribed records. Rather, these records merely are excluded from the general rule of mandatory disclosure.¹⁰

In the event a request is made to inspect or obtain a copy of a record maintained by this 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 protected exempted information is not improperly released.

⁶ ORC §149.40

⁷ *State ex rel. Cincinnati Enquirer v. Cincinnati Bd. Of Educ’n.* (2003), 99 Ohio St. 3d 6, 2003 (materials related to superintendent search were not “public records” where neither board nor search agency kept such materials).

⁸ ORC §149.011(G)

⁹ *State ex rel. White v. Goldsberry* (1999), 85 Ohio St. 3d 153; *State ex rel. Warren v. Warner* (1999), 84 Ohio St. 3d 43.2

¹⁰ *Henneman v. Toledo* (1988), 35 Ohio St. 3d 241.

Records, whose release is found to be prohibited or exempted by either state or federal law, or not considered public records as defined by ORC §149.43(A)(1), shall NOT be subject to public inspection.

Please see *Appendix A* for a list of records that may not be subject to release per ORC §149.43 (A)(1), *Appendix B* for a list of the most common express exemptions in Ohio law, and finally, *Appendix C* for a non-exhaustive list of express exemptions found throughout the Ohio Revised Code.

SECTION 2 PUBLIC RECORD REQUESTS

All public records maintained by this office shall be promptly made available for inspection to any person during regular business hours as well as a copy of the current record retention schedule of this public office. Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1 Identification of Public Record

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow this public office to identify, retrieve, and review the records. If a requester makes an ambiguous or overly broad request for public records such that this office cannot reasonably identify the exact public records being requested, then this office may deny the request. In such case, this office will provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by this office and accessed in the ordinary course of this office's duties.¹¹

Section 2.2 Format of Request

This public office or the person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, **but only after all of the following occur:**

- Disclosure to the requester that a written request is not mandatory;
- Disclosure to the requester that the requester may decline to reveal the requester's identity or intended use;
- Determination by this public office that a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability to identify, locate, or deliver the public records sought by the requester.¹²

¹¹ ORC §149.43(B)(2)

¹² ORC §149.43(B)(5)

Section 2.3 Choice of Medium

The public records law allows a person to choose the medium upon which they would like a record to be duplicated.¹³ The requester can choose to have the record (1) on paper, (2) in the same form as this public office keeps it (e.g., on computer disk), or (3) on any medium upon which this public office determines the record can “reasonably be duplicated as an integral part of the normal operations of the public office.”¹⁴

Section 2.4 Response Time to Request

Public records must be available for inspection during regular business hours and made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. However, under current Ohio law, there is no defined period of time by which a public records request must be completed. Instead, appropriate (prompt and reasonable) response times will vary depending on different factors, including, but not limited to all of the following:

- The circumstances of this public office at the time of the request;
- The breadth of the request;¹⁵
- Whether legal evaluation of the responsive records is required before release.¹⁶

Section 2.5 Prohibition Against Requesters Right to Make Copies Themselves

A requester seeking copies of public records is not permitted to make their own copies of the requested records by any means.¹⁷ This measure is to protect the integrity of the original document.

Section 2.6 Limit to Number of Requests by Mail for Commercial Purposes

This 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. (The scope of the word “commercial” is to be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit education research.)¹⁸

¹³ ORC §149.43(B)(6); *State ex rel. Dispatch Printing Co. v. Morrow County Prosecutor's Office*(2005), 105 Ohio St. 3d 172.

¹⁴ ORC §149.43(B)(6)

¹⁵ *State ex rel. Gibbs v. Concord Twp. Trustees* (2003), 152 Ohio App. 3d 387.

¹⁶ *State ex rel. Taxpayers Coalition v. City of Lakewood* (1999), 86 Ohio St.3d 385.

¹⁷ ORC §149.43(B)(6)

¹⁸ ORC §149.43(B)(7)

Section 2.7 Requests by Incarcerated Persons

This office is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.¹⁹ All such requests must be forwarded to the Fairfield County Prosecutor for review and response.

Section 3 DENIAL OF PUBLIC RECORD REQUESTS

If a request is ultimately denied, in part or in whole, this office shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. Further, if the initial request was provided in writing, the explanation shall be provided to the requester in writing.²⁰

Section 3.1 Denial of an Ambiguous or Overly Broad Request for Public Record

If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that this public office cannot reasonably identify what public records are being requested:

- This public office may deny the request.
- However, this office shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained in the ordinary course of business.²¹

Section 3.2 Denial of a Public Record Not Maintained by this Office

If this 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, which may include utilizing Form PR-1, that one of the following applies:

- The request involves records that have never been maintained by this office (*if appropriate this office will direct you to the proper office*);

¹⁹ ORC 149.43(B)(8)

²⁰ ORC 149.43(B)(3)

²¹ ORC §149.43(B)(2)

- The request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Schedules of Record Retention and Disposition (RC-2);
- The request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
- If the record that is requested is not a record used or maintained by this office, the requester shall be notified that this office is under no obligation to create records to meet public record requests (*however, if applicable this office will inform you of how the information requested is organized*).

Section 3.3 Denial of a Public Record Maintained by this Office

This office may deny a request for a record maintained by this office if the record that is requested is prohibited from release due to applicable state or federal law.

- If the record request is denied in its entirety:
 - If it utilizes the Form PR-1, then this office may check the appropriate box on Form PR-1 if the employee is simply applying the statutory exclusion.
 - This office shall consult the County Prosecutor if the employee is unsure if the record requested is exempt from disclosure.
- If only part of the record is not subject to release, this office will redact such information and release the non-exempted information:
 - “Redaction” means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a “record.”²²
 - If it utilizes the Form PR-1, then this office will check the appropriate box on Form PR-1 and cite the exemption from Appendix A, B, or C with the corresponding redaction.
 - This office shall consult the County Prosecutor if the employee is unsure if a part of the record requested is exempt from disclosure.

As custodians of public records, this office has a responsibility to maintain the integrity of the records. As such, any response that includes redactions should be made on a copy of the original record to preserve the authenticity and accuracy of the original document.

The explanation cited shall not preclude this public office from relying upon additional reasons or legal authority in defending an action commenced pursuant to ORC §149.43.

²² ORC §149.43(A)(11)

Section 4 COSTS FOR PUBLIC RECORDS

Generally, a requester is only required to pay this office for the actual cost of reproduction. Employee time will not be calculated into the “actual cost” charge. However, in some circumstances, it is permissible for this office to have an outside contractor make copies and recover the cost of the service directly from the requester.²³ This office may employ the services of a private contractor to produce copies as long as the decision to do so is reasonable.²⁴

Section 4.1 Payment in Advance

This office may require a requester to pay in advance the cost involved in providing the copy of the public record, as requested.²⁵ For photocopies of either letter or legal sized documents, the fee shall be the actual cost per photocopy but in all events no less than five cents per page. If video tapes, cassette tape or any other type of media is requested, the fee shall be the replacement cost or reproduction cost (copying costs if outside vendor is necessary).

Section 4.2 Delivery Costs to be Paid in Advance

Requesters may ask that documents be mailed or transmitted to them within a reasonable period of time after this office receives the request for a copy. This public office may require the person making the request to pay in advance the cost of postage if the copy is transmitted by U.S. mail or the cost of delivery if the copy is transmitted other than by U.S. mail, and to pay in advance the costs incurred for other supplies (envelope, etc) used in the mailing, delivery, or transmission.²⁶

Section 5 Email

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. Email is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 5.1 Public Email Accounts

- Records in public email accounts used to conduct public business are subject to disclosure, and all officials, employees, or other representatives of this office are instructed to retain such e-mails that relate to public business in accordance with this public office’s record retention schedule.

²³ *Huston*, 70 Ohio St. 3d 619.

²⁴ *State ex rel. Gibbs*, 152 Ohio App .3d. 387.

²⁵ ORC 149.43(B)(6)

²⁶ ORC §149.43(B)(7)

- Records in public email accounts used while on county computers not used to conduct public business, while strongly prohibited by this office's policies and procedures are not subject to disclosure.²⁷

Section 5.2 Private Email Accounts

- Records in private email accounts used to conduct public business on public property (i.e. county computers) may be subject to disclosure, and all officials, employees, or other representatives of this office are instructed to retain such private emails should they relate to public business.²⁸

Such emails from private account should be treated as records of this office, retaining them per established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

Section 6 FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

This office recognizes that the failure to properly respond to a public records request not only causes distrust in government but may also lead to legal consequences.

If a requester feels they have been improperly denied access to public records due to the inability to inspect or to receive a copy of a record, the requester shall be advised that they may:

- Contact this public office's senior representative.

If the requester is still not satisfied, they shall be advised the Ohio Revised Code provides a legal means for addressing their complaint.

²⁷ *State ex rel. Wislon- Simmons v. Lake County Sheriff's Dept.* (1998), 82 Ohio St. 3d 37. (Court holds that the requested e-mail consisting of racist slurs, although reprehensible, does not serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the sheriff's department).

²⁸ Case law is undecided as to private email use on county property. Therefore county employees are cautioned against using private email accounts for public business, particularly when such email is created from county computer usage.

APPENDIX A

The Express Exemption

In accordance with Ohio Revised Code §149.43, “Public record” does not mean any of the following:

(a) Medical records;

“Medical record” means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;

(c) Records pertaining to actions under section 2151.85 and division © of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;

“Trial preparation record” means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(h) Confidential law enforcement investigatory records;

“Confidential law enforcement investigatory record” means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following: 1) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised; 2) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source’s or witness’s identity; 3) Specific confidential investigatory techniques or procedures or specific investigatory work product; or 4) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

“Intellectual property record” means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(n) Donor profile records;

“Donor profile record” means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;

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(p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information;

“Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information” (hereto after referred to the protected class employee) means any information that discloses any of the following about such a protected class employee:

- (1) The address of the actual personal residence of a protected class employee, except for the state or political subdivision in which the protected class employee resides;
- (b) Information compiled from referral to or participation in an employee assistance program;
- (c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to a protected class employee;
- (d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a protected class employee’s employer;
- (e) The identity and amount of any charitable or employment benefit deduction made by the protected class employee’s compensation unless the amount of the deduction is required by state or federal law;
- (f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a protected class employee;
- (g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer’s appointing authority.

**** Please Note**** The applicability of this exemption is being reviewed by the Attorney General’s office.

Further, there is a journalist mechanism by which a journalist can request such information. The request shall include the journalist’s name and title and the name and address of the journalist’s employer and shall state that disclosure of the information sought would be in the public interest.

(q) In the case of a county hospital operated pursuant to Chapter 339 of the Revised Code or a municipal hospital operated pursuant to Chapter 749 of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

(r) Information pertaining to the recreational activities of a person under the age of eighteen; “Information pertaining to the recreational activities of a person under the age of eighteen” means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

- (1) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person’s parent, guardian, custodian, or emergency contact person;
- (2) The social security number, birth date, or photographic image of a person under the age of eighteen;
- (3) Any medical record, history, or information pertaining to a person under the age of eighteen;
- (4) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency

;

(y) Records listed in [section 5101.29 of the Revised Code](#);

- (z) Discharges recorded with a county recorder under [section 317.24 of the Revised Code](#), as specified in division (B)(2) of that section;
- (aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;
- (bb) Records described in [division \(C\) of section 187.04 of the Revised Code](#) that are not designated to be made available to the public as provided in that division;
- (cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions [\(B\)](#) and [\(C\) of section 2949.221 of the Revised Code](#);
- (dd) Personal information, as defined in [section 149.45 of the Revised Code](#);
- (ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under [sections 111.41 to 111.47 of the Revised Code](#), including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in [section 111.41 of the Revised Code](#);
- (ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;
- (gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;
- (hh) Protected health information, as defined in [45 C.F.R. 160.103](#), that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;
- (ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:

(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity; or

(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in [section 2950.01 of the Revised Code](#), at the actual occurrence of that offense.

(jj) Restricted portions of a body-worn camera or dashboard camera recording.

APPENDIX B

The “Catch-All” Exemption

If any provision of Ohio or federal law prohibits public disclosure of a certain type of record, a public office must not release it in response to a public records request. A state statute or rule, or a federal statute or regulation may designate the records of certain government offices or particular types of records confidential. Such a designation means those records are not subject to the provisions of the Public Records Act.

Here is a list of some common “catch-all” exemptions:

a. **Attorney-client privileged information.**²⁹

b. **Medical board investigative records.**³⁰

c. **Child abuse reports.**³¹

d. **Student education records** (maintained by public schools, colleges, universities and at private institutions receiving public funding.³² However, student “directory information”³³ is

²⁹ State ex rel. Nix v. Cleveland (1998), 83 Ohio St.3d 379, 1998 Ohio 290, 700 N.E.2d 1; Allright Parking of Cleveland, Inc. v. Cleveland (1992), 63 Ohio St.3d 772, 591 N.E.2d 708; etc.

³⁰ Ohio Rev. Code Ann. §4731.22(F)(5). State ex rel. Wallace v. State Medical Board of Ohio (2000), 89 Ohio St.3d 431, 732 N.E.2d 960 (Medical Board’s investigative records are not public records).

³¹ Ohio Rev. Code Ann. §2151.421(H). But, see, State ex rel. Strothers v. Wertheim (1997), 80 Ohio St.3d 155, 1997 Ohio 349, 684 N.E.2d 1239 (Ohio Rev. Code Ann. §2151.421(H) is directed to the children services boards or the departments of human services, not to a county ombudsman office); State ex rel. Munici v. Kovacic (June 15, 1994), Cuyahoga App. No. 64818, 1994 Ohio App. LEXIS 2612 (police investigatory reports are not governed by Ohio Rev. Code Ann. §2151.421).

³² The Family Educational Right to Privacy Act (“FERPA” or “Buckley Amendment”), 20 U.S.C. §1232g; Ohio Rev. Code Ann. §3319.321; United States v. Miami University (2000), 91 F.Supp.2d 1132, 2000 U.S. Dist. LEXIS 3345 (student disciplinary records are exempt under FERPA). But, cf., State ex rel. The Miami Student v. Miami University (1997), 79 Ohio St.3d 168, 1997 Ohio 386, 680 N.E.2d 956 (student disciplinary records are not student “education records” that are exempt from disclosure but, see, Phillips v. Village of Carey (Aug. 3, 2000), Wyandot App. No. 16-99-11, 2000 Ohio 1733, 2000 Ohio App. LEXIS 3675 (release of high school graduate’s transcript to his employer to verify GPA and class rank did not violate graduate’s constitutional rights. However, parent can request any or all information not be disclosed without parent’s prior consent).

³³ FERPA, 20 U.S.C. §1232g; Ohio Rev. Code Ann. §3319.321(B) (regarding Ohio public schools, K-12).

public information unless the student's parent, guardian or custodian of a minor has requested the information not be released without the parent's prior consent.)

e. **Records of a Certified Public Accountant or public accountant** in the performance of an audit of a public office or private entity.³⁴

f. **Ohio Ethics Commission proceedings** on a complaint or charge and certain information provided to the commission are not public record,³⁵ (but letters requesting an opinion of the commission are public record.)³⁶

g. **Taxpayer records** (maintained by the Ohio Department of Taxation³⁷ as well as those maintained by municipal corporations).³⁸

h. **Estate tax returns** (held by the probate court, the Department of Taxation, a county auditor, a county treasurer, the attorney general, or others listed in Ohio Rev. Code Chapter 5731).³⁹

i. **Federal tax returns** and return information filed under the jurisdiction of the Internal Revenue Service.⁴⁰

j. **Criminal background information and other law enforcement information on the LEADS/CCH/NCIC computer database.**⁴¹

k. **Records that have been sealed pursuant to statutorily authorized court order.**⁴²

³⁴ Ohio Rev. Code Ann. §4701.19(B).

³⁵ Ohio Rev. Code Ann. §102.06(F).

³⁶ 1986 Ohio Atty. Gen. Ops. No. 86 069.

³⁷ Ohio Rev. Code Ann. §5703.21.

³⁸ Ohio Rev. Code Ann. §718.13. But, see, 1992 Ohio Atty. Gen. Ops. No. 92 005 (W-2 forms prepared and made by a township as an employer are subject to inspection as a public record).

³⁹ Ohio Rev. Code Ann. §5731.90; 1992 Ohio Atty. Gen. Ops. No. 92-076.

⁴⁰ 26 U.S.C. §6103

⁴¹ 42 U.S.C. §3789g; 28 C.F.R. §20.21, §20.33(a)(3); State ex rel. Multimedia, Inc. v. Snowden (1995), 72 Ohio St.3d 141, 1995 Ohio 248, 647 N.E.2d 1374; also, Ohio Rev. Code Ann. §109.57(D) and (E); Ohio Admin. Code §109:05 1 01; Ohio Admin. Code §4501:2-10-06; 1989 Ohio Atty. Gen. Ops. No. 89 005; State ex rel. Lippett v. Kovacic (1991), 70 Ohio App.3d 525, Cuyahoga App. No. 58243, 591 N.E.2d 422; State ex rel. National Broadcasting Co. v. Cleveland (1992), 82 Ohio App.3d 202, Cuyahoga App. No. 52337, 611 N.E.2d 838. St.3d 382, 2004 Ohio 1581, 805 N.E.2d 1094; c.f. State ex rel. Highlander v. Rudduck (2004), 103 Ohio St.3d 370, 2004 Ohio 4952, 816 N.E.2d 213 (sealing must be made pursuant to lawful authority);

⁴² E.g. Ohio Rev. Code Ann. §2953.52 constitutionality of which was discussed in State ex rel. Cincinnati Enquirer v. Winkler (2004), 101 Ohio St.3d 382, 2004 Ohio 1581, 805 N.E.2d 1094; c.f. State ex rel. Highlander v. Rudduck (2004), 103 Ohio St.3d 370, 2004 Ohio 4952, 816 N.E.2d 213 (sealing must be made pursuant to lawful authority); State ex rel. WBNS v. Dues (2004), 101 Ohio St.3d 406, 2004 Ohio 1497, 805 N.E.2d 1116 (a court may not create its own exemption to the Public Records Act by sealing its records absent an appropriate grant of authority).

- l. **A trade secret** deriving independent value from the fact that it is not generally known and has been the subject of reasonable efforts to maintain its confidentiality.⁴³ (A detailed analysis is needed.)⁴⁴
- m. **“Judicial Mental Process” Privilege created by Ohio case law.**⁴⁵
- n. **Peace officers’ home addresses** (during the pendency of a criminal case in which the officer is a witness or arresting officer).⁴⁶
- o. **Personal and medical records of the mentally retarded and developmentally disabled.**⁴⁷
- p. **Attorney General investigation files relating to consumer protection or charitable trust investigations.**⁴⁸
- q. **Mediation communications.**⁴⁹
- r. **Employees’ and their family members’ records and documents relating to medical certifications, recertifications or medical histories that have been created for purposes of the Family Medical Leave Act (FMLA)** (are confidential medical records and shall be maintained in separate files/records from normal personnel files.⁵⁰ Should the Americans with

⁴³ Ohio Rev. Code Ann. §1333.61(D). See, also, State ex rel. Besser v. Ohio State University (2000), 87 Ohio St.3d 535, 2000 Ohio 475, 721 N.E.2d 1044 (“Besser I”) (public entity can have its own trade secrets); State ex rel. Lucas County Board of Comm’rs. v. Ohio EPA (2000), 88 Ohio St.3d 166, 2000 Ohio 282, 724 N.E.2d 411; State ex rel. Plain Dealer v. Ohio Dept. of Ins. (1997), 80 Ohio St.3d 513, 1997 Ohio 75, 687 N.E.2d 661; compare, State ex rel. Gannett Satellite Info. Network v. Shirey (1997), 76 Ohio St.3d 1224, 669 N.E.2d 1148 (resumes are not trade secrets of private consultant); State ex rel. Rea v. Ohio Dept. of Education (1998), 81 Ohio St.3d 527, 1998 Ohio 334, 692 N.E.2d 596 (proficiency tests are public records after they have been administered); State ex rel. Dayton Newspapers v. Dayton Board of Education (2000), 140 Ohio App.3d 243, Montgomery App. No. 18247, 747 N.E.2d 255 (resumes of applicants for superintendent not trade secret).

⁴⁴ Ohio Rev. Code Ann. §1333.61(D). State ex rel Toledo Blade Co. v. Ohio Bureau of Workers Compensation (2005), 106 Ohio St.3d 113, 2005 Ohio 3549, 832 N.E.2d 711 (trade secret argument requires allegation of efforts to maintain recovery); State ex rel. Allright Parking of Cleveland, Inc. v. Cleveland (1992), 63 Ohio St.3d 772, 591 N.E.2d 708 (an in camera inspection is necessary to determine whether disputed records contain trade secrets); State ex rel. Lucas County Board of Comm’rs. v. Ohio EPA (2000), 88 Ohio St.3d 166, 2000 Ohio 282, 724 N.E.2d 411; State ex rel. Besser v. Ohio State University (2000), 89 Ohio St.3d 396, 2000 Ohio 207, 732 N.E.2d 373 (“Besser II”) (following in camera inspection, court held documents did not constitute “trade secrets”); State ex rel. Seballos v. School Employees Retirement Sys. (1994), 70 Ohio St.3d 667, 1994 Ohio 80, 640 N.E.2d 829; State ex rel. Dayton Newspapers v. Dayton Board of Education (2000), 140 Ohio App.3d 243, Montgomery App. No. 18247, 747 N.E.2d 255.

⁴⁵ TBC Westlake v. Hamilton County Board of Revision (1998), 81 Ohio St.3d 58, 1998 Ohio 445, 689 N.E.2d 32 (hearing examiner’s report to Board of Tax Appeals is not a public record).

⁴⁶ Ohio Rev. Code Ann. §2921.24(A); in fact, violation of Ohio Rev. Code Ann. §2921.24(A) is a fourth degree misdemeanor. Ohio Rev. Code Ann. §2921.24(D).

⁴⁷ Ohio Rev. Code Ann. §5123.62(T); 1992 Ohio Atty. Gen. Ops. No. 92-071

⁴⁸ Ohio Rev. Code Ann. §1345.05(A)(7) and Ohio Rev. Code Ann. §109.28, respectively. But, see, also, Ohio Rev. Code Ann. §109.34 (nonprofit health care entities proposing to transfer ownership or control of assets to persons exempt from taxation shall provide notice of the proposed transaction to the attorney general and obtain written approval of the transaction. The notice and all other documents or materials submitted pursuant to Ohio Rev. Code Ann. §109.34 are public records provided they meet the definition set forth in Ohio Rev. Code Ann. §149.43).

⁴⁹ Ohio Rev. Code Ann. §2317.023.

⁵⁰ 29 CFR 825.500(g)

Disabilities Act (ADA) also be applicable, then those records shall be maintained consistent with ADA confidentially requirements.)⁵¹

⁵¹ 29 CFR 1630.14(c)(1)

Public Record Request Response Form

(FORM PR-1)

Thank you for your recent public record request. The (public office) will respond in accordance to the applicable provisions of the Ohio Public Records Act.

On (Date) , you requested the following records/ information:

The record/ information requested:

Legal Authority Cited

(if applicable)

- Is not maintained by this office
(office will attempt to direct requester to correct office)
- Is overly ambiguous *(despite efforts to clarify)*. ORC 149.43 (B)(2)
- Does not exist and/or no obligation to create. ORC 149.40
- Has been disposed pursuant to One Time Records Disposal or pursuant to Retention Schedule. RC-2
- Is not subject to release in its entirety (Office needs to cite leg. auth)
- Is subject to release, however the following redactions have been made to protect exempted information (149.43 (B)(1)-(3)):

Redaction

Legal Authority Cited

Ex. A

149.43(A)(7)(a) Peace Officer Info

_____	_____
_____	_____
_____	_____

Prepared by: _____ Date: _____

If applicable, Legal Review by: _____ Date: _____

**Credit Card Policy of Fairfield County
Board of Commissioners**

Addendum “C” to the Fairfield County Personnel Policy
Manual

Background

Credit cards are designed to make purchases in a manner that meets the needs of County government in an increasingly internet-based business environment. This program is an alternative to the traditional purchasing process and can significantly reduce the number of purchase orders and payments processed, eliminating paperwork and processing time. It is convenient for both the County and the vendor, and the program can also help minimize or eliminate the need for the use of personal funds reimbursed by expense report.

Benefits include an expanded list of merchants from whom purchases can be made, accelerated payment to the vendor, expedited delivery of goods, reduced paperwork, lower overall transaction processing costs per purchase, and the ability to set and control purchasing dollar limits.

Authority

Ohio Revised Code (ORC) Section 301.27 permits counties to use credit cards. The Board of County Commissioners of Fairfield County (“Board”), with the advice of the Fairfield County Auditor (“Auditor”), shall formulate the policy for the use of the cards. The policy, which will be adopted by the Board through resolution, shall set limits for, among other things, spending, card activity and allowable expenditures. It shall also establish administrative controls that the Board, after consulting with the County Auditor, determines will be sufficient for use of a credit card. The County Auditor shall develop internal accounting controls in compliance with the Auditor of State bulletins.

General Information

The credit card program is not intended to and shall not be used to avoid or bypass the competitive bid requirements of ORC 307.86. Further, the credit card program is not intended to avoid or bypass the appropriation of funds process, approval process, or payment process. Rather, the program complements the established and existing processes. Expenditure may not exceed appropriations under any circumstances. Billings for authorized purchases made within the limits of appropriated amounts will be paid using County funds.

In accordance with ORC 301.27(E)(1), items and/or services purchased through the credit card program are only for the official use of Fairfield County. The card can be used for in-store purchases as well as mail, e-mail, Internet, telephone and fax orders. It shall not be used as an ATM (automated teller machine) card, a debit card, or for cash advances. The card is not to be used for personal or non-work-related purchases.

The card program carries corporate (County) liability, not individual liability; however, **individual liability is imposed for inappropriate use**. Pursuant to the procedure established in ORC 301.27(J) if the Appointing Authority determines that the cardholder has used the credit card beyond the appropriated or authorized amount or for an inappropriate or unlawful purpose, the Appointing Authority shall immediately notify the Board. When the Board determines that the County Treasury should be reimbursed for credit card expenditures beyond the appropriated or authorized amount as provided in this policy or elsewhere in

ORC 301.27, it shall give written notice to the Appointing Authority who authorized the card, and the cardholder. If within thirty (30) days after issuance of this written notice the County Treasury is not reimbursed for the full amount shown on the written notice, a referral will be made to local law enforcement to recover that amount from the cardholder by civil action in a court of competent jurisdiction.

The cardholder's personal credit history is not impacted in any way by participating in the program; however, the cardholder's personal credit shall be examined by the Appointing Authority in advance of issuing the card. Any derogatory findings, as determined may preclude the issuance of a credit card.

Policies and Procedures

1. Definitions

- a. Appointing Authority
- b. Coordinator

2. Appointing Authority defined and requirements

Pursuant to ORC 301.27(D), an Appointing Authority shall be any County elected official, the Board of a County Appointing Authority, or any Appointing Authority that utilizes the County Auditor as its fiscal agent. The Appointing Authority may apply to the Board of County Commissioners for authorization to have an employee under its authority use a credit card held by that Appointing Authority to pay for any expense allowable under 301.27(E)(1), without submitting a monthly estimate of the employee's work-related expenses as permitted under ORC 301.27(F)(2).

3. Coordinator defined and requirements

Each Appointing Authority that participates in the credit card program will name a program coordinator. The Coordinator will be responsible for resolving disputes with merchants and reviewing and reconciling card activity for the Appointing Authority's card(s). The Coordinator will be designated when the application for the card is approved by the Board. If the Coordinator is also a cardholder, another employee must serve as an alternate coordinator to approve any transactions involving the Coordinator's card.

The Appointing Authority will be the primary point of contact for their desired credit card program. The Appointing Authority will be responsible for ensuring the certification of funds, the ordering and distributing of cards, processing cardholder applications, limit adjustments, suspensions, cancellations, program compliance, troubleshooting problems encountered with card use or vendor authorization and following up on lost or stolen cards. The Appointing Authority will provide training for their authorized cardholders.

4. Establishment of card limits

Credit limits are established by the County Commissioners and may be adjusted by resolution.

The maximum limit of credit exposure at any given time will not exceed \$500,000.00.

Individual credit cards are subject to the following maximum limits, as determined by the Board upon initial approval of the card:

Range

1. Card Limit	\$500 to \$20,000
2. Daily spending per card:	\$500 to \$20,000
3. Monthly spending per card:	\$500 to \$20,000
4. Single transaction limit:	\$20,000
5. Daily number of transactions per card:	10
6. Monthly number of transactions per card:	50

Exception: Pre-approval by the County Administrator/Designee and County Auditor, or their respective designee, is required for any purchase or use more than an established limit.

Purchases may not be split to bypass the single transaction limit.

Through the cardholder application process, Appointing Authorities will define limits for specific cardholders, not to exceed the limits established above.

5. Designation of allowed/prohibited transactions

Pursuant to ORC 301.27(E)(1), credit card purchases are allowable for:

- The purchase of any work-related item
- The purchase serves a public purpose

By further example, the following is a non-exclusive list of allowable items:

- Office Supplies, furniture and equipment
- Meals, including reasonable gratuity not to exceed 20%
- Computer supplies
- Building maintenance materials and supplies
- Authorized travel expenses including sales tax for dine in meals and lodging tax, if hotel will not accept the county's sales tax exemption.
- Room Service (requires an itemized breakdown/billing)
- Fuel purchases approved as part of travel expenses
- Capital equipment with express written permission provided by the Board of County Commissioners
- Information Technology hardware, software, and technical support
- Postage
- Recurrent subscriptions and advertising
- Items related to wards in the care of the State of Ohio
- Items allowable and used in the ordinary course of business as permitted under ORC 301.27(E)(1).

The card may not be used to pay for the following:

- Services that are 1099 eligible
- Entertainment/recreation
- Adult publications/entertainment
- Alcoholic beverages
- Any merchant, product, or service normally deemed not consistent with county policy or the Ohio Revised Code

ATM, cash advances, and all other cash-related transactions are strictly prohibited.

No late charges or finance charges shall be permitted as allowable expenses.

Purchases cannot be used in any manner to circumvent competitive bidding requirements for purchases and contracts as determined by the Ohio Revised Code.

In the event an Agency does not have its own credit card, the Commissioners' Office may make a purchase on its credit card on behalf of another Agency. The Appointing Authority must have a purchase order opened prior to any purchase being made. Additionally, this arrangement must be approved by the County Administrator/Designee prior to any purchase being made.

Any use of a credit card outside of or inconsistent with the above defined appropriate uses will be considered an unauthorized use of the card unless the procedures outlined in ORC 301.27(J) are followed.

6. Virtual Cards

A virtual card is a card for either one-time use or a card tied to a specific set of purchases for on-going use over a defined time period. With the approval of the Appointing Authority, virtual cards may be created for use in the routine payment of bills previously entered in the finance system. With the approval of the County Administrator/Designee and Appointing Authority, virtual cards may be created for any on-line purchases, with limits following those outlined in Section 4.

7. Sales and use tax

Except as otherwise noted elsewhere in this policy, purchases made with the County credit card are tax-exempt. The name of the County and the words "tax-exempt" will be on each card.

If tax is charged inappropriately, the Appointing Authority should present a tax exemption certificate to the vendor and receive a credit for the unnecessary tax.

8. Application for credit card and subsequent profile changes

The Coordinator will prepare the application, obtain written approval of the proposed cardholder, approval from the Appointing Authority head or board, and forward it to the County Administrator/Designee for pre-approval. Consistent with sections 4 and 5 above, the application will specify and new or modified monetary and transaction limits for the individual cardholder.

After the application is pre-approved by the County Administrator/ /Designee, the Appointing Authority will review the application for compliance with program limits and recommend either approval or denial to the Board.

The Board will then act by resolution approving any new cards or modifications to existing cards. Upon approval by the Board, the Appointing Authority will have a new card issued or act on any modifications.

9. Cardholder acknowledgment and responsibilities

The cardholder is responsible for the physical custody of the card and for maintaining confidentiality of all information relating to the card such as the account number and expiration date.

A cardholder is responsible for any and all improper, fraudulent, or inappropriate use of the card. Use of a county credit card for any use other than an authorized or permitted use allowed under ORC 301.27(E)(1) is a violation of law for purposes of ORC 2913.21, in accordance with 301.27(K).

After the card is issued, the cardholder and the Coordinator will assure that the cardholder understands the intent of the program, and to agree to adhere to the policy and guidelines established by the Board as well as those established by the cardholder's Appointing Authority. The cardholder will be required to sign a written acknowledgment of receipt of the card and understanding of the applicable policies. The Appointing Authority will retain the signed acknowledgment

10. Making purchases; record-keeping

a. Purchase orders

An encumbrance in the name of the card issuer must be established for each card through a purchase order. The purchase order amount should be set based on the monetary and transaction limits established for the card and projected spending. This helps ensure that expenditures do not exceed available appropriations. The encumbrance must be established to ensure the purchase is applied to the correct expense categories

b. Original receipts

When making a purchase, the cardholder shall obtain and forward to the Appointing Authority Coordinator the original receipt.

Every effort should be made to ensure that the receipt contains the vendor's name, date of purchase, itemized description of purchase, per unit price and extended price. The cardholder will match and attach original invoices/receipts to billing statements as part of the account reconciliation. **A cardholder will be held personally liable for missing receipts and may be required to reimburse the County for those billed purchases for which a receipt is not present or cannot be produced.**

c. Email, internet, telephone and fax purchases

Credit cards may be used to purchase goods over email, the internet, telephone, or fax. These purchases must be evidenced by written order confirmation along with an original itemized receipt or invoice.

When using the Internet, the cardholder must make sure the web site where the card information is being placed is secure and that all account numbers are encrypted while being passed electronically. A cardholder can determine if the web site address is secure in two ways:

- (1) An Internet web site is secure when the address changes from <http://www> to <https://www>. The "s" stands for secure.

- (2) symbol resembling a “lock” will appear at the bottom of the browser. The “lock” symbol signifies that the web site is secure and that all card numbers will be encrypted when passed.

Cardholders will be held responsible for all orders placed, even those with vendors that turn out not to be legitimate businesses.

The cardholder should inform the vendor that the purchase will be paid through the County credit card and that the purchase is tax exempt. The cardholder should also ensure the vendor will comply with the requirements of items c (above), and e and f (below).

d. Declined attempts

The credit card will be declined if one of the embedded limits is exceeded, if the card issuer has a security concern because of a spending pattern, or, sometimes if the “bill to” address does not match the “ship to” address. The Coordinator Appointing Authority should be notified if a purchase is denied.

e. Agent, acceptance or service fees

Some companies charge an agent, acceptance or service fee in order to process a credit card charge. If the fee is disclosed upfront, the allowable dollar limit on the fee is five percent of the total bill, not to exceed \$25.00. If the fee is **not** disclosed upfront, the fee needs to be disputed immediately, regardless of the fee amount. If the purchase is being made on state term or countywide contract, the vendor is prohibited from charging additional fees for use of a credit card. The Coordinator Appointing Authority should be notified immediately of this breach of contract.

f. Vendor invoices

The card issuer will pay the vendor and the Auditor will pay the card issuer. Vendors should not invoice the cardholder for purchases made with the credit card; however, the cardholder must always receive an itemized receipt or order confirmation.

g. Purchasing log

Each cardholder will maintain a purchasing log. The log records the transaction date, vendor name, the merchandise purchased, dollar value of sale, how the order was placed (via email, internet, phone, fax, mail or in person). A separate line is required for each purchase. The receipt for each purchase must be stapled to the log to expedite reconciliation with the billing statement. The log must be reviewed and signed by a supervisor or someone designated by the appointing authority. Cardholders cannot review and authorize their own purchasing logs.

h. Monitoring card activity

The Appointing Authority shall serve as the administrator for their credit card program with the County Administrator/Designee having similar access and approval rights. Elected officials, department heads, Coordinators, and cardholders shall have viewing access for their respective area

and cards, if desired.

11. Account reconciliation and payment of credit card billing

Each cardholder or Coordinator will receive a statement identifying all transactions made during the billing cycle. The cardholder will reconcile the statement's accuracy against the purchasing log and receipts. Payment cannot be made until the cardholder confirms receipt of the goods or services. A quote or backorder notice is not substantive evidence of the occurrence of the transaction.

The Appointing Authority head or its designee is responsible for reviewing the log for the appropriateness of purchases made with the card and for approving each statement for each cardholder under their supervision. The approval must be evidenced by the approver's signature. Once approved for payment, the Appointing Authority must submit the original statement, purchasing log and supporting receipts to the Auditor. The County Auditor will issue payment, either by warrant or electronically, to the card issuer.

Timely completion of the reconciliation by the Coordinator is imperative to avoid interest charges and late fees. The reconciliation process must be completed within five business days of receiving the cardholder statement. If this time frame cannot be met for any reason, the Coordinator must notify the Auditor.

12. Returns, credits and dispute resolution

Sometimes, there is a problem with a purchased item or service. Examples include, but are not limited to, broken merchandise, the billed amount does not match the quote, the billed amount includes sales tax, the statement contains a charge not recognized by the cardholder, or the statement contains duplicate charges from a vendor. In these instances, the Coordinator or cardholder should try to resolve the dispute with the supplier or merchant. If the purchased item needs to be returned to the supplier for any reason, a credit should be given to the credit card account. The Coordinator should be notified so they can verify that the credit appears on a subsequent statement. The cardholder cannot accept cash, rain check or house credit; credit must be returned to the card.

If the dispute cannot be resolved, the cardholder should contact the Coordinator, who will work with the card issuer to resolve the dispute.

13. Late fees or finance charges

No late fees or finance charges shall be paid unless authorized by the Board.

14. Lost or stolen cards

If the card is lost or stolen, the cardholder must notify the card issuer immediately. Upon receipt of the phone call, further use of the card will be blocked. Prompt action will reduce the liability for fraudulent charges. The cardholder must confirm the phone call by written notification to the card issuer via mail or fax, with copies to the Coordinator. The date and time of the phone report of the lost or stolen card should be included in the written notification. The Coordinator will initiate issuance of a replacement card.

15. Suspension or cancellation of card

The Board of Commissioners reserves the right to cancel a cardholder account at any time. Cardholders who terminate their employment or whose job duties change and no longer include purchasing must surrender the card immediately. The Coordinator must obtain the cards for cancellation. Cardholders on extended leave or reassignment may have their card suspended. Intentional use of the card for personal purchases or for purchases made in violation of County policy will result in immediate card cancellation and may result in departmental disciplinary action. When and if necessary, the Coordinator will initiate suspension or cancellation of the card and will notify the Board Appointing Authority.

16. Penalties for improper use of card

The card is to be used by the cardholder to pay for authorized, work-related expenses. The card may not be used to pay for personal transactions. Improper use of the card can be considered misappropriation of County funds. The cardholder and/or the appointing authority may be liable for any expense improperly incurred, in accordance with 301.27(H). This may result in disciplinary action up to and including termination of employment. Improper use can result in immediate cancellation of the cardholder's account. In addition, the cardholder is personally liable for payment of improper purchases and subject to criminal prosecution. ORC 309.12, 301.29(G)(4), 2913.21

17. On-going Training and Acknowledgement

Annually, the Appointing Authority will distribute county policies and procedures to all cardholders. The cardholders shall sign and acknowledge receipt of the same. The Appointing Authority may conduct training sessions from time-to-time for their cardholders.

APPLICATION FOR COUNTY CREDIT CARD PROGRAM

Original _____ **Amended** _____ **Department/Office** _____

Name _____ **Department Coordinator** _____

Daily spending per card:	_____	(not to exceed \$20,000)
Monthly spending per card:	_____	(not to exceed \$20,000)
Single transaction limit:	_____	(not to exceed \$20,000)
Daily number of transactions per card:	_____	(not to exceed 10)
Monthly number of transactions per card:	_____	(not to exceed 50)

CARDHOLDER ACKNOWLEDGEMENT

The credit card represents the County’s trust in you. You are empowered as a responsible agent to safeguard County assets. Improper use of this card can be considered misappropriation of County funds. This may result in disciplinary action up to and including termination of employment and/or criminal prosecution. Your signature below verifies that you have read and understand the County and Appointing Authority policies and procedures and agree to comply with all the terms and conditions of these policies as well as with all the following responsibilities.

1. I understand the card is for County-approved purchases only, and I agree not to charge personal purchases. I understand that all charges will be billed directly to and paid directly by the County. The bank cannot accept any monies from me directly. Therefore, any personal charges billed to the County could be considered misappropriation of County funds. In the event of misappropriation, I acknowledge and authorize any wrongly spent funds to be taken from my regular earnings (including any vacation, sick, or compensatory time payouts).
2. The card is issued in my name. I will not allow use of the card inconsistent with County policy. I am accountable for any and all charges against the card.
3. I consent to my personal credit report being accessed and understand that any derogatory information may preclude me from receiving a County credit card. Information found on my personal credit report will not be shared with my supervisor and will be held in confidence by the Appointing Authority. **(initial here)** _____

-OR- Strike 3 if not in the name of an individual

4. If the card is lost or stolen, I will immediately notify the card issuer by telephone. I will provide the card issuer written notification by mail or fax, with copies to the County Administrator and my Appointing Authority coordinator.
5. As the card is County property, I understand that I am required to comply with internal control procedures designed to protect County assets. This may include being asked to produce the card to validate its existence and account number.

6. I will record all transactions on a purchasing log, attaching the related original receipts. I will receive a monthly statement listing all activity during the statement period, and will reconcile it with the purchasing log. I will resolve any discrepancies by contacting the vendor first, and then involving the Appointing Authority Coordinator, when necessary. I understand that I will be personally liable for any purchases if I cannot provide the original receipt.

7. I understand the card is not provided to all employees. Assignment is based on my need to pay for work-related expenses. My card may be revoked at any time and for any reason. I understand that the card is not an entitlement, nor reflective of title or position.

8. I agree to surrender the card immediately upon termination of employment, **whether** voluntary or involuntary reasons, and upon retirement.

_____ Authorized by: _____
Employee Signature Appointing Authority Signature

Pre-Approval by: _____
County Administrator/Clerk/Designee

Approved by Resolution Number: _____

Upon Issuance of the Card

9. I have received the credit card and a copy of the County's policies and procedures for the credit card program. I have read and fully understand the program requirements and agree to follow them. Failure to do so may result in revocation of the card or other disciplinary action, up to and including termination of employment and/or criminal prosecution.

Date: _____ Card Number _____ Employee Initials _____

Appointing Authority Coordinator Initials _____

METHOD CODES:

- S = In-Store
- P = Telephone
- I = Internet
- F = Fax
- E = Email M = Mail

Cardholder
Signature:

Authorizing
Signature:

