



AGENDA
CUYAHOGA COUNTY HUMAN RESOURCES, APPOINTMENTS & EQUITY COMMITTEE
MEETING
TUESDAY, FEBRUARY 5, 2013
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
10:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE DECEMBER 17, 2012 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2012-0250: A Resolution authorizing an amendment to Contract No. CE1200241-01 with Caremark PCS Health, L.L.C. for pharmacy benefit management services for the period 1/1/2012 - 12/31/2014 for additional funds in the amount not-to-exceed \$3,500,000.00; authorizing the County Executive to execute the amendment and all other documents required consistent with this Resolution.
 - b) R2013-0015: A Resolution making an award on RQ24707 to The Guardian Life Insurance Company of America in the amount not-to-exceed \$12,300,000.00 for dental group healthcare benefits for County employees and their dependents for the period 1/1/2013 - 12/31/2015; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
 - c) O2013-0003: An Ordinance providing for modifications to and adoption of the Cuyahoga County Human Resources Personnel Policies and Procedures Manual to be applicable to all County employees, and

declaring the necessity that this Ordinance become immediately effective.

6. MISCELLANEOUS BUSINESS

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

*In accordance with Ordinance No. O2011-0020, as amended, complimentary parking in the Huntington Park Garage will be available for the public on any day when the Council or any of its committees holds meetings. Please see the Clerk to obtain a parking pass.



MINUTES

CUYAHOGA COUNTY HUMAN RESOURCES, APPOINTMENTS & EQUITY COMMITTEE

MEETING

MONDAY, DECEMBER 17, 2012

CUYAHOGA COUNTY JUSTICE CENTER

COUNCIL CHAMBERS – 1ST FLOOR

10:00 AM

1. CALL TO ORDER

The meeting was called to order by Chairwoman Conwell at 10:06 a.m.

2. ROLL CALL

Ms. Conwell asked Deputy Clerk Muller called the roll. Committee members Conwell, Rogers and Gallagher were in attendance and a quorum was determined. Councilmember Miller was also in attendance.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM DECEMBER 6, 2012

- a) 9:30 a.m.
- b) 1:00 p.m.

A motion was made by Mr. Gallagher, seconded by Mr. Rogers and approved by unanimous vote to approve the minutes of the December 6, 2012 meetings.

5. MATTERS REFERRED TO COMMITTEE/EXECUTIVE SESSION

- a) Consideration of personnel matters as it relates to the appointment of a Hearing Officer for the Board of Revision

A motion was made by Mr. Rogers, seconded by Mr. Gallagher, and approved by unanimous roll call-vote to move to Executive Session for the purpose of discussing personnel matters relating to the appointment of a Hearing Officer for the Board of Revision, and for no other purpose whatsoever. Executive Session was then called to order by Chairwoman Conwell at 10:08 a.m. The following members were present: Committee members Conwell, Rogers and Gallagher. The following additional attendees were present: Councilmember Miller, Assistant Law Director Amy Marquit-Renwald and Research & Policy Analyst Kahlil Seren. At 10:41 a.m., Executive Session was adjourned, without objection, and Chairwoman Conwell then reconvened the regular meeting.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss, the meeting was adjourned by Chairwoman Conwell at 10:42 a.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0250

Sponsored by: County Executive FitzGerald/Department of Human Resources	A Resolution authorizing an amendment to Contract No. CE1200241-01 with Caremark PCS Health, L.L.C. for pharmacy benefit management services for the period 1/1/2012 - 12/31/2014 for additional funds in the amount not-to-exceed \$3,500,000.00; authorizing the County Executive to execute the amendment and all other documents required consistent with this Resolution.
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WHEREAS, the County Executive FitzGerald/Department of Human Resources has recommended an amendment to Contract No. CE1200241-01 with Caremark PCS Health, L.L.C. for pharmacy benefit management services for the period 1/1/2012 – 12/31/2014 for additional funds in the amount not-to-exceed \$3,500,000.00; and

WHEREAS, funding for this amendment is 100% from the General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. The County Council hereby approves an amendment to Contract No. CE1200241-01 with Caremark PCS Health, L.L.C. for pharmacy benefit management services for the period 1/1/2012 – 12/31/2014 for additional funds in the amount not-to-exceed \$3,500,000.00.

SECTION 2. That the County Executive is hereby authorized to execute all documents required in connection with the amendment.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: November 27, 2012
Committee(s) Assigned: Human Resources, Appointments & Equity

Journal CC008
December 11, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0015

<p>Sponsored by: County Executive FitzGerald/Department of Human Resources</p>	<p>A Resolution making an award on RQ24707 to The Guardian Life Insurance Company of America in the amount not-to-exceed \$12,300,000.00 for dental group healthcare benefits for County employees and their dependents for the period 1/1/2013 - 12/31/2015; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Human Resources has recommended an award on RQ24707 to The Guardian Life Insurance Company of America in the amount not-to-exceed \$12,300,000.00 for dental group healthcare benefits for County employees and their dependents for the period 1/1/2013 – 12/31/2015; and

WHEREAS, this project will be funded 100% from the General Fund and the schedule of payments is monthly by premium report.

WHEREAS, it is necessary that this Resolution become immediately effective because the projects term began January 1, 2013. The project was delayed because the vendor needed time to pull together all required forms and documentation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby makes an award on RQ24707 to The Guardian Life Insurance Company of America in the amount not-to-exceed \$12,300,000.00 for dental group healthcare benefits for County employees and their dependents for the period 1/1/2013 – 12/31/2015.

SECTION 2. That the County Executive is authorized to execute a contract in connection with said award and all documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective in order that critical services provided by the Cuyahoga County Department of Human Resources can continue without interruption, and to provide for the usual, daily operation of the County. Provided that this Resolution receives the affirmative vote of at least eight

members of County Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: January 22, 2013

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0003

Sponsored by: County Executive FitzGerald/Department of Human Resources	An Ordinance providing for modifications to and adoption of the Cuyahoga County Human Resources Personnel Policies and Procedures Manual to be applicable to all County employees, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the County Executive/Department of Human Resources has recommended to amend the Human Resources Personnel Policies and Procedures Manual; and,

WHEREAS, Cuyahoga County Charter Section 9.01 provides that the County's Human Resources Policies and Systems for County employees shall be established by ordinance and shall be administered in such a manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, on April 5, 2011, County Council adopted the Human Resources Personnel Policies and Procedures Manual ("the Policy Manual") for a period not-to-exceed June 30, 2011 (Ordinance No. O2011-0015); and,

WHEREAS, on June 28, 2011, County Council extended the effective period for the Policy Manual for a period not-to-exceed December 31, 2011 (Ordinance No. O2011-0028); and,

WHEREAS, on January 24, 2012, County Council adopted the amended version of the County's Human Resources Personnel Policies and Procedures Manual (Ordinance No. O2011-0061); and,

WHEREAS, the Cuyahoga County Human Resource Commission met on December 19, 2012, and has recommended approval of the proposed revisions to the County's Human Resources Personnel Policies and Procedures Manual; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Adoption of Revised Human Resources Personnel Policies and Procedures Manual: Council hereby adopts the amended version of the County's Human Resources Personnel Policies and Procedures Manual that is attached hereto as Exhibit "A" as effective for all County employees (added language is underlined; deleted language in ~~strike through~~), and shall remain in force and effect and shall be followed by County employees under the authority of the County Council and the County Executive.

SECTION 2. Administrative Rules: The Cuyahoga County Administrative Rules, adopted by the Cuyahoga County Board of Commissioners and last revised 7/23/2009, are hereby rescinded, as superseded by the Personnel Policies & Procedures Manual of the Cuyahoga County Human Resources.

SECTION 3. Administrative Rules: Section 2.02, the following language shall be redacted: "the Cuyahoga County Administrative Rules," and replaced with "the Human Resource Commission and Cuyahoga County Council."

SECTION 4. Ethics Policy: Section 3.01 shall be modified to incorporate bulleted points to highlight keywords for easier searching of the electronic versions of the Policy Manual. Keywords included in the bulleted points are: Secondary Employment Information and Reporting Requirements, Candidacy for Public Office, Employment of Relatives, Nepotism, and Sexual Harassment.

SECTION 5. Background Check: Section 5.05, the word "criminal" shall be redacted from the section. The language relating to the disclosure of convicted crimes shall be omitted and in its place, a list of possible employee background checks the County may perform has been included. The following language shall be redacted: "Conviction of a crime or a history of criminal convictions may prevent an applicant from being offered employment," and shall be replaced with: "A misdemeanor or felony may preclude an individual from employment."

SECTION 6. Performance Evaluation: Section 5.08, the following language shall be redacted: "Each evaluation shall measure the employee's performance for the year immediately preceding the evaluation date," and shall be replaced with "Employee evaluations may occur more than once per year."

SECTION 7. Non-Bargaining Position Audits: Section 5.09 shall be modified to include language that if a position audit results in reclassification to a higher pay range/no change in a classification that the employee will be adjusted "in accordance with the County's current Pay Equity Ordinance."

SECTION 8. Bi-Lingual Pay Supplement: In accordance to Section 5.21, the following language shall be included within this new Section: "The County will pay a supplemental 5% pay increase to an employee's base pay for specifically designated job classifications. Employees must perform the mandatory duties in written or verbal fashion at least 20% of the time. Also, use of Braille or hand sign language would apply."

SECTION 9. Direct Deposit Program: Section 6.12 shall include language from Ordinance No.O2012-0025.

SECTION 10. Smoke & Tobacco Free Workplace: Section 7.02 shall include language that allows for inclusion of all tobacco products, in which this Section applies to “all employees, clients, and visitors or persons otherwise required to be in a County facility, vehicle or those driving their personal vehicles when transporting persons on company authorized business.” Section 7.02 shall also include language about the incentive program and assistance to help tobacco users quit.

SECTION 11. Fitness for Duty – Drug and Alcohol Testing: Section 7.04 shall be modified to illustrate that the County offers no guaranteed second chance or last chance. Section 7.04 shall also include language in which employees who test positive will be offered enrollment in the Fitness for Duty program on a case-by-case basis.

SECTION 12. Sustainable Cuyahoga County: Section 7.10 shall be removed.

SECTION 13. Lactation Policy: In compliance with the amended FLSA by the Patient Protection and Affordable Care Act, the new Section 7.10, *Lactation Policy*, shall be added to the County’s Human Resources Personnel Policies and Procedures Manual. The language in this section illustrates the objective of the County to provide comprehensive service including lactation time, a private separate space, and workplace support for any employee who is breastfeeding her child up to one year after the child’s birth.

SECTION 14. FMLA Coordination with Other Leaves of Absence: Section 8.05 shall include the language: “when the County offers or mandates furlough time, FMLA will only commence after all furlough time has been exhausted.”

SECTION 15. Sick Leave: Section 9.03 shall be modified to replace the reference to “Section 2.04” to read “Section 2.03.”

SECTION 16. Maternity/Paternity Leave Policy: In compliance with TITLE VII as amended by the Pregnancy Discrimination Act, Section 9.10, *Maternity/Paternity Leave Policy*, shall be added to the County’s Human Resources Personnel Policies and Procedures Manual. The language in this section illustrates that employees who do not meet the minimum eligibility requirements for FMLA consideration are eligible for this maternity/paternity leave. According to this Section, employees may receive a maximum of 12 weeks unpaid leave (with ability to use any accrued sick time concurrent with the 12 weeks). Also, included is the language in which employees are eligible to reserve 40 hours of sick time to be utilized upon their return from approved FMLA or maternity/paternity leave.

SECTION 17. Workers’ Compensation: Section 12, shall include modified language to reflect the County’s new Managed Care Organization as University Hospitals CompCare and to include their contact information. Also, the “Worker’s

Compensation Injury Reporting Packet” in Section 12.03, shall be renamed as a “Cuyahoga County Injury Care Packet.”

SECTION 18. Criminal Conviction: Section 13.07, the following language shall be redacted: “pursuant to Section 5.05 of this Manual, all applicants for appointment to positions under the County are required to declare whether they have been previously convicted of certain crimes. Any employee that fails to disclose a previous criminal conviction or current arrest for one of the listed crimes on their application is subject to disciplinary action, up to and including removal for falsification of their application.” Additional language in Section 13.07 shall be included that if the employees are “arrested and/or charged” they need to report said arrest or change to HR.

SECTION 19. Inappropriate Conduct/Grounds for Discipline: Section 13.08 shall incorporate additional examples of inappropriate conduct and the grounds for discipline.

SECTION 20. Progressive Discipline Program: Section 13.09 shall incorporate new definitions of verbal reprimands and working suspensions.

SECTION 21. Appeals: Sections 13.12 and 14.04 shall incorporate new appeals language on filing at the Cuyahoga County Human Resource Commission, how the appeal shall be filed, claims information and the time frame in which the appeal shall be filed.

SECTION 22. Attendance Control Plan: Section 14.03 shall include “working suspensions” for Stage 2 AWOL infractions, as well as language reflecting AWOL stages which shall start at 10 hours, 20 hours, and 36 hours.

SECTION 23. Driving on County Business/Use of County Fleet Vehicles: Section 16.03 shall include the following language: “Smoking is strictly prohibited within an employee’s personal vehicle when transporting other employees and/or the public throughout the course of County business.”

SECTION 24. It is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of a County entity. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 25. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: January 22, 2013

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal _____
_____, 2013

Personnel Policies and Procedures Manual



Cuyahoga County Department of Human Resources

Initial Effective Date: 4/5/11 (Ordinance No. O2011-0015)

1st Revision: 4/5/11 (Ordinance No. O2011-0028)

2nd Revision: 6/28/11 (Ordinance No. O2011-0043)

3rd Revision: 1/24/12 (Ordinance No. O2011-0061)

4th Revision: 2/14/12 (Ordinance No. _____)

5th Revision: _____

Cuyahoga County
Department of Human Resources



Policies and Procedures Manual

Last Revised: 1/24/12

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Comment [jjs1]: Updated with new sections

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Section 1:
**INTRODUCTION / GENERAL
INFORMATION**

1.01 **Introduction**

Cuyahoga County (“County”) is responsible for providing many vital services to the citizens of Cuyahoga County through its employees. The County expects employees to fulfill their role in providing these services and to perform their job in a professional, fair, honest, and thorough manner. The County expects that employees will strive for excellence in advancing the County’s mission, demonstrating integrity and professional standards.

1.02 **Administration**

All matters relating to the administration of the policies and procedures in this Manual will be under the general supervision of the Director of the Department of Human Resources (“Human Resources”).

Questions regarding interpretation and application of this Manual should be directed to Human Resources.

1.03 **Disclaimer / Reservation of Rights**

The policies and procedures set forth in this Manual supersede all previous written and unwritten County personnel policies. This Manual does not constitute a contract of employment, expressed or implied, and should not be considered as such. Furthermore, this Manual is not a limitation on the County’s right to direct its workforce. Unless restricted by law, the County reserves all rights to manage its workforce. The policies and procedures contained in this Manual do not reflect or represent every conceivable factual situation, but those most often encountered. Situations may differ and will be handled as warranted by the circumstances and at the discretion of the County. The policies and procedures in this Manual are intended to be guidelines to employees and managers. The County retains the right to amend, add to or change the policies and procedures in this Manual at any time.



1.04 Relationship to Collective Bargaining Agreements

For employees covered by a collective bargaining agreement, the terms and conditions of the collective bargaining agreement supersede this Manual on any subject covered by the collective bargaining agreement. The subjects covered in this Manual do not diminish the County's management rights and should not in any way be considered a waiver of these rights. Employees should contact their union representative or Human Resources should they have any questions regarding conflicts between your collective bargaining agreement and this Manual.

1.05 Relationship to Departmental Policy and Procedure Manuals

The terms and conditions of this Manual supersede any contradictory terms or conditions set forth in any Departmental Policy and Procedure Manual.

Sections 1.04 & 1.05



1.06 Building Closure Policy

Timesheet Code: **AWD**

Closing for the Full Day

In the event that it appears necessary to close County Buildings for a complete day, either the evening before or prior to 6:30 a.m. on the day of the proposed closing, the County Executive or designee will authorize the placing of a recording on the County's main number (216) 443-7000 regarding the closing of County Buildings. The recording will also identify the County's 24-hour security number (216) 443-2141. This number will provide person-to-person solutions in unusual cases of emergency.

In addition, arrangements for dissemination of County building status information have been made with local television and radio stations. These announcements can be heard/found on the following radio and television stations/websites:

Television Stations

WKYC – TV, Channel 3
WOIO-TV, Channel 19
WUAB-TV, Channel 43
WVIZ/PBS, ideastream

Radio Stations

WTAM, 1100 AM
WMVX, 106.5 FM
WMJI, 105.7 FM
WGAR, 99.5 FM
WAKS, 96.5 FM
WMMS, 100.7 FM
WHLO, 640 AM
WKDD, 98.1 FM
WCRF, 103.3 FM
WCPN, 90.3 FM
WCLV, 104.9 FM
Radio Free Ohio, 1350 AM

Websites

www.cuyahogacounty.us
www.wkyc.com
www.wtam.com
www.wmvx.com
www.wmji.com
www.wgar.com
www.kisscleveland.com
www.wmms.com
www.640whlo.com
www.wkdd.com
www.1350radiofreeohio.com

The announcement will state “CUYAHOGA COUNTY GOVERNMENT BUILDINGS CLOSED.” In the absence of an announcement, employees should assume the County's buildings are open for operation.

Early Closings / Abbreviated Work Day

Employees will be notified by their respective Department's management should it be necessary to close buildings early because of weather or other emergency. Employees will be instructed by management as to the actual closing time of the building and the proper procedure for completing their timesheet for that day.

“Essential Employees”

Any notice of closing will not apply to “essential employees” (i.e., employees necessary to protect the immediate safety and/or security of person or property for which the County has direct responsibility, or the provision of emergency services which cannot be interrupted.) All elected officials, agency heads, and Department Directors will identify their essential employees and any buildings that must remain open and operating during an emergency building closing.



1.07 Employee Communications with the Media

Any news media request for comment (e.g., on-camera interview, interview by a newspaper) shall be referred immediately to the Director of Communications or applicable Department Director and/or designee for official response.

1.08 Acknowledgement of Receipt

Employees are required to acknowledge receipt of this Manual (either electronically or in writing) and are required to make themselves familiar with its contents. A copy of each employee's acknowledgement will be retained by Human Resources.



Section 2: CIVIL SERVICE

2.01 **Classification**

Pursuant to the [Ohio Revised Code](#) (“[Revised Code](#)”), County employees are divided into either unclassified service or classified service.

Unclassified Service

The unclassified service is comprised of the specific positions listed in the Revised Code, which includes, but is not limited to, Department Directors, the clerical and administrative staff of the County Executive, student interns, and temporary employees. All offices and positions in the unclassified service are exempt from civil service examination and have no tenure under the law. Unclassified employees serve at the pleasure of the County.

Classified Service

All other employees are deemed to be classified employees and their employment is subject to the provisions of the Ohio Revised Code, the Ohio Administrative Code, the Cuyahoga County Administrative Rules and this Manual.

2.02 **Administrative Rules**

The County has adopted the rules applicable to county government contained in the [Ohio Administrative Code Chapter 123](#) and [O.R.C 124](#) except as they are modified by the [Human Resource Commission](#) and Cuyahoga County [Administrative Rules Council](#).

2.03 **Prior Service**

Employees who have prior service with the County or another political subdivision of the State of Ohio may be eligible for a higher vacation accrual rate or credit for unused accumulated sick leave.

Employees must provide Human Resources with a letter from their former employer(s), on their letterhead, with qualifying start and end dates of employment and with verification of any unused accumulated sick leave. Vacation accrual rates and available sick leave balances shall be adjusted and be effective upon receipt of documentation deemed acceptable by the County.

NOTE: See [Section 9.02](#) for more information on the impact of prior service on vacation accrual rates and [Section 9.03](#) for the impact on sick leave balances.



Section 3: CODE OF ETHICS

3.01 **Ethics Policy**

It is the policy of the County to carry out its mission in accordance with the strictest ethical guidelines and to ensure that County members and employees conduct themselves in a manner that fosters public confidence in the integrity of the County, its processes, and its accomplishments. Failure to adhere to the standards of ethical conduct may subject an employee to discipline, up to and including removal, pursuant to Section 13 of this Manual as well as criminal prosecution in certain cases.

Please consult the Ethics Policy found ~~See complete policy~~ at hr.cuyahogacounty.us. Hard copies are available upon request to Human Resources.

Information regarding, but not limited to the following can be found in the Ethics Policy:

- [Secondary Employment Information and Reporting Requirements](#)
- [Candidacy for Public Office](#)
- [Employment of Relatives](#)
- [Nepotism](#)
- [Sexual Harassment](#)



Section 4: **EQUAL EMPLOYMENT OPPORTUNITY**

4.01 **Diversity Statement**

The County recognizes the value of diversity and all the benefits of fostering an inclusive work environment. All County employees should strive to create and support a work environment representative of the citizens we serve and reflective of the demographics of Cuyahoga County.

Diversity represents those human qualities that are different from our own and outside the groups to which we personally belong. Diversity incorporates the primary characteristics of age, ethnicity, gender, physical abilities and challenges, race and sexual orientation. Diversity dimensions also include educational background, geographic location, parental status, military experience, religious beliefs, and social, economic and political affiliation.

4.02 **Affirmative Action Policy**

Through affirmative action, the County seeks to enhance its equal employment opportunity goal and achieve equitable and sufficient representation of protected class members who have traditionally been underrepresented at all levels of employment and specifically where under-utilization exists.

The County shall make good faith efforts to recruit, train, hire, and promote members of these groups at sufficient levels. This includes preventing discrimination in hiring and promoting, providing access to varieties of jobs at all levels of pay and enhancing opportunities for these groups.



4.03 **Equal Employment Opportunity Policy**

The County is committed to maintaining a professional work environment in which all individuals are treated with respect and dignity. Each employee has the right to work in an atmosphere which promotes equal opportunities and prohibits discriminatory practices, including harassment. It is the policy of the County to assure equal employment opportunities to all persons. The County strictly prohibits discrimination against any person in the recruitment, training, examination, appointment, retention, discipline or any other aspect of personnel administration based on any of the following characteristics (“protected characteristics”):

- Age
- Ancestry
- Disability
- Genetic Information
- Military Status
- National Origin
- Race
- Religion
- Sex / Gender
- Sexual Orientation
- Veteran Status

The County will not condone nor tolerate acts of discrimination and/or harassment, including sexual harassment, by any supervisor or employee under any circumstances. Appropriate corrective action will be taken if any employee is in violation of this policy.

Employees who feel that they have been discriminated against in violation of this Policy should immediately report their complaint in accordance with the County Equal Employment Opportunity Complaint Procedure ([Section 4.05](#)).



4.04 Workplace Harassment Policy

In furtherance of its Equal Employment Opportunity Policy, the County strictly prohibits any form of “workplace harassment”. “Workplace harassment” is defined as:

- Conduct, whether verbal, non-verbal or physical;
- That is based on a person’s protected characteristic (*see above*); and
- Creates an intimidating, hostile or offensive work environment that unreasonably interferes with work or negatively affects an individual’s employment opportunities.

Workplace harassment can occur between co-workers, an employee and a supervisor/manager, or an employee and a non-employee who conducts business with the County.

Sexual Harassment

The County’s prohibition against “workplace harassment” includes a zero tolerance policy prohibiting sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature that takes place under either of the following conditions:

- Submission to or rejection of this conduct by an individual is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, pay increases, termination or other aspects of employment; or
- This conduct substantially interferes with an individual’s employment or creates an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include, but are not limited to:

- Unwanted sexual advances;
- Demands for sexual favors in exchange for favorable treatment or continued employment;
- Repeated sexual jokes, flirtations, advances or propositions;
- Verbal abuse of a sexual nature - graphic, verbal commentary about an individuals’ body, sexual prowess or sexual nature;
- Whistling or leering;
- Touching, pinching or assault;
- Coerced sexual acts;
- Suggestive insulting, obscene comments or gestures; and
- Display in the workplace of sexually suggestive objects, pictures or written material.

All forms of workplace harassment are unacceptable in the workplace itself and by any employee, in any setting involving business and outside the workplace, including but not limited to, other work-related settings such as business trips, holiday parties, office picnics and County approved events which employees attend.

Employees who feel that they have been subjected to harassment in violation of this Policy should immediately report their complaint in accordance with the County Equal Employment Opportunity Complaint Procedure (Section 4.05).



4.05 Equal Employment Opportunity Complaint Procedure

Employees who feel that they have been subject to discrimination or harassment in violation of the policies set forth in this Manual should immediately report their complaint in accordance with the procedure in this section. An employee or applicant wishing to file a discrimination, harassment, and/or retaliation complaint should contact Human Resources at (216) 443-7190 or TTY (216) 443-7002.

Employees may also contact their immediate supervisor or their Department Director if they so choose. The supervisor or Director will then refer the matter to Human Resources.

If, after initial review of the complaint, it is determined that the complaint involves equal employment opportunity issues, Human Resources will initiate a thorough investigation into the complaint to determine whether there has been a violation of the Equal Employment Opportunity Policy, Workplace Harassment Policy, and/or Anti-Retaliation Policy. The investigation by Human Resources may include:

- Interviews of the complainant, the charged party and any other relevant witnesses;
- Requests for written statements by the complainant, the charged party and any other relevant witnesses; and
- Review of relevant documentation and personnel files.

Efforts will be made to complete the investigation in a prompt manner. The length of the investigation will vary based on the circumstances surrounding the investigation.

Information obtained in the course of investigations will remain confidential to the extent required by law. Information will be kept confidential unless disclosure is required to further the investigation or unless the County is required to release such information as a result of judicial, administrative or grievance proceedings or under the Ohio Public Records Law.

After obtaining and reviewing all necessary information, Human Resources will issue a determination as to whether there is probable cause to believe that the charged party has violated any of the County's equal employment opportunity policies. The complainant and the charged party will be informed in writing of the determination.

If Human Resources finds that there is probable cause, Human Resources, in consultation with Department management, will determine the appropriate corrective action to remedy the violation. Corrective action for violations of County Equal Employment Opportunity, Workplace Harassment, and Retaliation Policies, includes, but is not limited to:

- Discipline, up to and including removal, of the charged party pursuant to the County Discipline Policy ([Section 13](#));
- Mediation referral ([Section 7.08](#));
- Training ([Section 13.10](#)); and/or
- Administrative transfers of employees to separate certain individuals.



4.06 Anti-Retaliation Policy

The County strictly prohibits retaliatory action against an individual who opposes discrimination and/or harassment.

“Opposing discrimination and/or harassment” may include, but is not necessarily limited to:

- Filing a charge of discrimination or harassment;
- Cooperating with an internal or external investigation of alleged discrimination or harassment;
- Complaining to anyone about alleged discrimination against oneself or others;
- Threatening to file a charge of discrimination or harassment;
- Refusing to obey an order reasonably believed to be discriminatory;
- Picketing in opposition to discrimination; or
- Requesting a reasonable accommodation based on religion or disability.

“Retaliatory action” may include, but is not necessarily limited to:

- Employment actions, such as termination, refusal to hire and denial of promotions;
- Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references or increased surveillance; or
- Any other action such as an assault or unfounded civil or criminal charges that is likely to deter reasonable people from pursuing their rights.

Any action that is perceived to be retaliatory against an individual should be immediately reported in accordance with the County Equal Employment Opportunity Complaint Procedure ([Section 4.05](#)).



4.07 The Americans With Disabilities Act (“ADA”)

The County, in accordance with the Rehabilitation Act of 1973, Section 504, and the Americans with Disabilities Act of 1990 (“ADA”), seeks to assure its employees that no individual will be discriminated against in a county workplace due to a disability. Under the ADA, the term disability means: "(a) A physical or mental impairment that substantially limits one or more major life activities of an individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment." Simply having a disability does not ensure ADA coverage.

An “ADA Reasonable Accommodation” may be provided to qualified employees. What constitutes a reasonable accommodation will vary from case to case depending on the needs of the position and of the qualified employee. There is no guarantee that a reasonable accommodation will exist for every situation.

The County seeks to ensure that individuals with a disability are hired and retained, and have reasonable access to County owned and leased facilities, as well as facilities occupied by providers under contract with the County to provide services.

ADA Reasonable Accommodation Request Procedure

The County’s ADA Reasonable Accommodation Request Procedure serves to verify the existence of a disability and the need for an accommodation in testing, program accessibility, or employment.

To request an ADA accommodation, the employee is required to contact Human Resources (216-443-7190) to request a copy of the required forms. The forms need to be returned to Human Resources, who will then contact the medical provider for verification of disability information provided by the employee.

Upon receipt of the required medical information, Human Resources will engage the employee in an interactive process to:

- Ascertain the individual's precise job-related limitations and how they can be overcome with reasonable accommodation; and
- To identify potential accommodations and assess the effectiveness of each.

Human Resources, with input from the employee, department management and other necessary professionals, will determine whether or not a reasonable accommodation may be fashioned, and whenever possible, will recommend an appropriate accommodation. The appropriate accommodation need not be the one desired by the employee.

Human Resources will forward a copy of their recommendation(s) to the Department Director. Once the Director approves the recommendation, Human Resources will then inform the employee. The Employment Relations Division will monitor the situation to ensure that the agreed upon accommodation is achieved and maintained as long as required.



4.08 Religious Accommodation

In accordance with federal and state laws and County policy, the County prohibits discrimination on the basis of religion. The County provides reasonable accommodations for sincerely held religious beliefs and/or practices unless doing so would impose an undue hardship on the County. A reasonable religious accommodation is an adjustment to the work environment that will allow an employee to comply with his or her religious beliefs. An employee seeking a reasonable religious accommodation should initially approach their immediate supervisor to discuss their request. If the employee is not satisfied with their supervisor's response, the employee can forward their request to Human Resources for review. Human Resources will respond to the employee's request within a reasonable time.



Section 5: **EMPLOYMENT WITH THE COUNTY**

5.01 **Application**

All persons applying for original appointment to a position under the County shall complete and file with Human Resources an "Employment Application Form".

No applicant shall be required to disclose their religious or political affiliation or racial or ethnic origin, except as necessary to gather equal employment opportunity or other statistics that, when collected, will not identify any specific individual.

5.02 **Examinations**

Appointments and promotions for positions in the classified service are made according to merit and fitness, which are evaluated through competitive examinations and/or other appropriate mechanisms as determined by the Director of Human Resources. An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination may involve structured interviews, assessment centers, work simulations, examination of knowledge, skills and abilities, and any other acceptable testing methods.

5.03 **Employment Eligibility Verification**

In accordance with the Immigration Reform and Control Act of 1986, the County is committed to employ only United States citizens and aliens lawfully authorized to work in the United States.

Employees hired after June 1, 1987, are required to complete Section 1 of Form I-9 Employment Eligibility Verification and present documentation within three working days to Human Resources to verify identity and employment eligibility.

Human Resources shall examine the documentation and, if satisfied, shall complete Section 2 of Form I-9 to record information. The completed Form I-9 shall be retained for three years or for one year past the employment of the individual, whichever is longer.



5.04 Applicant Drug Testing

All final applicants tentatively offered a position under the County will be required to submit to urinalysis to test for illegal drug use prior to final appointment. An applicant with a positive test may not be offered employment for a period of one (1) year from the date of the positive test. Applicants shall have an opportunity to submit medical documentation of legally prescribed medications which may explain a positive test result.

NOTE: See Section 7.04 for more information on County drug/alcohol testing policies and procedures.

5.05 Criminal Background Check

All outside applicants for employment may be required to submit to fingerprinting for a ~~criminal~~ background check. A ~~criminal~~ background check may also be required for current employees who are applying for certain types of positions under the County (e.g., positions working with children or seniors). The County in its discretion may also periodically conduct ~~criminal~~ background checks of current employees.

~~In addition to the performance of a criminal background check, all applicants for employment are required to disclose whether they have been convicted of any of the following crimes:
Felonies (or under arrest for crime punishable as a felony);
Crimes involving dishonesty, fraud, or theft (e.g., forgery, burglary, robbery, credit card fraud, perjury, bribery, tax evasion);
Crimes of moral turpitude (e.g., sex offenses, pandering, prostitution, importuning, public indecency)~~

~~The following types of employee background checks will be performed:~~

- ~~• Prior employment verification~~
- ~~• Personal and professional references~~
- ~~• Educational verification~~
- ~~• Criminal history~~
- ~~• Motor vehicle (if applicable)~~

NOTE: Current employees are required to disclose if they are arrested and/or charged for certain crimes. See Section 13.07.

~~A misdemeanor or felony may preclude an individual from employment. Conviction of a crime or a history of criminal convictions may prevent an applicant from being offered employment.~~

Determination of such action will be based on an analysis of the responsibilities of the position and the nature and time frame of the conviction. Current employees may also be subject to



discipline, up to and including removal, pursuant to Section 13 of this Manual, if a background check reveals a criminal conviction.

5.06 **New Hire Orientation / ID Badges**

All newly appointed employees are required to attend a general County employee orientation. Newly appointed employees may also be required to attend additional employee orientations as required by their respective department.

New employees will receive an identification badge from the County at no cost. Employees are required to wear their identification badges at all times while on County property or County business. It is the responsibility of the employee to contact their supervisor immediately if an identification badge is lost, stolen or damaged. Employees are required to request a new badge within five (5) working days. Employees will be charged a replacement fee to obtain a new badge. Non-compliance with this Section could subject the employee to disciplinary action under Section 13 of this Manual.



5.07 **New-Hire Probationary Period**

All newly appointed employees to a non-bargaining, full or part-time classified position shall be required to successfully complete a probationary period of no less than one hundred eighty (180) calendar days, with its effective date beginning the date of appointment. No appointment is final until the employee has satisfactorily served the probationary period. A probationary employee may be removed or reduced at any time during the probationary period when, in the sole judgment of the County, the employee's fitness and/or quality of work are not such as to merit continuation in the position. A probationary employee has no right to appeal the removal or reduction under the Revised Code.

NOTE: The length of a probationary period for a part-time employee shall be determined in accordance with Ohio Administrative Code Section 123:1-19-04.

A longer probationary period, not in excess of one (1) year, may be established for specific job classifications. The Director of Human Resources may extend an employee's probationary period to allow additional time to review the employee's performance. No extension may be granted, however, if the extension would cause the total probationary period to exceed one (1) year.

Probationary employees will be evaluated with respect to performance efficiency twice during their probationary period. The first performance evaluation will be completed within thirty (30) days of the conclusion of the first half of the probationary period. The second evaluation will be completed within thirty days of completion of the probationary period, unless the employee is given a probationary removal or reduction, in which case the final evaluation will be made at the time of the removal or reduction. The final probationary evaluation shall state whether the employee is to be retained, removed or reduced.

The following time shall not be counted as part of the probationary period:

- Days spent on any unpaid leave of absence; or
- Days spent on a paid leave of absence for more than five (5) consecutive working days.

The employee's probationary period shall be extended by a number of days equal to the number of days that are not counted as part of the probationary period. For example, an employee who misses 10 consecutive working days on paid sick leave will have their probationary period automatically extended for 10 working days.

NOTE: Probationary periods and probationary evaluation requirements for bargaining unit employees are set forth in each applicable collective bargaining agreement.



5.08 Performance Evaluation

Performance evaluations are an opportunity for management to assess work performance of employees and to provide them with instructive feedback. Classified employees will be evaluated with respect to performance efficiency on a schedule determined by the Director of Human resources. ~~Each evaluation shall measure the employee's performance for the year immediately preceding the evaluation date.~~ Employee evaluations may occur more than once per year.

Each employee will be evaluated by their immediate supervisor. Upon completion of their evaluation, the evaluator shall prepare a Performance Evaluation Form and review it with the employee. The employee shall sign the evaluation to indicate that he or she has received a copy of the completed form. The employee's signature on the form does not indicate agreement with its contents; it merely acknowledges receipt of the form. Refusal of the employee to sign the form shall constitute waiver of the employee's appeal rights outlined below.

Employees who disagree with their performance evaluation are entitled to prepare a rebuttal statement that will be attached to their evaluation prior to placement in the employee's personnel file.

NOTE: Bargaining unit employees should refer to their collective bargaining agreement for information on performance evaluations.



5.09 Non-Bargaining Position Audits

Non-probationary, non-bargaining, classified employees who believe that their duties have changed significantly and feel that their classification is no longer appropriate may request a position audit.

An employee wishing to initiate a position audit shall submit their request in writing to the Director of Human Resources. Upon receipt of the employee's request, Human Resources shall forward a Comprehensive Position Questionnaire (CPQ) to the employee for completion. The CPQ will be accompanied by a cover letter and instructions for completing the CPQ. The cover letter will also be sent to the employee's Department Director.

The employee shall return the completed CPQ forms to Human Resources within thirty (30) days of receipt. The employee may request in writing to the Director of Human Resources a **onetime** extension of time in which to complete the CPQ. The deadline, however, may not be extended beyond thirty (30) days after the original due date.

Human Resources will review all submitted information and will make a determination as to the appropriate classification. To meet the classification criteria, an employee must perform the mandatory duties stated in the classification function at least 20% of the time. Prior to rendering a decision on the position audit request, Human Resources reserves the right to conduct an on-site audit. Upon completion of their review, Human Resources will send results of the position audit to the employee by certified mail to the address listed on the employee's Request for Position Audit Form with a copy to the Department Director. The employee has the right to appeal the decision rendered by Human Resources. This must be done in writing to the Cuyahoga County Human Resources Commission (HRC) within thirty (30) days of receipt of the letter of notification from Human Resources.

NOTE: Employees may lose their appeal rights if their own negligence caused them to fail to receive the position audit decision from Human Resources (i.e., failure to list correct mailing address on Request for Position Audit Form or failure to sign for the certified letter).

If the position audit results in the employee being reassigned to a classification in a higher pay range, the employee's rate of pay shall be adjusted [in accordance with the County's current Pay Equity Ordinance](#). ~~to either the minimum of the new pay range or to the lowest step in the range which will reflect an increase of at least 5%, whichever is the greater increase.~~

If the position audit results in the employee being reassigned to a classification in a lower pay range, the employee's rate of pay may be reduced.

If the position audit results in no change in the employee's classification, but a change in the pay range assignment of the classification, the employee will be adjusted [in accordance with the County's current Pay Equity Ordinance](#). ~~to the same step in the new pay range.~~



If the position audit results in the employee being reassigned to a classification in a higher pay range, any salary adjustment will be computed retroactive to the beginning of the first pay period following the date that the written request for the position audit was received by Human Resources. If the position audit results in the creation of a new classification and/or pay range, any salary adjustment will be effective the first pay period following approval of the new classification and/or pay range by the County (i.e., not retroactive).

If, after conducting a position audit on an employee, Human Resources becomes aware of similarly situated employees, it will reassign the other employees, effective the beginning of the first pay period following the date that the decision was rendered on behalf of the employee that had requested the audit. Similarly situated employees will not be entitled to retroactive pay increases.

An employee may withdraw the request for a position audit at any time prior to a decision being rendered. An employee may not request a position audit more than once in a twelve-month (12) rolling period unless documentation acceptable to the Director of Human Resources is provided at the time of the second request that the job has substantially changed since the date of the completion of the previous audit.

An employee who has received a classification change pursuant to this Section is not required to serve a new probationary period.

NOTE: Bargaining unit employees should refer to their collective bargaining agreement for information on position audits.



5.10 **Promotion**

Promotions for positions in the classified service shall be made according to merit and fitness. Competitive examinations or other appropriate mechanisms to determine merit and fitness shall be utilized unless deemed impracticable by the Director of Human Resources.

Whenever a current employee is selected to fill a position which is in a higher pay range, the employee will be adjusted to the minimum of the new pay range, or be placed on a step in the higher pay range that reflects at least a five percent (5%) increase in his or her salary, whichever is greater. At no time will an employee be eligible for promotion while serving a probationary period.

Comment [E2]: This language needs to be reviewed

5.11 **Promotional Probationary Period**

All newly promoted classified employees shall be required to successfully complete a probationary period of one hundred eighty (180) days. The promotional probationary period follows the same procedures as the New Employee Probationary Period (Section 5.07) with regard to extension of the period, applicability of time spent on unpaid leave of absence and evaluation. No promotion is final until the employee has served the probationary period.

If an employee accepts a promotion and is found to be unsatisfactory in the advanced position, the employee shall be returned to the position from which the employee was promoted or to a similar position. Upon such return, the employee's salary shall be the same that the employee was receiving prior to promotion, except for changes in pay range that may have occurred or any step increase to which the employee would have been entitled in the lower classification.

Any employee failing a promotional probationary period shall have the right to appeal through the Employee Complaint Procedure (Section 17.03) within five days following issuance of notice of failure of probationary period. A probationary employee, however, has no right to appeal the removal or reduction under the Revised Code.

5.12 **Temporary Working Level (TWL)**

A TWL pay adjustment may be granted when an employee is temporarily assigned a significant amount of the duties of a position with a higher pay range for a minimum of a two (2) week period, but not to exceed one (1) year.

The employee must meet the minimum requirements for the position in the higher pay range to be granted a TWL pay adjustment. An employee that is granted a TWL pay adjustment will be placed on a step that reflects at least a 5% increase in his or her salary, or the lowest step in the higher pay range, whichever is greater.



5.13 **Lateral Class Change**

A lateral classification change involves the movement of an employee, with the employee's consent, from one classification to another classification that is assigned to the same pay range or to a pay range in which the step one rate is the same as the step one rate as the classification from which the employee moves. An employee who accepts a lateral classification change will not have their pay adjusted and will not be subject to a probationary period.

NOTE: The filing of a Request for Position Audit (Section 5.10) constitutes the employee's consent to a lateral classification change should that be the ultimate decision at the end of the position audit process.

5.14 **Demotion**

A demotion is a reduction in rank or position to a classification which carries a lower salary range than that previously held. A demotion shall only be made for one or more of the offenses set forth in Section 13.08 of this Manual, except when the employee voluntarily agrees to a demotion in writing.

An employee who is demoted will be placed on a step in the lower pay range which reflects at least a 5% decrease in salary or be adjusted to the maximum of the pay range of the new position, whichever is the greater reduction in salary.

Comment [E3]: This language needs to be reviewed

5.15 **Reduction**

"Reduction" means a change of the classification held by an employee to one having a lower base pay range, a change to lower step within a salary range with an accompanying diminution in compensation, or any decrease in compensation for an employee. A reduction shall only be made for one or more of the offenses set forth in the Section 13.08 of this Manual, except when the employee voluntarily agrees to a reduction in writing.



5.16 Resignation - Voluntary Termination of Employment

An employee may resign his or her employment with the County by submitting sufficient notice to the Department or Human Resources. Upon receipt of an employee's notice of Resignation, the Director of Human Resources will confirm acceptance of the employee's resignation to the employee in writing. A resignation notice may not be rescinded by an employee after acceptance by the Director, unless, in their sole discretion, the County accepts the employee's request to rescind.

Employees are requested, where possible, to provide fourteen (14) days advance written notice of their intended resignation.

5.17 Removal – Involuntary Termination of Employment

Removal is an involuntary termination of County employment. A removal shall only be made for one or more of the offenses set forth in [Section 13.08](#) of this Manual. Employees who are removed may appeal the removal to the HRC or in accordance with the terms of their [collective bargaining agreement](#) (See [Section 13.12](#) of this Manual for more information regarding an employee's right to appeal a removal action.)

5.18 Layoffs

County employees in the classified service may be laid off whenever a reduction in force is necessary due one or more of the following reasons:

- Lack of funds;
- Lack of work; or
- The abolishment of positions as a result of reorganization for the efficient operation of the County, for reasons of economy, or for lack of work.

Whenever it becomes necessary for the County to reduce its workforce, the County shall lay off employees or abolish their positions in accordance with the Revised Code and the administrative rules promulgated thereunder. Employees should refer to the applicable [Ohio Revised Code](#) and [Ohio Administrative Code](#) sections for detailed information regarding retention points, order of layoff, displacement rights and reinstatement rights.

Comment [E4]: Need to review this section

NOTE: Bargaining employees should refer to their respective [collective bargaining agreement](#) for information regarding to layoffs.



5.19 Disability Separation

An employee who is unable to perform the essential job duties of his or her position due to a disabling illness, injury or condition may be disability separated. A disability separation may be voluntary or involuntary.

Eligibility

An employee is eligible for disability separation if both of the following conditions are met:

1. The employee is unable to perform the essential job duties of his or her position due to a disabling illness injury or condition; and
2. The employee has exhausted all of his or her paid sick leave and applicable unpaid leave.

When the employee does not dispute his or her inability to perform the essential job duties of his or her position due to a disabling illness, injury or condition, the disability separation process is considered “**voluntary**” and the following conditions apply:

- The County may grant the employee’s request for voluntary disability separation or may require the employee to submit to a medical or psychological fitness for duty examination with a physician chosen by the County. If the examination supports the employee’s request, the County shall grant the employee’s request. If the medical examination does not support the employee’s request, the County will not approve the request.
- An employee who is granted a voluntary disability separation waives his or her right to a pre-separation hearing and to any appeal of the decision to approve his or her request.
- An employee who is granted a voluntary disability separation shall retain the right to be reinstated to his or her position for two (2) years from the date that the employee is no longer in active work status due to a disabling illness, injury or condition. An employee may submit a written request for reinstatement from a voluntary disability in accordance with the procedure established below.

When there is a dispute between the County and the employee as to the employee’s ability to perform the essential job duties of his or her position, the disability separation process is considered “**involuntary**” and the following conditions apply:

- The County must have substantial credible medical evidence of an employee’s disabling illness, injury or condition (e.g., a fitness for duty examination finding the employee unfit for duty).
- The County must determine that the employee is unable to perform any of his or her essential job duties.
- The County will institute a hearing prior to involuntarily disability separating an employee. The employee shall be provided written notice at least seventy two (72) hours in advance of the hearing. If the employee does not waive his or her right to the hearing in writing, the hearing shall go forward and the employee has the right to examine the County’s evidence of disability, to rebut that evidence, and to present testimony and evidence on his or her own behalf.



- If the County determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is unable to perform his or her essential job duties, then the County shall issue an involuntary disability separation order.
- An involuntarily disability separated employee shall have the right to appeal in writing to HRC within ten (10) days following the date the order is served.
- An employee shall have the right to request reinstatement to his or her position for two (2) years from the date of separation.

Reinstatement

An employee on disability separation may make a written request to the County for reinstatement from the separation. An employee may not make a first request for reinstatement until three (3) months from the date the employee was no longer in active work status. The County shall notify the employee of its decision to approve or deny the reinstatement request no later than sixty (60) days after it receives the employee's written request. The employee shall not make subsequent requests for reinstatement more than once every three (3) months from the date the employee is notified of a reinstatement denial.

An employee is not eligible for reinstatement if the request occurs later than two (2) years from the date that the employee was no longer in active work status due to the disabling illness, injury or condition.

NOTE: For purposes of reinstatement under this Section, the date of separation is the date in which the employee was no longer performing active work status due to the disabling illness, injury or condition. If an employee attempts to return to work but fails to perform the essential job duties for six (6) consecutive months, the employee's effective date of separation does not change.

An employee's request for reinstatement shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the employee's essential job duties. Upon receipt of this evidence, the County shall either reinstate the employee or require the employee to submit to a medical or psychological fitness for duty examination. If the County determines that the employee is unable to perform his or her essential job duties, the County will institute a pre-reinstatement hearing.

An employee shall be provided written notice at least seventy two (72) hours in advance of the pre-reinstatement hearing. If the employee does not waive the right to the hearing, then at the hearing the employee has a right to examine the County's evidence of continuing disability, to rebut that evidence, and to present testimony and evidence on his or her own behalf.

If the County finds the employee incapable of performing essential duties, the County will not reinstate the employee. The employee will be notified of this decision in writing and shall have the right to appeal in writing to HRC within thirty (30) days of receiving the decision.

If the County determines that the employee is to be reinstated, the employee has a right to be assigned to a position in the classification the employee held at the time of disability separation. If the classification the employee held at the time of disability separation no longer exists or is no longer utilized by the County, the employee shall be placed in a similar classification. If no similar classification exists, or if the employee no longer meets the minimum qualifications, the employee may be laid off in accordance with the Ohio Revised Code or in accordance with an applicable collective bargaining agreement.

County employees who are unable to perform the essential job duties of his or her position on a permanent basis due to a disabling illness, injury or medical condition, may be eligible for disability retirement through OPERS. Employees must contact OPERS to initiate the disability retirement process. If the employee has been granted disability benefits by OPERS, the reinstatement requirements of this Section may apply for up to five years.

NOTE: If the employee has been granted disability benefits by OPERS, the reinstatement requirements of this Section may apply for up to five years. *See* Section 5.20 of this Manual for more details.



5.20 Disability Retirement

County employees who are unable to perform the essential job duties of his or her position on a permanent basis due to a disabling illness, injury or medical condition, may be eligible for disability retirement through OPERS. Employees must contact OPERS to initiate the disability retirement process. Contact information for OPERS can be found in Section 11.06 of this Manual.

5.21 Bi-Lingual Pay Supplement

Comment [jjs5]: New Section

The County will pay a supplemental 5% pay increase to an employee's base pay for specifically designated job classifications. Employees must perform the mandatory duties in written or verbal fashion at least 20% of the time. Also, use of Braille or hand sign language would apply.



Section 6: **WORKWEEK AND HOURS / PAYROLL**

6.01 Compliance with the Fair Labor Standards Act (FLSA)

The FLSA is a federal law which requires that certain employees be paid at least the federal minimum wage for all hours worked and overtime for all hours worked over forty (40) hours in a workweek. It is County policy to comply with all requirements of the FLSA. In accordance with this policy, all positions with the County are categorized as either “non-exempt” or “exempt” based on the nature of the positions:

- **Non-Exempt Employees** – Non-exempt employees receive compensatory time or overtime for time worked beyond forty (40) hours in a workweek.
- **Exempt Employees** – Exempt employees do not receive compensatory time or overtime for time worked beyond forty (40) hours in a workweek. Subject to the provisions of 6.08 of this Manual, however, exempt employees may be eligible to receive exchange time for time worked beyond (40) hours.

An employee who believes that he or she has been improperly categorized as exempt or his or her paycheck has been improperly docked may file a complaint in accordance with the County FLSA Complaint Process ([Section 17.02](#)). If the County determines that the employee has been improperly categorized or docked, the employee will be re-categorized and/or reimbursed.



6.02 Attendance Records

Human Resources utilizes two methods for capturing time worked by employees: (1) timesheets – including paper and electronic forms; and (2) automated time recording system. The following attendance records policies and procedures are established pursuant to principles of public accountability. Attendance records are public records.

Each employee is generally required to record or clock his or her time at the moment of arriving to commence work and departing for the workday. Supervisors will arrange for a sign in/out procedure to be in place for all employees who are required to report directly to a worksite away from the location where the normal sign in/out procedure takes place. The employee, however, is solely responsible for accurately completing and signing his or her own timesheet.

Falsification of a timesheet is grounds for discipline, up to and including removal.

Employees who do not report to work on time are in violation of the Attendance Control Policy (Section 14.03). When an employee is tardy without approved leave (i.e., sick/vacation/FMLA), the time taken will be without pay and will be cumulative toward the employee AWOL hours (*see* Section 14.02).



6.03 Timesheet Recordkeeping

Timesheets (paper or electronic) are to be used to record reasons for absences and additional hours worked which qualify for overtime, compensatory time and/or exchange time. Timesheets will include the following codes for all the various possibilities for absences:

Reason for Absence	Timesheet Code	Policy Manual Section
Abbreviated Work Day	AWD	<u>1.06</u>
Absent w/out Official Leave	AWOL	<u>14.02</u>
Compensatory Time Leave	CT	<u>9.04</u>
Court/Jury Duty/HRC Leave	CL	<u>9.07</u>
Exchange Time Leave	ET	<u>9.05</u>
Extended Unpaid Sick/Medical Leave	LOA	<u>9.09</u>
FMLA Leave	FMLA	<u>8</u>
Holiday	H	<u>6.09</u>
Holiday w/out Pay	HX	N/A
Leave Donation	SLD	<u>9.08</u>
New-Hire Administrative Leave	ALX	<u>9.09</u>
Paid Administrative Leave	AL	<u>13.09</u>
Paid Military Leave	ML	<u>10.01</u>
Personal Day	PD	N/A
Personal Leave of Absence	LOA	<u>9.09</u>
Sick Leave	S	<u>9.03/9.06</u>
Suspension w/out Pay	SUSX	<u>13.09</u>
Suspension w/Pay	SUS	<u>13.09</u>
Unpaid Military Leave	MLX	<u>10.02</u>
Vacation Leave	V	<u>9.02</u>
Voluntary Work Reduction	VWR	<u>6.06</u>
Worker's Compensation Leave w/out Pay	WCX	<u>12.04</u>

Each employee is responsible for ensuring that the employee has adequate available leave time when requesting/claiming leave time on his or her timesheet. Employees who claim leave time that they do not have will be considered AWOL for the claimed period of time (See Section 14.02).

Employees shall adhere to the following procedure for accurately completing their timesheet:

- Accurately record the time they **began work and the time that they ended working** for each regular working day;
- Determine the number of hours and minutes worked each day (only if utilizing paper timesheet);
- Convert the time worked or time off to a decimal (only if utilizing paper timesheet);

- If time worked is less than the scheduled workday, note the hours off and indicate the reason for the absence (only if utilizing paper timesheet);
- Add the weekly regular, overtime, compensatory and exchange hours for each week to reflect in the breakdown of hours worked on the timesheet (only if utilizing paper timesheet); and
- Sign or electronically submit the timesheet to indicate their confirmation of the times noted as the arrival and departure for each day.

The sum of work time, authorized leave and time without pay shall not exceed the amount of time an employee would have been regularly scheduled to work in any day, unless overtime/compensatory time/exchange time was required and authorized by the supervisor/department head.

Upon the validation of the timesheet by the employee, the supervisor shall review the timesheet to certify that the employee rendered the time indicated on the timesheet. Supervisors are accountable for their employees' whereabouts at all times. If the supervisor is satisfied that the employee's timesheet accurately reflects the employee's attendance for the week, the supervisor shall sign or electronically submit the timesheet to reflect the authorization of hours to be paid.

Upon the completion and validation of timesheets, the supervisor (or designee) must ensure that signatures by each employee and the supervisor are included. All completed timesheets must be forwarded on a weekly basis to the appropriate payroll administrator for record keeping and processing.

Falsification of a timesheet by an employee or a supervisor is a violation of the County's Discipline Policy (Section 13), which may result in disciplinary action, up to and including removal from County employment.



6.04 Automated Time Recordkeeping

The second method for time recording utilized by the County is by automated time recording mechanism (e.g., Timelink). The automated payroll system is a precise measure of time and attendance which is based upon keypunches and/or card swipes. No grace period exists for employees who utilize the automated time recording mechanism. Therefore, should an employee key or swipe in after their scheduled time to work or before their scheduled shift ends, the system will note the late arrival or early departure and accordingly dock the earnings of the employee.

Employees who utilize the automated time recording mechanism must do so at their assigned worksite. It is the responsibility of each employee to punch in at the start of the shift and out at the conclusion of the shift. Early arrivals and late departures will not be counted as overtime unless previously approved by a supervisor.

Under no circumstances may an employee swipe/key another employee in at the beginning of a shift or out for the end of a shift. Violation of this provision may result in disciplinary action, up to and including removal.



6.05 **Standard Workweek and Hours**

The normal workweek for full-time County employees is five (5) days per week, usually Monday through Friday. The normal workday is from 8:30 a.m. to 4:30 p.m., with a paid lunch period in accordance with Section 6.07 of this Manual. The normal workweek and standard hours of work may vary based on operation needs, and/or in cases of 7-day/24-hour-a-day operations or in situations covered by a collective bargaining agreement.

NOTE: A non-exempt employee may not work beyond the standard hours of work so as to exceed the normal forty-hour workweek without prior authorization by the employee's supervisor.

In the case of unexcused absences or absence without approved leave, the time missed will be without pay and will be recorded as AWOL pursuant to Section 14.02.



6.06 **Flexitime / Reduced Work Hours**

Department Directors, in their sole discretion, may authorize employees to participate in flexitime. Those authorized to participate in flexitime are required to comply with all other policies and procedures, including, but not limited to, the requirements of this Section and the Attendance Control Policy ([Section 14](#)). Participation in flexitime does not eliminate any of the work rule requirements mandated in this Manual. Department Directors, in their sole discretion, may revoke the offer of flexitime at any time.

NOTE: No flexitime options permit employees to work before 7:00 a.m. or beyond 6:00 p.m. unless absolutely necessary for County operations.

Flexitime Options

OPTION A – Core Hours

- Permits employees to choose, on a day to day basis, a work schedule beginning as early as 7:00 a.m. and as late as 10:00 a.m.
- An employee’s workday will end eight (8) hours from the time they arrive.
- All employees are required to be present during the “core hours” of 10:00 a.m. to 3:00 p.m.

OPTION B – Four (4) Day Work Week

- Permits employees to work four (4) ten (10) hour days.
- Directors and Division Managers are excluded from participation in this Option.
- Department heads may select from three different plans for reallocating the number of workdays from five (5) to four (4) days:
 - **Plan 1** – Department as a whole operates four days. All employees are scheduled to work the same days (i.e., Monday through Thursday; Tuesday through Friday or Thursday through Sunday).
 - **Plan 2** – Department operates five (5) days a week with each employee working only four days – days off are staggered among teams of employees.
 - **Plan 3** – Department operates seven days a week, each employee working four days – schedule alternates as necessary.
- Holiday Scheduling – Employees on the four (4) day work week will revert to a five (5) day, eight (8) hour schedule during each week in which a holiday occurs

OPTION C – Selected Daily Work Hours

- Employee may select a different number of work hours each day.
- Total selected hours must equal forty (40) hours each workweek.
- No less than five (5) hours or more than ten (10) hours may be worked in one day.
- This plan may include Saturday as a workday.
- Holiday Scheduling – Employees who are on selected daily work hours will revert to a five (5) day, eight (8) hour schedule during each week in which a holiday occurs.



Voluntary Work Reduction

Timesheet Code: **VWR**

Department Directors, in their sole discretion, may authorize employees to participate in a voluntary work reduction program. A voluntary work reduction involves a decrease in an employee's amount of hours worked. Those authorized to participate in a voluntary work reduction program are required to comply with all other policies and procedures, including, but not limited to, the requirements of this Section and the Attendance Control Policy (Section 14). Participation in a voluntary work reduction program does not eliminate any of the work rule requirements mandated in this Manual. The Department Director, in their sole discretion, may revoke the offer of a voluntary work reduction program at any time.

NOTE: Exempt employees who participate in a voluntary work reduction program shall not be eligible to accumulate exchange time.

Cost Savings Days

In their sole discretion, the County may establish mandatory or voluntary cost savings programs in accordance with the authority granted by the Revised Code. A cost savings program involves the taking of unpaid cost savings days ("furlough days") by County employees.



6.07 Lunch / Breaks

Unless otherwise specified in a collective bargaining agreement, County employees will receive a one-hour paid lunch period. In addition, County employees may receive two paid rest breaks of fifteen (15) minutes in duration. All rest breaks and lunch periods are to be scheduled by the employee's immediate supervisor based on the operational needs of their unit and in accordance with the following provisions:

- One rest break shall be taken in the first half of the work day and one shall be taken in the second half of the work day;
- Rest breaks shall not abut the end or beginning of the lunch period;
- Rest breaks and lunch periods cannot be used to make-up tardiness or quitting early. For example, an employee who is scheduled to end his or her day at 4:30 may not leave for the day at 3:30 p.m. and take his or her lunch from 3:30 to 4:30 p.m.; and
- An employee must return to work after a lunch period for that period to be considered a lunch period. For example, an employee may not take his or her lunch period from 12 p.m. to 1 p.m. and then take sick leave from 1 p.m. until the end of the day. The employee will be required to use his or her own leave time to cover the period from 12 p.m. to 1 p.m. If, however, the employee only used sick leave from 1 p.m. until 2 p.m. and returned to work for the remainder of the day, the 12 p.m. to 1 p.m. period would be considered a proper lunch period.



6.08 Overtime, Compensatory Time and Exchange Time (Accrual)

The accrual and use (*See Sections 9.04 and 9.05*) of all overtime/compensatory time/exchange time must be prior approved by an employee's supervisor.

Employees are not permitted to accrue or use compensatory time or exchange time without prior approval by the employee's supervisor

Compensatory Time / Overtime

In accordance with Section 6.01 of this Manual, employees in non-exempt positions who **are required to or are granted prior authorization** to work beyond forty (40) hours in a work week shall accrue compensatory time at a rate of one and one-half (1 ½) hours for every hour worked beyond forty (40) hours. **It is incumbent upon management (including front-line supervisors) to direct their unit operations and/or employee workload so that non-exempt employees do not perform unscheduled work that results in overtime or compensatory time liability.** It is the duty of unit management to exercise control so that work is not performed by non-exempt employees outside of their normal scheduled work hours unless the additional work time has been authorized.

To avoid overtime or compensatory time liability, a supervisor may direct a "temporary schedule change" within the same workweek so that a non-exempt employee's hours in a paid status within the workweek do not exceed forty hours. For example: Employee (a non-exempt employee) has a typical M-F, 8:30 - 4:30 schedule. The supervisor asks Employee to stay 2 hours late on Wednesday to finish a critical project. If Employee works the remainder of the standard work schedule through the end of the week, Employee will have worked 42 hours, and shall be entitled to overtime or compensatory time for the additional 2 hours. To avoid the overtime or compensatory time liability, the supervisor may direct Employee to work two fewer hours on Thursday or Friday of the same week to maintain the employee's work week at the standard forty hours. **The extra time worked and the reduced work hours must be within the same week (Sunday to Saturday) in order for a temporary schedule change to be effective to avoid unnecessary overtime or compensatory time liability.**

NOTE: A "temporary schedule change" is a separate and distinct concept from a flexible work schedule (Section 6.06). A temporary schedule change must be pre-approved by an employee's supervisor and does not constitute a permanent change to an employee's regular work schedule. Non-exempt employee's who work beyond their regular work schedule without prior authorization may be subject to disciplinary action, up to and including termination of employment. A supervisor shall only approve a "temporary schedule change" as a means to avoid overtime or compensatory time liability in extraordinary situations in which a non-exempt employee is required to work additional hours on a particular day during a workweek.



Supervisors must ensure that the employees for whom they sign timesheets understand and comply with the policy on non-exempt overtime/compensatory time. Employees who do not comply with the policy and proceed to work unauthorized overtime should be counseled, the discussion should be documented, and progressive discipline should be initiated with Human Resources for further violations. Supervisors who do not regulate their employees' work hours may also be subject to disciplinary action.

The maximum amount of compensatory time a non-exempt employee may accrue is two hundred forty (240) hours, unless the employee works in a public safety, emergency response position, in which case the maximum is four hundred eighty (480) hours. Employees who have accrued unused compensatory time up to these limits will be paid overtime on a time and one-half basis for all additional overtime worked.

Accrued compensatory time may be used in accordance with Section 9.04 of this Manual. At the sole discretion of the County, non-exempt employees may be paid overtime on a time and one-half basis in lieu of accrual of compensatory time.

Exchange Time

Employees in overtime-exempt positions may receive exchange time on an hour-for-hour basis for time worked beyond forty (40) hours in a work week, provided the following:

- There is a compelling, extraordinary reason for the exempt employee to be required to stay beyond normal working hours – staying to finish up normal assignments does not qualify;
- There is a “meeting of the minds” between the exempt employee and the supervisor - the employee must either be required to work the overtime or be granted **prior** authorization by their supervisor to work the additional hours; and
- The required or authorized increment of additional time is greater than one-half hour per day of required additional time.

After the initial half-hour period is accrued, exchange time is accrued in increments of one-minute. The maximum balance of exchange time an exempt employee may maintain is forty (40) hours.

Accrued exchange time may be used in accordance with Section 9.05 of this Manual.



6.09 Holidays

Timesheet Code: H

All County employees are entitled to eight (8) hours of holiday pay for:

New Year's Day	Columbus Day
Martin Luther King Day	Veterans Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	

In the event that any of the aforementioned holidays falls on Saturday, the Friday immediately preceding shall be observed as the holiday. In the event that any of the aforementioned holidays fall on Sunday, the Monday immediately following shall be observed as the holiday.

NOTE: Bargaining unit employees should refer to their respective collective bargaining agreement for applicable provisions on holidays and holiday pay.

If the employee's work schedule is other than Monday through Friday, he or she is entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed.

An employee in a non-exempt position who is required to work on a day designated as holiday by this Section shall be entitled to pay for such time worked at overtime rates in addition to his or her regular pay. An employee in an exempt position who is required to work on a day designated as a holiday shall be entitled to exchange time on an hour-for-hour basis for all hours worked in addition to their regular pay.

Temporary employees are not entitled to holiday pay. Part-time/permanent employees are entitled to holiday pay for a portion of the holiday based on the number of hours that they are regularly scheduled to work on the day that the holiday falls.

Employees who are in an unpaid status on the regular work day immediately preceding or following the holiday are not eligible for holiday pay.



6.10 **Payroll System**

The County's compensation schedule is based on a two-week or eighty-hour (80) pay period, which begins on Sunday morning and ends on Saturday night. Paychecks are distributed on Friday's of pay weeks.

6.11 **Payroll Deductions**

There are two types of payroll deductions that the County shall be authorized to make from employee wages:

Mandatory

- Federal, state and local withholding taxes
- Ohio Public Employees Retirement System (OPERS)
- Garnishments
- Court ordered child or spousal support
- Medicare portion of Social Security for employees hired after April 1, 1986
- Union dues / Fair Share Fees

Voluntary: Employees may authorize deductions from wages for (these options are subject to change periodically at management's discretion):

- Benefit selections
- Charity Choice contributions
- RTA bus passes and vehicle parking, subsidized monthly
- Purchase of prior Ohio service time (contact OPERS @ 614-466-2085)
- Deferred compensation contributions
 - County Commissioners Association of Ohio Deferred Compensation Program (800-423-3699)
 - Ohio Public Employees Deferred Compensation Program (877-644-6457)
- Credit union deductions
 - Cleveland Postal Employees Credit Union (located in basement of County Administration Building – 443-7290)
 - United Telephone Credit Union (440-333-6366)

Employees interested in taking advantage of any of these voluntary deductions should contact the Payroll Division at (216) 443-7380 for more information.



6.12 **Direct Deposit Program**

In lieu of paper paychecks, the County can electronically transfer net pay into an employee's checking or savings account at the financial institution of the employee's choice. ~~Enrollment in the Direct Deposit Program will be mandatory. Employees not eligible to secure direct deposit via a bank account will be offered alternative means. For further information, please contact your the Time & Attendance Department at (216) 443-7380. Employees interested in participating in the Direct Deposit Program should contact the Payroll Division at (216) 443-7380 for more information or complete a Direct Deposit Authorization Form on the MyHR website and submit it to the Payroll Division.~~

6.13 **Savings Programs**

Employees of the County may be eligible to participate in various savings programs through payroll deduction, including:

- Deferred compensation investment; and
- Credit union savings accounts.

Employees interested in any of these programs should contact the Payroll Division at (216) 443-7380 or refer to the County intranet for more information.

6.14 **Payment Upon Separation from Employment with County**

Compensation for accrued vacation leave and compensatory time will be included in the last paycheck.

No employee shall be paid for any unused sick leave upon termination of employment, except that, upon retirement, an employee with ten (10) or more years of service may receive cash payment for one-fourth (1/4) the value of the accrued, but unused sick leave credit, not to exceed 240 hours (30 days).



Section 7: WORKPLACE WELLNESS

7.01 Drug-Free Workplace

The County is committed to maintaining a drug-free workplace. All County employees are required to abide by the County Drug Free Workplace Policy. Employees who abuse alcohol and other controlled substances or who use illegal drugs violate this policy and undermine the County's goal of providing responsible and professional service to the public. Employees who violate the County's Drug Free Workplace Policy are subject to discipline up to and including removal.

All individuals who have received a job offer with the County are required to submit to a test for alcohol and/or illegal drugs pursuant to Section 5.04 of this Manual. Current employees may be tested pursuant to the County Fitness for Duty Program (Section 7.04) when there is a reasonable suspicion of impairment or post-accident.

Employees whose jobs require them to possess a commercial driver's license (CDL) and who drive vehicles for which testing is required under Federal regulations are also subject to alcohol and drug testing pursuant to Federal law.

In addition, since early identification and treatment are safeguards to job investment for both the County and its employees, employees who have a substance abuse problem are encouraged to voluntarily seek treatment.



7.02 Smoke & Tobacco Free Workplace

POLICY

In an effort to promote and contribute to the health and well being of all County employees and members of the public, the County passed a resolution approving a smoke-free workplace policy effective August 1, 1994. It provides (in relevant part) that:

“...Be it further resolved that smoking will be strictly prohibited within all areas of County owned or leased buildings including: offices, hallways, entrance ways, lobbies and waiting areas, reception areas, rest rooms, cafeterias, snack bars, elevators, stairwells, meeting and conference rooms, kitchen areas, parking garages and **areas immediately adjacent to any entrances...**”

Furthermore, the Revised Code prohibits smoking in any “public place” or “place of employment”, including **any place adjacent to locations of ingress or egress to the public place or place of employment.**

The county has included the Smoke Free Workplace to include “Tobacco Free” which is not limited to, smoking (e.g. cigarettes, pipes, cigars, etc.) and/or use of smokeless tobacco (e.g. snuff, chew, etc.) This directive shall apply to all employees, clients, and visitors or persons otherwise required to be in a County facility, vehicle or those driving their personal vehicles when transporting persons on company authorized business.

INCENTIVE PROGRAM

Employees who are “tobacco free” and receive health care benefits through the County may qualify for a health care benefit incentive. For more information on this program, contact the Department of Human Resources-Benefits Department

ASSISTANCE TO SMOKERS

The County has a variety of smoking cessation resources available to employees upon request. Employees who wish to “kick the habit” should contact their medical provider for information on smoking cessation resources. The County also offers an Employee Assistance Program or you can contact the Ohio Tobacco Quit Line at 1-800-QUIT NOW.

NOTE: Smoking is also prohibited in all County vehicles (See Section 16.03).

ENFORCEMENT OF POLICY

An employee wishing to report a violation of this Section should:

- If the violation is occurring on County-owned property or is being committed by a County Employee – contact Protective Services at (216) 443-2141 or 1-888-81-HELPU (43578).



- If the violation is occurring on non-County-owned property by a non-County employee (i.e., County-leased property) – contact the Ohio Department of Health Smoking Ban Hotline at 1-866-559-OHIO (6446).

NON-COMPLIANCE

In addition to the penalties proscribed by the Revised Code, employees of the County who violate this section may be subjected to discipline, up to and including removal.

7.02 Smoke-free Workplace

The County passed a resolution approving a smoke free workplace policy effective August 1, 1994. It provides (in relevant part) that:

“...Be it further resolved that smoking will be strictly prohibited within all areas of County owned or leased buildings including: offices, hallways, entrance ways, lobbies and waiting areas, reception areas, rest rooms, cafeterias, snack bars, elevators, stairwells, meeting and conference rooms, kitchen areas, parking garages and areas immediately adjacent to any entrances...”

Furthermore, the Revised Code prohibits smoking in any “public place” or “place of employment”, including **any place adjacent to locations of ingress or egress to the public place or place of employment.**

NOTE: Smoking is also prohibited in all County vehicles (See Section 16.03).

An employee wishing to report a violation of this Section should:

- If the violation is occurring on County owned property or is being committed by a County Employee—contact Protective Services at (216) 443-2141 or 1-888-81-HELPU (43578).
- If the violation is occurring on non-County owned property by a non-County employee (i.e., County-leased property)—contact the Ohio Department of Health Smoking Ban Hotline at 1-866-559-OHIO (6446).

In addition to the penalties proscribed by the Revised Code, employees of the County who violate this section may be subjected to discipline, up to and including removal.



7.03 Employee Assistance Program (EAP)

Employee Assistance Program (EAP) services assist County employees with resolving personal and family related problems which adversely affect work, relationships, and quality of life. EAP services also help identify and alleviate obstacles to maintaining good mental and personal health.

Participation in the program may be mandated by Management with approval from Human Resources or voluntary and is available to all employees, their family members and County retirees. The County pays all costs related to EAP enrollment. EAP services include:

- Assessment of problem areas;
- Counseling, if necessary; and
- Referral to additional support services for more comprehensive treatment.

If extended treatment or counseling is required, an employee's health plan may cover most costs.

All communications with the EAP are confidential and employees who participate are assured that their job, future, and reputation will neither be jeopardized nor benefited by utilizing the EAP program. It is the responsibility of the employee to follow through with referrals for assessment of a problem and to follow recommendations of the diagnostician or counseling agent.

Employees interested in using the EAP services or who have questions regarding the program should contact Human Resources or the County's EAP provider:

Ease@Work
(216) 241-EASE (3273) or (800) 521-3273
www.easeatwork.com/EASEy
Username: COUNTY
Password: EASE



7.04 Fitness for Duty – Drug and Alcohol Testing

In accordance with its Drug Free Workplace Policy, the County has established the following Fitness for Duty/Drug and Alcohol Testing Program.

NOTE: Bargaining unit employees should refer to their collective bargaining agreement for information regarding drug and alcohol testing.

Reasonable Suspicion

If a supervisor or Department manager/Director has a reasonable suspicion that an employee may be under the influence of drugs and/or alcohol, the supervisor shall immediately:

- If during regular business hours (8:30 a.m. – 4:30 p.m.), contact the Fitness for Duty Coordinator at 216-443-7630.
- If before or after regular business hours, contact the Protective Services Division at (216) 443-2141

The Fitness for Duty Coordinator will come to the worksite and perform an evaluation of the employee. If the Fitness for Duty Coordinator, in consultation with Department management, determines that a drug and/or alcohol test is appropriate, the employee's immediate supervisor and another member of Department management will be required to sign a Reasonable Suspicion Form.

The employee will then be asked whether he or she is willing to submit to a drug and/or alcohol test. If the employee refuses, the employee will be treated as having tested positive and will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*).

If the employee agrees to the drug and/or alcohol test, he or she will be escorted by either the Fitness for Duty Coordinator or a Protective Services representative to an approved testing site. If the employee leaves the testing site at any point prior to being tested, the employee will be treated as having tested positive and will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). Upon conclusion of the test, the Fitness for Duty Coordinator will determine whether the employee will be taken back to their worksite or to their residence. The leave status of the employee during this period of time will be determined by the County in light of the particular circumstances of each case.

If the employee's test results are positive, the employee will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). If the employee's test results are negative, the investigation will be closed by the Fitness for Duty Coordinator.



Post-Accident

Employees involved in a vehicle accident as defined under Section 16.04 of this Manual, must follow the reporting procedures outlined in that Section. Upon being notified of a vehicle accident by the employer's supervisor and/or Protective Services, the Fitness for Duty Coordinator will consult with the appropriate parties and determine whether a drug and/or alcohol test is appropriate.

If the Fitness for Duty Coordinator determines that a drug and/or alcohol test is appropriate, the Fitness for Duty Coordinator or a representative from Protective Services will meet the employee at the accident site and take him or her directly to an approved testing facility. If the employee needs to seek immediate medical attention, the Fitness for Duty Coordinator will attempt to contact the medical facility where the employee seeks treatment in order to arrange for a drug and/or alcohol test of the employee.

If the employee refuses to submit to the test or leaves the testing site at any point prior to being tested, the employee will be treated as having tested positive and will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). Upon conclusion of the test, the Fitness for Duty Coordinator will determine whether the employee will be taken back to his or her worksite or residence. The leave status of the employee during this period of time will be determined by the County in light of the particular circumstances of each case.

If the employee's test results are positive, the employee will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). If the employee's test results are negative, the investigation will be closed by the Fitness for Duty Coordinator.

Employees involved in a non-vehicle related accident on work time may be required to submit to a drug and/or alcohol test pursuant to the County's Workers' Compensation Procedures (Section 12.02). The results of the drug and/or alcohol test, or the employee's refusal to submit to the test may affect the employee's eligibility for compensation and benefits pursuant to Revised Code Section 4123.54 and Chapter 4121 of the Revised Code and will subject the employee to the provisions of the County's Fitness for Duty Program (*see below*).

Commercial Driver License

In accordance with rules issued by the U.S. Department of Transportation (49 C.F.R. 382), the Ohio Department of Transportation (Section 4506 of the Ohio Revised Code) and the County's Drug-Free Workplace Program, employees who are required by the County to have a Commercial Driver License (CDL) are subject to drug and alcohol testing.



Fitness for Duty Program

New-hire probationary employees are not eligible to participate in the Fitness for Duty Program. If a new-hire probationary employee tests positive for drugs or alcohol under any of the above-cited testing procedures, he or she will be immediately removed from employment with the County.

All non-new-hire probationary employees who test positive for drugs and/or alcohol pursuant to a “reasonable suspicion” or “post-accident” test will be ~~offered a chance to enroll~~enrolled in the Fitness for Duty Program on a case-by-case basis. If the employee declines or fails to successfully complete to enroll in the Program, he or she will be removed from their employment with the County based on the positive test. ~~If the employee enrolls in the program, they will be required to sign a “last chance agreement”.~~

Employees enrolled in the Fitness for Duty Program will be required to submit to intensive outpatient treatment through the County’s EAP. Employees who refuse or neglect to seek treatment will be in violation of the terms of their Fitness for Duty Agreement and will be removed from employment with the County. The employee will also be subject to random drug/alcohol tests for the duration of the two-year (2) program. If the employee tests positive for drugs and/or alcohol at any time during that two-year (2) period or refuses to submit to a random test, the employee will be considered in violation ~~of his or her last chance agreement~~of the Fitness for Duty policy and will be removed from employment with the County. If the employee complies with all requirements of the program and does not test positive during the two-year (2) period, he or she will return to regular status.

An employee who is concerned about a substance abuse problem may voluntarily enroll in the Fitness for Duty Program at any time. Employees who voluntarily enroll, will not be subjected to the above reference policy however, will not be required to sign a “last chance agreement” unless they test positive for drugs or alcohol while in the program.

An employee whose performance is below standard or who has violated a work rule cannot avoid discipline by enrolling in a treatment program or by enrolling in the Fitness for Duty Program.



7.05 Fitness for Duty – Physical and Mental Health

The County may require that an employee submit to medical or psychological examinations for purposes of determination of the employee's fitness for duty. If a Department Director, in consultation with Human Resources, determines that an employee's behavior and/or condition warrants a Fitness for Duty Examination, the Department Director shall complete a Medical Examination Request Form and submit it to Human Resources. Upon receipt of the Examination Request Form, the employee will be scheduled for an examination with an appropriate licensed practitioner. The employee will be notified of the date and time of their examination. At the sole discretion of the Director of Human Resources, the employee may be placed on paid administrative leave pending the results of the examination. The employee will be required to adhere to all requirements of employees on paid-administrative leave (*see Note Box on p. 101*).

An employee's refusal to submit to an examination or the unexcused failure to appear for an examination amounts to insubordination, which may result in discipline, up to and including removal. An employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination.

Upon completion of the examination, the County will receive a report outlining the physician's opinion regarding the employee's fitness for duty. The employee will also receive a copy of the physician's report unless the physician determines that the disclosure of the information is likely to have an adverse effect on the employee, in which case the information shall be released to a physician, psychiatrist, or psychologist who is designated by the person or by the person's legal guardian. If the physician determines that the employee is fit for duty, the employee shall return to work on the day immediately following the day they are notified of the physician's findings or as soon as practicable. Failure to return to work will subject the employee to discipline pursuant to the Attendance Control Policy (*see Section 14.03*).

If the physician determines that the employee is not fit for duty, the employee will not be returned to work and will be taken off paid administrative leave and will be required to use their accrued paid leave (sick, vacation, exchange time, and/or compensatory time) or go on an unpaid leave in accordance with Section 9.09 of this Manual. The employee will remain off work while the medical conditions identified by the physician remain unresolved. The employee should submit medical documentation from their treating physician to the Fitness for Duty physician. The Fitness for Duty physician will determine whether the treatment provided renders the employee fit for duty and able to return to work in their job classification.

Once the employee exhausts all of their paid and unpaid leave, the County will move forward with disability separation proceedings pursuant to Section 5.19 of this Manual.

NOTE: An employee that is determined to be not fit for duty may be eligible for disability retirement through OPERS. Please refer to Section 5.20 for more information on disability retirement through OPERS.



7.06 **Safety Policy**

All County employees are charged with the responsibility of promoting the safety and security of fellow employees and the general public who come in contact with the County services and facilities.

All employees and contractors of the County are expected to conduct their duties in a safe manner, aimed at preventing or minimizing injuries and property damage throughout all County operations. Each employee must operate safely, use equipment, tools and materials properly and be totally familiar with work rules and procedures for his or her areas of responsibility. Each employee shall take an active part in the identification and reporting of hazards. Supervisors shall actively participate in the assessment and resolution of hazards and shall fully cooperate with Central Services and Protective Services to eliminate or control hazards in all areas of County facilities.

7.07 **Workplace Violence**

Threats, threatening behavior, or acts of violence against employees, clients, or guests by anyone on County property will not be tolerated. In addition to applicable criminal penalties, employees who violate this section may be subject to discipline, up to and including removal. The County reserves the right to remove anyone who engages in violent or threatening behavior from the premises and may require that they remain off the premises pending the outcome of an investigation and/or as long as they are still considered a threat.

Employees should immediately contact Protective Services at (216) 443-2141 or 1-888-81-HELPU (43578), and/or the appropriate law enforcement authority (911) if an employee (or guest/client) is creating or communicating a threat of violence. Employees that fail to report such threats will be subject to disciplinary action, up to and including termination of employment.

Employees with a criminal or civil protective or restraining order which lists company locations as being protected areas are responsible for providing a copy of such documents to Protective Services and Human Resources. Human Resources may meet with the employee and offer EAP or other services that might assist the employee.



7.08 Mediation Program

Mediation is a voluntary process in which a neutral third person (“the mediator”) assists individuals in resolving their conflicts. The mediator assists the parties in clarifying, discussing, and resolving the issues that created the conflict. The mediator, however, will not judge the parties or make decisions for them. The County has established a mediation program to prevent the progression and escalation of inter-personal conflicts and to help employees respond to conflict in an effective and positive manner. It is the desire of the County that employees make use of the mediation service before conflict affects the quality of work relationships or results in workplace violence.

The County mediation program is available to all County employees at all levels and can be requested by either party at any time. County management may also refer employees to the mediation program when appropriate. Mediation communication is confidential to the extent allowed by law. Communication that is never confidential, however, includes signed agreements between the parties, threats of bodily injury, plans to commit a crime and complaints of mediator misconduct. Participation in the County Mediation Program does not exempt employees from following County policies and procedures and will not delay any pending discipline. The County reserves the right to take disciplinary measures where standard rules of conduct are violated or where behavior deteriorates to unacceptable levels.

Employees interested in participating in or learning more about the County Mediation Program should contact Human Resources, Employment Relations Division, at (216) 443-7190 or TTY (216) 443-7002.

7.09 Wellness Programs

The County is committed to their employees maintaining good health. To that end, at the sole discretion of the County, wellness opportunities may be periodically offered to employees, including:

- Lunch and learn programs;
- Fitness classes (e.g., aerobics or body sculpting);
- Flu shots at discounted prices;
- Discounted fitness club memberships;
- Health screenings (e.g., mammograms, cholesterol, hypertension);
- Annual wellness fair;
- Health risk assessment;
- Certain preventative care covered at 100% through benefits; and/or
- Discounts on medications for asthma, cholesterol, diabetes and hypertension;

Employees will be notified of these offers as they become available.



7.10 Sustainable Cuyahoga County

Comment [c6]: To Be Redacted

The County is committed to sustainability and sustainable development as defined in the Brundtland Commission Report, *Our Common Future*, 1987:

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

Critical to this is the financial balance of the "triple bottom line"—measuring success through economic, environmental, and social equity.

Office Practice

The County encourages all employees to seek opportunities to incorporate sustainable principles in work and home life. Some examples include:

- Conserve energy by turning off lights, adjusting thermostats, and turning off equipment when not in use;
- Reduce, Reuse and Recycle products to reduce waste and conserve natural resources;
- Buy local;
- Use public transportation, reduce vehicle idling, and use fuel efficient vehicles; and
- Increase personal wellness.

Information regarding county sustainability programs such as recycling may be found on the County intranet, Sustainability Office website links, as well as by direct notifications.

Climate Change and the "Carbon Footprint"

On November 15, 2007, the County adopted a resolution making a Climate Stabilization Declaration to:

"Work closely with local, state, and federal governments and other leaders to reduce county geographical greenhouse gas (GHG) emissions to 80 percent below current levels by 2050..."

As a result of this declaration, a mid-term goal was set to achieve 20 percent reduction in emissions by June 22, 2019. In furtherance of this declaration, the County is reducing its annual "carbon footprint" or ecological footprint through reduction in use of fossil fuels such as coal, oil & gas that produce greenhouse gas emissions. The sum total direct use of fuels and indirect use through procurement of products and services equal ones "carbon footprint".



7.101 Lactation Policy

Comment [jjs7]: New Section

In compliance with the Fair Labor Standards Act amended by the Patient Protection and Affordable Care Act (Effective March 23, 2010), the County will provide comprehensive service including unpaid lactation time, a private space and some workplace support for any employee who is breastfeeding her child for up to one year after the child's birth.

Time to Express Milk:

An employee typically will be given two or three pumping sessions of about 20 minutes each during an eight hour shift, excluding any time needed to go to and from the lactation room. Employees can decide their own schedule. Generally, the lunch break and two paid rest breaks (Section 6.07) are considered lactation sessions. Any additional session which the employee thinks is necessary with the physician's certification but will not affect her work efficiency and quality during the work hours will be reviewed by the supervisor; upon approval will be unpaid lactation break. The supervisor shall help do the time registration of the employee and then report it with the employees' signature to the Human Resource Department.

Note: Since expressing milk is not associated with a serious health condition or bonding with caring for a newborn child under FMLA (Section 8.0), the breaks taken to express milk should not be considered FMLA leave or counted against an employee's FMLA leave entitlement although the FMLA entitles employees to take unpaid, job-protected leave in order to care for a newborn child.

Room Requirements:

Since Cuyahoga County has different working sites, the County will allocate one room for lactation use at each building in order to provide convenience for the employees. The room can be put into other use during non-lactation periods. The room should be reserved in advance to make sure there will not be any schedule conflicts.

For those employees working at offsite locations they are to work with their managers to identify an appropriate space for expressing milk. The space can be an empty office or other available room provided it is not accessible to the public or other employees while in use. The room or space cannot be a restroom or toilet stall as well.

Room Scheduling:

For the female employee who has breastfeeding needs when she returns to work, she should inform the Human Resource Department first. The Human Resource Department will inform the employee's Agency Director and the Agency Director, or appointed designee, will ensure that the employee registers for the room based on her schedule (and make some adjustments if there are multiple users), notify her about the reasonable break time rule, room location and provide training to all supervisory-level employees to ensure that they understand the County's compliance obligations. At the time of registration, the employee will be required to complete the required form documenting the employee's understanding and compliance with the Lactation Policy. Contact the Human Resource Department for more information.



If large numbers of breastfeeding employees will use the room, Cuyahoga County will schedule room usage based on each individual need. In order to maintain privacy when scheduling, each user will be given a personal identification number.

Note: The lactation room should be kept locked between uses to safeguard equipment, supplies and milk that may be stored in a refrigerator. And an “Occupied” sign will be hung outside the room when the room is in use.

For the departments with large numbers of users but limited lactation rooms, the County will create lactation “suites” by installing partitions or curtains in the lactation room to accommodate multiple users at one time.



Section 8: FAMILY MEDICAL LEAVE ACT (FMLA)

Timesheet Code: **FMLA**

8.01 Definitions

<i>Active Duty</i>	Duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.
<i>Adoption</i>	Legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child is not a factor in determining eligibility for FMLA leave.
<i>Chronic Serious Health Condition</i>	A health condition that meets the following criteria: <ul style="list-style-type: none">• Requires periodic visits (at least twice a year) for <i>treatment</i> by a <i>health care provider</i>, or by a nurse under the direct supervision of a <i>health care provider</i>;• Continues over an extended period of time (including recurring episodes of a single underlying condition); and• May cause episodic rather than a continuing period of <i>incapacity</i> (e.g., asthma, diabetes, epilepsy, etc.).
<i>Conditions Requiring Multiple Treatments</i>	Any period of absence to receive multiple <i>treatments</i> (including any period of recovery therefrom) by a <i>health care provider</i> or by a provider of health care services under orders of, or on referral by, a <i>health care provider</i> , for either: <ul style="list-style-type: none">• Restorative surgery after an accident or other injury; or• A condition that would likely result in a period of <i>incapacity</i> of more than 3 consecutive days in the absence of medical intervention or <i>treatment</i>, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
<i>Contingency Operation</i>	Same meaning as definition provided in section 101(a)(13) of title 10, United States Code.



Covered Servicemember Current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical *treatment*, recuperation, or therapy, is otherwise in *outpatient status* or is otherwise on the temporary disability retired list, for a *serious injury or illness* incurred in the line of duty on active duty.

Daughter For purposes of FMLA leave taken for birth or *adoption*, or to care for a family member with a *serious health condition*, daughter means a biological, *adopted*, or *foster child*, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and *“incapable of self-care because of a mental or physical disability”* at the time that FMLA leave is to commence.

Forward Rolling Twelve (12) Month Period The twelve month period measured forward from the date an employee’s first FMLA leave begins.

Foster Care 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child.

Health Care Provider A health care provider for purposes of the FMLA includes:

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices.
- Podiatrists, dentists, clinical psychologists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist), and optometrists.
- Nurse practitioners, nurse-midwives, clinical social workers, and physician assistants.
- Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.
- A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

Inpatient Care An overnight stay in a hospital, hospice, or residential medical care facility, including any period of *incapacity*.



Incapable of Self-Care Where the individual requires active assistance or supervision to provide daily self-care in three or more of the “activities of daily living” (ADL’s) or “instrumental activities of daily living” (IADL’s). ADL’s include adaptive activities such as scaring appropriately for one’s grooming and hygiene, bathing, dressing and eating. IADL’s include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Incapacity and Treatment A period of ***incapacity*** of more than 3 consecutive, full calendar days, and any subsequent ***treatment*** or period of ***incapacity*** relating to the same condition, that also involves one of the following:

- ***Treatment*** 2 or more times, within 30 days of the first day of ***incapacity***, by a ***health care provider***.
 - Both ***treatments*** must involve an in-person visit to a ***health care provider***.
 - The first in-person visit must take place within 7 days of the first day of ***incapacity***.
 - Whether the second ***treatment*** visit is necessary must be determined by the ***health care provider*** (i.e., the doctor must request that the employee follow-up).
- ***Treatment*** by a ***health care provider*** on at least one occasion, which results in a ***regimen of continuing treatment*** under the supervision of the ***health care provider***.
 - The initial ***treatment*** requires an in-person visit to a ***health care provider***.
 - The initial in-person visit must take place within 7 days of the first day of ***incapacity***.
 - Whether the ***regimen of continuing treatment*** is necessary must be determined by the ***health care provider*** (i.e., doctor must prescribe the regimen).

Incapacity Inability to work, attend school or perform other regular daily activities due to the ***serious health condition, treatment*** therefore, or recovery therefrom.

In Loco Parentis Those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibilities for the employee when the employee was a child. A biological or legal relationship is not necessary.

Intermittent Leave Leave taken in separate blocks of time due to a single illness or injury rather than for one continuous period of time.



<i>Next of Kin of a Covered Servicemember</i>	The nearest blood relative other than the <i>covered servicemember's spouse, parent, son, or daughter.</i>
<i>Outpatient Status</i>	With respect to a <i>covered servicemember</i> , the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
<i>Parent</i>	A biological, <i>adoptive</i> , step or <i>foster father or mother</i> , or any other individual who stood <i>in loco parentis</i> to the employee when the employee was a <i>son or daughter</i> as defined in this section. In-law family members are not covered.
<i>Parent of a Covered Servicemember</i>	A <i>covered servicemember's</i> biological, <i>adoptive</i> , step or <i>foster father or mother</i> , or any other individual who stood <i>in loco parentis</i> to the covered servicemember. This term does not include parents "in law".
<i>Permanent or Long-Term Conditions</i>	A period of <i>incapacity</i> which is permanent or long-term due to a condition for which <i>treatment</i> may not be effective (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease). The individual must be under the continuing supervision of, but need not be receiving active <i>treatment</i> by a <i>health care provider</i> .
<i>Physical or Mental Disability</i>	A physical or mental impairment that substantially limits one or more of the major life activities of an individual.
<i>Qualifying Exigency</i>	The following types of military-related events may qualify as a "qualifying exigency" for purposes of eligibility for purposes of military-related FMLA leave under this Section: <ul style="list-style-type: none"> • <i>Short-Notice Deployment</i> • <i>Military Events and Related Activities</i> • <i>Childcare and School Activities</i> • <i>Financial and Legal Arrangements</i> • <i>Counseling</i> • <i>Rest and Recuperation</i> • <i>Post-Deployment Activities</i> • <i>Additional Activities</i>
<i>Reduced Leave Schedule</i>	Leave schedule that reduces an employee's usual number of working hours per week or hours per day for a period of time.



Regimen of Continuing Treatment Includes a course of prescription medication (e.g., antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for FMLA purposes.

Serious Health Condition An illness, injury, impairment or physical or mental condition that involves at least one of the following:

- **Inpatient Care;**
- **“Incapacity and Treatment”;**
- Pregnancy or Prenatal Care;
- **Chronic Serious Health Condition;**
- **Permanent or Long-Term Conditions;** or
- **Conditions Requiring Multiple Treatments.**

Serious Illness or Injury An injury or illness incurred by a **covered servicemember** in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

Son For purposes of FMLA leave taken for birth or **adoption**, or to care for a family member with a **serious health condition**, son means a biological, **adopted**, or **foster child**, a stepchild, a legal ward, or a child of a person standing **in loco parentis**, who is either under age 18, or age 18 or older and **“incapable of self-care** because of a **mental or physical disability”** at the time that leave is to commence.

Son or Daughter of a Covered Servicemember The **covered servicemember’s** biological, **adopted**, or **foster child**, stepchild, legal ward, or a child for whom the servicemember stood **in loco parentis**, and who is of any age.

Son or Daughter on Active Duty or Call to Active Duty The employee’s biological, **adopted**, or **foster child**, stepchild, legal ward, or a child for whom the employee stood in **loco parentis**, who is on active duty or a call to active duty status, and who is of any age.

Spouse A husband or wife as defined or recognized under Ohio law for purposes of marriage in Ohio.

Treatment Includes, but is not limited to, examinations to determine if a **serious health condition** exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.



8.02 **Eligibility Requirements**

Prior to making an application for FMLA under this Section, an employee must meet both of the following conditions to be considered eligible:

- The employee must have completed twelve (12) months of employment with the County. These twelve (12) months do not need to be consecutive; and
- The employee must have worked a minimum of one-thousand two-hundred-fifty (1,250) hours over the twelve (12) month period immediately preceding the commencement of the leave.

An employee returning from National Guard or Reserve military service will be credited with the hours of service that would have been worked, but for the period of military service, towards his or her one-thousand two-hundred-fifty (1,250) hour requirement.

8.03 **Qualifying Conditions**

Eligible employees shall be entitled to a certain amount of FMLA leave (*see* Section 8.04) under any of the following six circumstances:

- Birth of a *son* or *daughter*, and to care for the newborn child.
- Placement with the employee of a *son* or *daughter* for *adoption* or *foster care*.

NOTE: Eligibility for leave for birth or placement for *adoption* or *foster care* expires at the end of the twelve (12) month period beginning on the date of birth or placement.

- Because of a *serious health condition* that makes the employee unable to perform the functions of the employee's job.
- To care for the employee's *spouse, son, daughter, or parent* with a *serious health condition*.
- Because of any *qualifying exigency* arising out of the fact that the employee's *spouse, son, daughter, or parent* is on *active duty* (or has been notified of an impending call or order to *active duty*) in the Armed Forces in support of a *contingency operation*.
- To care for a *covered servicemember* with a *serious injury or illness* if the employee is the *spouse, son, daughter, parent* or *next of kin* of the *covered servicemember*. The leave described in this paragraph shall only be available during a single twelve (12) month period.



8.04 **Amount of Leave**

Except in the case of leave to care for a *covered servicemember* with a *serious injury or illness*, an eligible employee is limited to a total of twelve (12) workweeks of FMLA leave during any *forward rolling twelve (12) month period*.

An eligible employee who is the *spouse, son, daughter, parent, or next of kin* of a *covered servicemember* shall be entitled to a total of twenty six (26) workweeks of leave during a single twelve (12) month period to care for the *covered servicemember*. If an employee uses *covered servicemember* family leave in combination with another form of FMLA leave (e.g., pregnancy leave), the maximum amount of combined FMLA leave that an employee can take in a single twelve (12) month period is twenty six (26) workweeks. In this scenario, though, the other form of FMLA leave can only account for a maximum of twelve (12) workweeks of the combined twenty six (26) workweeks of leave.

NOTE: When both spouses are employed by the County, FMLA leave is limited to a combined twelve (12) work weeks during any rolling twelve (12) month period if leave is taken for birth, *adoption*, or placement in *foster care*. This limitation does not apply to leave taken by either spouse to care for the other or for a child if the spouse or child has a *serious health condition*.

In addition, the aggregate number of leave to which both spouses are entitled to is limited to twenty six (26) workweeks during a single twelve (12) month period for *covered servicemember* leave, if the leave is leave for the *covered servicemember* or a combination of leave for the *covered servicemember* and the other forms of FMLA leave.



8.05 **Coordination With Other Leaves of Absence**

Employers are mandated by law to grant up to twelve (12) weeks of unpaid leave to eligible employees under the FMLA. If an employee qualifies for FMLA leave ([continuous or intermittent](#)), any paid leave accrued by the employee shall be applied concurrently to the FMLA leave in the following order:

TYPE OF PAID LEAVE	ASSOCIATED POLICY MANUAL SECTION
Sick	9.03
Vacation	9.02
Compensatory Time	9.04
Exchange Time	9.05

If the medical condition does not qualify under the FMLA, then sick time shall apply in accordance with Section 9.03 of this Manual.

In addition, FMLA will automatically be applied to all employees who meet the FMLA qualifying criteria and utilize the following types of leave:

- Unpaid medical leaves of absence provided to employees by County policy or by any of the [collective bargaining agreements](#);
- Leaves of absence using sick leave that is provided through the Leave Donation Program ([Section 9.08](#)); or
- Workers' Compensation leave of absence.

NOTE: As is the case with all unpaid leaves, an employee is not entitled to accrue sick or vacation benefits during any unpaid portion of FMLA leave. [When the County offers or mandates furlough time, FMLA shall commence after all furlough time has been exhausted.](#)



8.06 **FMLA Application Procedure**

An employee that would like to request the use of FMLA leave should contact Human Resources. At least thirty (30) days advance notice must be provided before FMLA leave is to begin if the need for leave is foreseeable. In case of emergency, notice must be given as soon as practicable. If an employee fails to give thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the County may delay the taking of FMLA leave until thirty (30) days after the date that the employee actually provided notice of the need for FMLA leave.

Completion of an FMLA Medical Certification Form is required whenever an employee requests FMLA leave due to the *serious health condition* of the employee or their *spouse, son, daughter, or parent*. Employees must return the FMLA Medical Certification Form to Human Resources within fifteen (15) calendar days of the employee's receipt of the form. If the certification is incomplete or insufficient, the employee may be required to provide additional information within seven (7) calendar days. Failure to cure the deficiencies identified by the County may result in a denial of FMLA leave. After the FMLA Medical Certification Form has been returned to Human Resources, employees will be notified in writing whether their FMLA request is approved or denied.

For *adoption* or *foster care* placement, legal documentation should be submitted from a court or social service agency.

In any case in which the necessity for leave under the *qualifying exigency* condition is foreseeable, whether because the *spouse, or a son, daughter, or parent* of the employee is on *active duty*, or because of notification of an impending call or order to *active duty* in support of a *contingency operation*, the employee shall provide such notice to the employer as is reasonable and practicable. In addition the request for leave under the *qualifying exigency* condition must be supported by certification deemed sufficient by the Department of Labor.

The County reserves the right to require employees to recertify their conditions periodically upon request. Failure to submit a certification of health care provider form for the re-certification within fifteen (15) calendar days will result in delay or discontinuation of approved FMLA leave until the completed form is submitted.

If an employee needs an extension of FMLA leave, the employee must provide Human Resources notice as soon as practicable of the changed circumstances. Employees shall not be granted an extension beyond the applicable maximum amount of FMLA entitlement.

NOTE: Only persons who are authorized by the County may contact the health care provider of an employee to clarify the information in a FMLA Medical Certification Form or to verify its authenticity. **Supervisors and other management representatives may not contact an employee's health care provider.**



8.07 **Continuation of Benefits**

The County will continue to pay its portion of medical and supplemental benefits (vision & dental) when an employee is on FMLA leave. **Employees on FMLA leave are still responsible to pay the employee's contribution for these benefits.** Employees who take paid leave will continue to have their usual payroll deduction for health insurance benefits. **Employees on unpaid FMLA leave will be billed for their usual contribution for medical and supplemental benefits.** The amount billed will be the monthly amount that the employee would normally have paid for health insurance benefits through payroll deduction. Any new or additional coverage or changes in health benefits will be made available to employees on FMLA leave.

Employees on unpaid FMLA leave will also be billed for their life insurance deductions. If a death occurs and life insurance deductions have not been paid while on unpaid leave, death benefits will not be payable to the beneficiary.

8.08 **Intermittent Leave and Reduced Leave Schedules**

Intermittent leave or a *reduced leave schedule* may only be granted if:

- There is a medical necessity that can be accommodated by such leave; or
- Because of any *qualifying exigency* arising out of the fact that the *spouse, son, daughter, or parent* of the employee is on *active duty* (or has been notified of an impending call or order to *active duty*) in the Armed Forces in support of a *contingency operation*.

Eligible employees are required to make every reasonable effort to schedule leave so as not to disrupt the operations of their Department. Accordingly, the County may temporarily assign an employee to an alternate position with equivalent pay and benefits if the employee is qualified and the County determines that the alternative position will better accommodate the employee's intermittent leave or reduced leave schedule.

The actual amount of leave taken under an *intermittent* or *reduced leave schedule* shall be counted towards the twelve (12) weeks of FMLA entitlement. For example, a full-time employee who reduces from an eight (8) hour work day to a four (4) hour work day will use (20) hours of FMLA leave each week.

Employees on *intermittent* FMLA leave may be required to periodically provide an updated medical certification form.



8.09 Return to Work

Upon return from FMLA leave, an employee is entitled to be returned to the same position held when leave commenced, or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. Failure to return to work upon the expiration of the approved leave, without reasonable explanation, may subject the employee to discipline, up to and including removal, under Sections 13 and/or 14 of this Manual.

An employee who has been on FMLA leave because of his or her own *serious health condition* may be required to present medical documentation of his or her ability to return to work. The County may require that an employee obtain a second medical opinion from a physician selected by the County and at the County's expense. If the second medical opinion disagrees with the employee's health care provider, the County's health care provider and the employee's health care provider will select a third health care provider whose opinion shall be final. The County shall pay the cost of the third opinion.

Benefit deductions through payroll resume the first pay period of the month after an employee returns from leave. Benefits requires documentation of the return through use of either a Personnel Action Form (PAN) or Benefits Office Change Form (BOC).



Section 9: **EMPLOYEE LEAVE** **(General)**

9.01 **General**

All leaves described in this section are subject to prior approval, unless otherwise noted. Depending on the practice of an employee's respective Department, the employee may be required to complete an Employee Request for Leave Form.

Every request for leave will be given fair consideration in accordance with the following policies and procedures and the staffing needs of the departmental unit. Any leave approved upon a false statement is invalid and any approved leave shall terminate if the reason for granting the leave is no longer applicable. Moreover, employees providing false statements or documentation are subject to discipline, up to and including removal, under Section 13 of this Manual.

Employees are solely responsible to ensure that they have adequate vacation leave, sick leave and/or compensatory/exchange time when taking paid leave.

NOTE: Bargaining unit employees should refer to their collective bargaining agreement for information on paid leave.



9.02 Vacation Leave

Timesheet Code: V

Each full-time permanent employee, after service of one (1) year with the county or any political subdivision of the State of Ohio, is eligible for vacation leave. Employees accrue vacation leave based on years of service. Vacation accrual for eligible employees is pro-rated based on the number of hours paid in a pay period. One year of service shall be computed on the basis of twenty six (26) bi-weekly pay periods. Overtime hours are not included in the accrual of vacation leave.

Vacation leave is earned during the time the employee is in active pay status. Time spent on unpaid leaves of absence count toward service credit, but employees in unpaid status do not accrue vacation leave.

Employees may carry their vacation leave from year to year, up to a maximum of three years. Once an employee accumulates the maximum allowable vacation balance for the employee's current accrual rate, the employee has a period of one (1) year from the date on which the maximum balance was attained to use the accrued time in excess of the maximum allowable balance. Upon the end of the year period, any time over the maximum amount will be forfeited.

Vacation accrual is computed as follows:

Length of Ohio Public Service Completed	Accrual Rate (hours earned per 80 hours in active status)	Annual Amount (hours earned per 2080 hours in active pay status)	Maximum Accrual Balance (total hours)
Less than 1 year	3.1	80 hours (not awarded until completion of one year of Ohio public service)	N/A
1 year – less than 5 years	3.1	80	240
5 years – less than 15 years	4.6	120	360
15 years – less than 25 years	6.2	160	480
25 years or more	7.7	200	600



NOTE: An individual who is appointed by the County as a non-bargaining employee and provides proper documentation of prior service (*See Section 2.04*) is entitled, immediately upon submission of the appropriate documentation, to begin accruing vacation benefits at the rate set forth in this Manual that reflects their prior service level. The employee is also entitled to use such vacation leave at any time during the year in which it is accrued, upon approval from their supervisor.

However, an employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio and who is employed by the County on or after June 24, 1987, shall not have prior service for the purpose of computing vacation leave. All employees currently receiving credit for service time prior to June 24, 1987, though, shall continue to receive service credit for such time.

Upon separation from County service, an employee is entitled to compensation for any earned and unused vacation leave to his or her credit at the time of separation.



9.03 Sick Leave

Timesheet Code: S

Sick leave may only be used for the purposes set forth in this Section. The use of sick leave is not an entitlement. Sick leave is not another form of vacation or personal leave. Supervisors and management should ensure that sick leave is properly used.

All County full-time, part-time, permanent and temporary employees accrue paid sick leave at the rate of .0575 hours for each hour of service in active pay status. For purposes of this Section, "active pay status" includes vacation, sick, overtime, compensatory time, and holidays. Employees in an unpaid leave status do not accrue sick leave.

NOTE: An individual who is appointed by the County as a non-bargaining employee who has a balance of sick leave earned while employed by a political subdivision of the State of Ohio within the past ten years may have the unused sick leave balance credited to their current sick leave balance. See [Section 2.04](#) [Section 2.03](#) for more information on the proper procedure for submitting documentation of prior service.

Sick leave is charged in minimum units of one minute. Sick leave payment shall not exceed the normal, scheduled workday earnings, or a maximum of forty (40) hours per week. Employees may not use sick leave that was accrued in the same pay period. In addition, sick leave may not be used to cover absences that occurred prior to the accrual of the leave.

Permissible Uses

Sick leave shall be granted for absences due to the following reasons and must be approved by management:

- Illness, injury, or pregnancy-related condition of the employee;
- Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees;
- Death of a member of the employee's immediate family* (*see Section 9.06*);
- Examination of the employee, including medical, psychological, dental or optical examination by an appropriate practitioner;
- Illness, injury or pregnancy-related condition of a member of the employee's immediate family*; or
- Examination including medical, psychological, dental, or optical examination for a member of the employee's immediate family* by an appropriate practitioner where the employee's presence is reasonably necessary.

[* For purposes of this Section, [Section 3.01](#) and [Section 9.06](#), immediate family includes spouse, domestic partner, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, a legal guardian or other person who has an "in loco parentis" relationship with the employee, or any other relative residing with the employee.]



Procedure

An employee who is ill and unable to report to work shall notify their supervisor or designee on the first day of absence and each day thereafter, unless emergency conditions prevent such notification or unless the employee submits medical evidence of a planned extended medical-related absence. An employee working in a seven day continuous operation must report their absence two hours prior to their scheduled starting time except when emergency conditions prevent such notification. Other employees must give notice within one half-hour **before** the time the employee is scheduled to report for work unless emergency conditions prevent such notification.

NOTE: Upon being put on notice that an employee has been out on sick leave for three or more consecutive days, the employee’s supervisor should immediately contact Human Resources so that they may send out FMLA information to the employee’s home address. Employees should refer to Section 8 for more information on FMLA leave.

Upon return to work, the employee shall follow their Department’s guidelines with regard to completion of the Employee Request for Leave Form. If the need for leave is foreseeable, sick leave should be requested in writing prior to the date or dates that an employee will be scheduled off from work. The County reserves the right to require documentation to support the employee’s sick leave request (i.e., a doctor’s statement) for all absences of three (3) or more days.

An employee’s sick leave balance is provided bi-weekly. The employee is solely responsible for knowing his or her balance. Taking time off without sufficient leave to cover the absence may lead to the accrual of AWOL time (*See* Attendance Control Policy, Section 14).

Prohibited Use

The use of sick leave for any purpose other than its intended purposes is considered abuse of sick leave. Examples of abuse of sick leave include, but are not limited to the following:

- Calling in sick when one of the above cited reasons for using sick leave does not exist;
- Reporting illness in the immediate family when such illness does not exist;
- Reporting off sick to participate in some other activity or to take care of personal business;
- Establishing a pattern of reporting off sick, reporting tardy, or leaving early on certain days of the week, on days following regular days off (e.g., weekends), or on the day before or after a holiday or previously scheduled vacation; or
- Failure to follow the rules and regulations regarding the use of sick leave and reporting procedures.

If a supervisor or management official has a reasonable suspicion that sick time is being abused, either on an individual case or by virtue of a demonstrated pattern, he or she should immediately consult with Human Resources. Human Resources may then require an employee to provide a physician's statement or other appropriate documentation to support the use of sick leave. If it is determined that the employee abused his or her sick leave, Human Resources may charge the employee with AWOL and may pursue disciplinary action against the employee, up to and including removal.

Unused Sick Leave

Employees will not be paid for unused sick leave upon termination of employment with the exception that upon retirement, an employee with ten (10) or more years of service will receive cash payment for one-fourth (1/4) of the accrued, unused sick leave balance up to a maximum of two-hundred forty (240) hours.



9.04 Compensatory Time

Timesheet Code: CT

NOTE: See Section 6.08 for information regarding accrual of compensatory time.

As stated in Section 6.08, compensatory time is granted to non-exempt (i.e., overtime eligible) employees. An employee who has requested the use of compensatory time from their direct supervisor shall be permitted to use it within a reasonable time after the request, so long as it does not unduly disrupt the operations of the agency.

Compensatory time not used within one hundred eighty (180) days after it is earned shall be paid to the employee. Upon termination all unused compensatory time is paid out to the employee.

Employees moving from a non-exempt position to an exempt position will receive payment for their accrued compensatory time at the time of the move.

9.05 Exchange Time

Timesheet Code: ET

NOTE: See Section 6.08 for information regarding accrual of exchange time.

As stated in Section 6.08, exchange time is granted to exempt (i.e., not overtime eligible) employees. Use of accrued exchange time may be granted to the employee by the employee's immediate supervisor at a time mutually convenient to the operation of the County and the employee. Exchange time may not be used in the same pay period in which it was earned.

Exchange time not used within six (6) months of accrual shall expire. At no time shall exchange time be paid out to the employee.



9.06 Funeral/Bereavement Leave

Timesheet Codes: S/V/CT/ET/ALX

Sick leave shall be granted for absences due to the death of a member of an employee's immediate family*. In the event of the death of a member of his or her immediate family*, an employee shall be granted time off with pay, to be charged against his or her accumulated and unused sick leave, not to exceed five (5) days.

NOTE: In the event the employee has no sick time available, the employee may use vacation, compensatory or exchange time. If the employee has no vacation, compensatory or exchange time, the employee may request an unpaid Personal Leave of Absence.

In the event of the death of a relative other than a member of their immediate family*, an employee shall be granted a leave of absence with pay, to be charged against their accumulated and unused sick leave, for one (1) day to attend the funeral if within the State of Ohio or two (2) days when the funeral is outside the State of Ohio. Any additional time off requested by the employee is subject to the approval of his or her supervisor, manager and/or Department Director.

To be eligible for the above described funeral leave, an employee must attend the funeral, or other obligations related to the death and/or estate, etc. The failure to do so, or a misrepresentation of facts related to funeral leave shall be proper cause for disciplinary action, up to and including removal, as well as forfeiture of pay for the time away from work. The County reserves the right to request documentation of the family member's death and/or documentation establishing the familial relationship between the employee and the deceased family member.

[* See [Section 9.03](#) for definition of "immediate family".]



9.07 Court Leave/HRC Hearings/Jury Duty Timesheet Code: CL

General Provisions

- Any compensation or reimbursement for jury duty or for court attendance compelled by subpoena, when such duty is performed during an employee's normal working hours, shall be remitted by the employee to their Department Director or supervisor for transmittal to the County Treasurer.
- In order to be approved for court leave under this Section, the employee shall furnish a copy of the court/HRC notification or jury summons to their supervisor prior to their appearance date(s).
- Unless there will be less than one (1) hour left in the employee's regularly scheduled work day upon reporting to work, an employee out on approved court leave is required to immediately report to work after the court appearance is completed. (e.g., an employee on an 8:30 – 4:30 schedule who is released from jury duty at 1 p.m. is required to immediately report to work.)

Court Leave

An employee may be granted court leave with full pay if all of the following conditions are met:

- The legal matter is work related;
- The employee is not a party to the legal matter; **and**
- The employee is requested by the County to appear or is subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to compel the attendance of witnesses.

If any of these conditions are not met, the employee is not entitled to court leave. An employee not entitled to court leave, however, may use vacation leave, compensatory/exchange leave for purposes of appearing before a court or other legally constituted body in a matter in which he or she is a party or witness. Such instances would include, but not be limited to, criminal or civil cases, traffic court, divorce proceedings, custody, or appearing as directed as parent or guardian of juveniles.

HRC Hearings

An employee who is the appellant or is requested to appear in any action before the HRC and is in active pay status at the time of the scheduled hearing before the Commission, shall be granted court leave with full pay for purposes of attending the hearing. The employee, however, shall not be granted any mileage, travel or other related expenses for the hearing.

Jury Duty

Court leave with full pay shall be granted to any employee who is summoned for jury duty by a court of competent jurisdiction.

NOTE: For information regarding appearance at Industrial Commission (i.e., workers' compensation) hearings, please see [Section 12.02](#).



9.08 Leave Donation Program

Timesheet Code: SLD

County employees may donate accrued sick or vacation leave to a fellow County employee who has a serious health condition as defined under the FMLA and are in critical need of time off due to the condition. FMLA leave will run concurrently with the donated leave time.

An employee may receive donated leave provided that:

- The employee is first approved for FMLA leave that removes them from the workplace for fifteen (15) consecutive work days for their *own* serious health condition. Employees on intermittent FMLA leave do not qualify to participate in the program;
- Has exhausted all sick leave, vacation leave and compensatory/exchange time; and
- Has not had any discipline for attendance within the previous year.

An employee may donate accrued sick or vacation leave provided the donating employee:

- Voluntarily elects to donate leave to a designated recipient, who has qualified for the donation program, and does so with the understanding that donated leave which is used by the designated recipient will not be returned;
- Retains a sick balance of at least one hundred twenty (120) hours after their donation; and
- Is in active pay status at the time their sick time is to be used;

Employees interested in receiving donated time should contact Human Resources. Employees who qualify may receive leave through the Leave Donation Program for up to twelve (12) weeks. An employee's supervisor or representative may, with the written permission of the employee who is in need of leave or a member of the employee's immediate family, inform an employee's co-workers of such need for leave. When an employee has exhausted all donated time they will be placed on an unpaid extended sick/medical leave or may be separated in accordance with this Manual or their collective bargaining agreement.

Donation of leave time is strictly voluntary. Any employee who feels that they are being pressured to donate leave time should file a General Employee Complaint (See Section 17.03).

NOTE: Employees that are denied participation in the Leave Donation Program may file an appeal in writing to the Director of Human Resources.



9.09 Unpaid Leaves of Absence

The County offers employees three types of unpaid leave: (1) New-Hire Administrative Leave of Absence; (2) Personal Leave of Absence; and (3) Extended Unpaid Sick/Medical Leave. Depending on the practice of an employee's respective Department, the employee may be required to complete an Employee Request for Leave Form to request an unpaid leave of absence.

Any leave approved upon a false statement is invalid and any approved leave shall terminate if the reason for granting the leave is no longer applicable. Moreover, employees providing false statements or documentation are subject to discipline, up to and including removal, under Section 13 of this Manual.

An employee on an unpaid leave of absence does not accrue sick or vacation leave. In addition, time spent on an unpaid leave of absence does not count towards an employee's new hire or promotional probationary period. However, the time spent on an unpaid leave of absence is counted in determining length of service for purposes of vacation eligibility, annual step increases and layoff purposes, provided the employee is properly returned to service and is not serving a probationary period.

NOTE: With the exception of Extended Unpaid Sick/Medical Leave taken concurrently with FMLA leave, an employee in an unpaid status on the first day of a month will not receive health care coverage and related benefits unless he or she elect to pay the entire expense. The employee may be required to pay up to one-hundred and two percent (102%) of the entire health insurance and related benefits premium costs to retain his or her benefits status.

The total amount of time for all leaves under this section shall not exceed six (6) months in any forward rolling twelve month period. Employees are responsible to ensure that they have received proper approval when taking unpaid leave.

Failure to return to work upon the expiration of the approved leave, without reasonable explanation, may subject the employee to discipline, up to and including removal.

NOTE: An employee who fails to return to service from an unpaid leave of absence and who is subsequently removed or voluntarily resigns from service shall not receive service credit for the time spent on such leave and is deemed to have a termination date corresponding to the starting date of the unpaid leave of absence.

An employee may be permitted to return to work prior to the originally scheduled expiration of the leave if such earlier return is agreed to by both the employee and Human Resources. Upon completion of an unpaid leave of absence, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists, the employee shall be placed in a classification similar to that formerly occupied.



New-Hire Administrative Leave of Absence

Timesheet Code: ALX

An administrative leave may be granted to a newly-appointed employee if they need to take time off from the job due to extenuating circumstances, subject to the following limitations:

- New-hire administrative leave is unpaid;
- New-hire administrative leave may only be granted during a newly-appointed employee's first year of employment with the County;
- Prior approval must be received from the newly-appointed employee's Department Director;
- New-hire administrative leave may only be granted when all appropriate accumulated paid leave time (e.g., sick leave, vacation, and compensatory/exchange time) leave has been exhausted; and
- An employee is limited to a total of 80 hours of new-hire administrative leave.

Personal Leave of Absence

Timesheet Code: LOA

A personal leave of absence involves a temporary separation from active pay status, authorized by the County. Such leave must be for a minimum of ten (10) working days, but may not exceed a maximum period of six (6) months, with no extension or renewal allowed.

A personal leave of absence may only be granted when all appropriate accumulated leave (vacation leave and compensatory/exchange time leave) has been exhausted.

A personal leave of absence must be requested by the employee in writing and must be approved by the employee's Department Director. The request shall state reasons for taking the leave and the dates for which such leave is being requested and shall be accompanied by any necessary supporting documentation. Every request for leave will be given fair consideration in accordance with the following policies and procedures and the staffing needs of the departmental unit.

Extended Unpaid Sick/Medical Leave

Timesheet Code: LOA

An employee who is unable to perform any of the essential functions of his or her position due to disabling illness, injury or condition, and the disability continues after the employee has exhausted his or her accumulated sick leave benefits, may be granted a leave of absence without pay for a period of up to six (6) months upon presentation of evidence as to the probable date for return to active work status.

The following additional criteria must be met in order to be granted leave under this section:

- The employee's absence will be at least five (5) consecutive workdays;
- The employee must demonstrate that the probable length of absence will not exceed six (6) months; and
- The employee must present to Human Resources, at the time the request is made, a licensed physician's report stating diagnosis, prognosis, and probable period for which the employee will be unable to perform the essential job duties of their position.



FMLA leave for eligible employees shall run concurrently with leave taken under this Section if the reason for leave qualifies under the FMLA.

If the employee is unable to return to work after expiration of the six-month period, the employee may be given a disability separation in accordance with Section 5.19 of this Manual or may apply for OPERS disability retirement, if qualified (*See Section 11.06* for contact information for OPERS).



9.10 Maternity/Paternity Leave Policy

Comment [jjs8]: New Section

Maternity leave permits parents who have care giving responsibilities to have time off to spend with a child newly added to the family. In the event of female employees' pregnancy and male employees' wives' pregnancy, they shall be granted leave of absence from work for maternity purposes.

Cuyahoga County is firmly committed to protecting the rights of expectant mothers and complying with Title VII of the 1964 Civil Rights Act as amended by the Pregnancy Discrimination Act of 1978. Cuyahoga County's policy is to treat women, and men whose wives are affected by pregnancy, childbirth or related medical conditions in the same manner as other employees unable to work because of their physical condition in all employment aspects, including recruitment, hiring, training, promotion and benefits.

Further, the County fully recognizes eligible employees' rights and responsibilities under the Family and Medical Leave Act (section 8.0 of the County Personnel Policies and Procedures Manual).

In an effort to treat all employees equally, the County will provide an maternity/paternity leave of absence for those employees who do not meet the requirements of the Family and Medical Leave Act (Section 8.0). The leave will not exceed eight (8) weeks. The employee may use any accrued sick or vacation time concurrent with the approved leave. Requests (with supporting medical certification) must be made to Human Resources thirty (30) days prior to the expected date of delivery or as soon as practical.

At the conclusion of the eight (8) weeks, additional leave request of a medical necessity will be reviewed in conjunction with current leave policies.

If both spouses are employed by the County while neither of them meets the eligibility of FMLA, the unpaid leave is limited to a combined eight (8) weeks.

Note: An employee on an unpaid leave of absence does not accrue sick or vacation leave. In addition, time spent on an unpaid leave of absence does not count towards an employee's new hire probationary period. See Section 5.07 for more detail.

Pregnant employees may continue to work until they are certified as unable to work by their physician. At that point, pregnant employees are entitled to receive benefits according to Section 11.3 (Benefits During Unpaid Leaves of Absence) of the County's Personnel Policies and Procedures Manual).



Note: An employee in an unpaid status on the first day of a month will not receive health care coverage and related benefits unless he or she elects to pay the entire expense. The employee may be required to pay up to one-hundred and two percent (102%) of the entire health insurance and related benefits premium costs to retain his or her benefits status. Contact the Benefits Department at (216) 443-3539 for more information.

The employee is entitled to be reinstated with full seniority to the same or equivalent job with no loss of service or other rights or privileges provided the employee contacts the County within thirty (30) days after the birth and indicates a return-to-work date with a certificate from the employee's physician as to fitness to perform the duties. Should the employee not return to work within the approved time frame the employee will be considered to have voluntarily terminated employment with the County

Employees will be able to reserve 40 hours of sick time to be utilized upon their return from an approved FMLA Maternity or Paternity Leave.



Section 10: MILITARY LEAVE

NOTE: County Employees who are related to members of the Armed Forces, including members of the National Guard or Reserves, should be aware that they may be eligible for military-related FMLA leave. Please see Section 8. for more information regarding military-related FMLA leave.

10.01 Military Leave With Pay (Military Reserve Leave)

Timesheet Code: ML

Permanent County employees who are members of the Ohio National Guard, the Ohio defense corps, the Ohio naval militia, or any other reserve component of the United States armed forces, are entitled to a leave of absence from their duties without loss of pay for a period or periods not to exceed twenty-two (22) working days (176 hours) in any one calendar year, provided they are called for field training or active duty. This service does not need to be in one continuous period. The maximum number of hours for which payment under this provision will be made in any calendar year is one-hundred seventy-six (176).

Any military pay received for this twenty-two (22) or less day period of military service shall have no effect on pay from the County. This twenty-two (22) day period of military leave will not affect accrual of sick leave or vacation credits. The employee will continue to accrue sick leave and vacation credits at the normal rate.

An employee who is entitled to leave provided under this Section, and who is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the governor pursuant to the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

- The difference between the employee's regular gross monthly wage or salary and the sum of the employee's gross uniformed pay and allowances received that month; or
- Five hundred dollars (\$500).

No employee, however, shall receive payments pursuant to the above paragraph if the sum of the employee's gross uniformed pay and allowances received in a pay period exceeds the employee's regular gross wage or salary. In order to obtain any paid leave under this Section, the employee must submit to Human Resources a copy of military orders or other statement in writing from the appropriate military authority as evidence of a call to training or duty.



10.02 Unpaid Military Leave

Timesheet Code: MLX

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), an eligible County employee shall be granted, upon giving notice to his or her Department and Human Resources, a leave of absence to serve in the uniformed service, as defined in the Revised Code. This leave shall be without pay and shall be considered as a leave of absence from service with reinstatement rights. No single leave of absence or combination of uniformed service leaves of absence may exceed five (5) years or a single, longer period required to complete an initial period of obligated service.

Employees on military leave without pay for up to thirty (30) days must be given the option of making direct payments of the employee's share of the health insurance premium. Employees with longer periods of service will be given the option of continuing health care coverage and related benefits for up to twenty-four (24) months. Such continuation shall be at the employee's expense.

NOTE: the employee may be required to pay up to one-hundred and two percent (102%) of the entire health insurance and related benefits premium costs.

Employees on military leave who are reinstated to employment with the County pursuant to this Section are entitled to immediate reinstatement of health insurance for the employee and any other individual who is covered by such plan by reason of the reinstatement of the coverage for the employee, with no waiting period and no exclusion of preexisting conditions, except for service-connected illness or injury. Even if the employee does not elect to continue health coverage during his or her military service, he or she will have the same right to immediate reinstatement of health insurance.

Employees returning from military service will be reinstated in the job that they would have attained had they not been absent for military service and with the same seniority, job status and pay, as well as other rights and benefits determined by seniority. The County will make all reasonable efforts to enable returning employees to refresh or upgrade their skills to enable them to qualify for reemployment. If refresher training is not successful, the County will reinstate the employee in a position that most nearly approximates that position originally held.

An employee returning from military leave must apply for reinstatement to their Department or Human Resources within the following time frames:

- Leave of less than thirty (30) days – the employee must report back to work at the next regularly scheduled shift on the day following release from the military, safe travel home, and eight (8) hours of rest.
- Leave of thirty-one (31) to one hundred eighty (180) days – the employee must apply for reinstatement within fourteen (14) days following release.
- Leave of one hundred eighty-one (181) days or more – the employee must apply for reinstatement within ninety (90) days after release.



Failure to return to work or apply for reinstatement in accordance with these time limits does not necessarily forfeit the employee's reinstatement rights, however, the employee will be subject to the County Attendance Control Policy ([Section 14](#)).

Following a period of service of thirty-one (31) days or more, employees will be required to provide documentation to the County which establishes the following:

- The timeliness of the employee's application for reinstatement;
- That the employee has not exceeded their cumulative 5-year limit of military leave; and
- That the character of their discharge or separation from uniformed service does not meet one of the types set forth in [20 CFR 1002.135](#).

If the documentation is not readily available, or does not exist, the County will not deny reinstatement, however, if the documentation later becomes available and it shows that the employee did not qualify for reinstatement, the employee will be immediately removed from employment.

For employees who were disabled while on military duty, or if a pre-existing disability is aggravated by military service, the County will make reasonable efforts to accommodate the disability (*See [Section 4.07](#) for more information on disability accommodations.*)

If the employee's service was one-hundred eighty-one (181) days or more, they are protected from discharge, except for cause, for one (1) year. If the employee's service was for thirty-one (31) to one-hundred eighty (180) days, the period of protection from discharge, except for cause, is one-hundred eighty (180) days.

Employees may elect to use any vacation leave they have accrued for a period of unpaid military leave. Use of vacation is strictly optional. Employees on unpaid military leave do not accrue sick or vacation leave.



Section 11: BENEFITS

11.01 Health Care Benefits

The County's comprehensive benefits program, consists of group medical, prescription, dental, vision, life insurance and flexible spending accounts.

NOTE: Part-time employees hired on or after January 1, 2008 are not eligible for County provided health care benefits. Part-time employees who were receiving County health care benefits prior to January 1, 2008 will continue to remain eligible to receive health care benefits.

New employees have thirty (30) days from their hire date to make their benefit elections and to submit documentation regarding dependents. Under most circumstances, if an employee fails to make benefit elections within that time period, the employee will have to wait until open enrollment to elect benefits.

New employees shall be eligible to receive health care benefits on the first day of the month following their date of hire. The costs of the employee's selected benefits plans are shared between the employee and the County. The County will make its first contribution on the first payroll deduction for the first month following the employee's hire date. Employees, at their own expense, can elect to begin medical, dental, vision and flexible spending account coverage on the first day of hire. Employees who choose this option are responsible for 100% of the cost of their benefits.

Employees who take a leave of absence during any benefits waiting period may incur a delay in the effective date of County paid benefits. The new effective date will be calculated from the day the waiting period is completed.

The County's health benefits may cover an employee's spouse and dependent children. To be covered, children must be under age twenty-eight (28), unmarried, and legal dependents of the employee. Health benefits may also cover certain other dependent children if the employee has legal guardianship, as outlined in each of the County's group insurance carrier contracts. No dependent can be covered by more than one County sponsored benefit plan. Documentation is required before dependents can be added.



NOTE: Effective January 1, 2011, employees may be able to add dependents whose age is greater than 23 to their benefits coverage. Federal rules will allow employees to add dependents who will be covered through the month of their 26th birthday (with proper documentation). The State of Ohio allows dependents to be added following the month of their 26th birthday through the month of their 28th birthday if they meet all the State of Ohio criteria.

If an employee is covered by medical coverage elsewhere, the employee may be entitled to waive County coverage and receive a taxable wage incentive for maintaining non-County coverage. Employees should contact the County Benefits Department at (216) 443-3539 or benefits@cuyahogacounty.us for more information on this incentive.

Employee contributions for health benefits are paid through a pre-tax payroll deduction, both during and after the waiting period.

Fraud Warning: Any person who, with intent to defraud or knowing that he or she is facilitating a fraud, submits an application or files a claim containing a false or deceptive statement may be guilty of insurance fraud. Any employee found making false or deceptive statements may be subject to disciplinary action, up to and including removal.

By enrolling in a County benefit plan, an employee agrees to comply with eligibility rules for themselves and for all of their dependents in these plans. The enrolling of ineligible dependents may be considered fraud. An employee may be subject to an eligibility audit during the benefit year. An employee selected for an eligibility audit may be required to submit copies of documentation such as certified birth certificate(s), marriage certificate(s), income tax return(s) and/or other related documentation including affidavits.



11.02 Open Enrollment

Open enrollment generally occurs between October and December. Employees must go on line annually to make their elections. Employees who do not make elections on line by the open enrollment deadline will default to the medical plan that the County designates. Once an employee is defaulted to this designated plan, he or she cannot appeal or change this plan unless a qualifying event occurs. Employees are also bound by the deadlines to submit documentation during open enrollment for addition and/or deletion of dependents.

11.03 Benefits During Unpaid Leaves of Absence

If an employee is on an unpaid leave of absence, benefits may be maintained. To continue benefits, employees must make required monthly contribution payments which may be greater than those paid by employees in active pay status. Employees should contact the County Benefits Department at (216) 443-3539 or benefits@cuyahogacounty.us for more information on continuation of benefits during a leave of absence.



11.04 Changes in Medical Benefits Coverage

Under most circumstances, employees can only make changes to benefit elections during the annual open enrollment period. After enrollment, revision to an employee's elections is only permitted due to an eligible change in status. Employees must notify Human Resources and complete a Benefits Office Change Form, including attachment of required documentation, within thirty (30) days of an eligible change of status.

Examples of changes of status include:

- Marriage;
- Divorce, legal separation, or annulment;
- Birth, adoption, placement for adoption, or legal guardianship;
- Change of status in child custody;
- Death of dependent;
- A child who is no longer a legal dependent or a dependent reaching age twenty- three (23) (please see note box in Section 11.01 regarding changes to this requirement on or after January 1, 2011);
- Loss of alternate coverage; and/or
- Certain reductions/increases in work hours and or work status (i.e., from part-time to full-time).

NOTE: Employees are responsible for notifying the Benefits Division if their legal guardianship ends or if their dependent children get married, leave home with their own job and/or are no longer shown by the employee as a dependent on their income tax returns.

Changes in status can affect the employee's single/family coverage entitlement for medical, prescription drugs, dental and vision, as well as impacting flexible spending accounts and life insurance. In the case of divorce, legal separation and annulment, employees must adjust their covered dependents by removing former spouses within thirty (30) days of divorce, legal separation or annulment. Copies of the first and last pages of the court document must be included. Failure to adhere to this requirement may subject the employee to discipline, up to and including removal.

NOTE: Divorced employees who are required by court order to pay benefits for their ex-spouse cannot cover the ex-spouse under County benefits. A separate policy must be purchased outside of County benefits. It is illegal to cover an ex-spouse under County benefits.



11.05 **Continuation of Coverage**

In compliance with Federal COBRA laws, all new employees receive a comprehensive letter concerning their rights with respect to continuing group health care benefits. Generally, a former employee can continue benefits for up to eighteen (18) months, providing that they pay the monthly group rate in addition to a small administrative fee. Some unique situations, as defined by law, may warrant a longer period of up to twenty-nine (29) months. Upon severing employment with the County, eligible employees will receive notification of their COBRA entitlement, duration and payment instruction.

In addition, Federal HIPAA laws require that the County (or its designated agent) provide eligible employees a certificate of group health care coverage. This document may be used as evidence of their insurability to another employer or organization whose group health carrier may otherwise impose an exclusion for certain pre-existing conditions. Employees needing a copy of their certificate of group health care coverage should contact the County Benefits Department at (216) 443-3539 or benefits@cuyahogacounty.us.

The County's group term life insurance has two features allowing employees to take a portion or all of their life insurance with them under an individual arrangement with the County's insurance carrier:

- The "conversion provision" allows an employee to convert the basic insured amount, if applicable to their group, and the supplemental coverage into a whole life policy.
- The "portability provision" allows an employee to take the insured amount that is in excess of the basic coverage and create an individual term life policy at the same prevailing group premium. Changes in premium still occur at the same five-year (5) age intervals as when employed.

NOTE: The "conversion" and "portability" provisions both involve direct payment to the insurance carrier.

There are deadlines associated with both the "conversion" and "portability" provisions of the County's sponsored life insurance program. The County routinely sends an informative notification concerning preservation of life insurance when employment ends. However, employees should contact the County Benefits Department at (216) 443-3539 or benefits@cuyahogacounty.us prior to separation from employment with the County.



11.06 Retirement – Ohio Public Employee Retirement System (OPERS)

All County employees are required by state law to participate in OPERS through payroll deduction.

Information regarding OPERS is available by contacting Human Resources or by directly contacting OPERS:

Ohio Public Employee Retirement System
277 East Town Street
Columbus, Ohio 43215-4642
1-800-222-PERS (7377)
www.opers.org

11.07 Death Benefit

Employees who elect life insurance coverage must complete a Beneficiary Form. Upon the death of an employee or their covered dependents, death benefits will be payable. Contact the County Benefits Department at (216) 443-3539 or benefits@cuyahogacounty.us for more information regarding death benefits.

11.08 Optional Additional Employee Benefits

At the sole discretion of the County, certain additional optional employee benefits may be offered to County employees, including:

- Voluntary benefits, such as accident insurance, whole life insurance with long term care rider, and/or short term disability;
- Discounted RTA bus/transit passes and parking;
- Health and wellness programs; and
- Tuition reimbursement.

County employees will be notified of these offers as they become available.



11.09 Flexible Spending Accounts (FSAs)

Flexible Spending Accounts are offered by the County as an additional benefit. The County offers two types of FSAs: (1) Medical Payment Accounts; and (2) Dependent Care Payment Accounts. More information on both of these plans can be found in the open enrollment material distributed by the Benefits Division or by contacting the Benefits Division at (216) 443-3539 or benefits@cuyahogacounty.us.

Medical Payment Account (MPA)

The MPA allows employees to use pretax deductions to pay medical, prescription drug and dental expenses that are not covered by the employee's medical plan (e.g., co-pays, deductibles, orthodontia, etc.). Employees deposit these payroll deductions in a separate account with the County's third party provider. To draw on the account, employees must submit receipts for eligible expenses to the third party provider through use of reimbursement form. The employee will then be reimbursed by the third party provider.

Dependent Care Payment Account (DCPA)

The DCPA allows employees to use pretax deductions to pay childcare expenses. The DCPA works in the same manner as the MPA with regard to submission of receipts and reimbursement form. Childcare services can be provided in or out of the employee's home as long as the sitter is not a dependent that you claim on your income tax. The DCPA covers childcare for children less than thirteen (13) years of age, but also may be used to pay for an incapacitated adult who is dependent on the employee for 50% of their support and who needs care while the employee is at work.

NOTE: Employees should be aware that there are strict deadlines associated with the submittal of claims for withdrawal of funds from flexible spending accounts. Employees that fail to submit claims prior to the deadline will forfeit any remaining balances in their flexible spending accounts. More information regarding specific deadlines can be obtained by contacting Human Resources.



Section 12: **WORKERS' COMPENSATION**

12.01 **Workers' Compensation Policy**

The State of Ohio Workers' Compensation Laws cover County employees. A County employee who sustains a job-related injury or occupational disease may be eligible to receive benefits from the Bureau of Workers' Compensation (BWC).

12.02 **Employee Procedure**

A County employee who is involved in a work-related accident/injury or is diagnosed with an occupational disease must adhere to the following procedure:

1. The employee must immediately notify their supervisor of the work-related accident/injury or occupational disease diagnosis. If the employee is incapacitated, the employee must notify their supervisor as soon as practicable.
2. The employee must complete a Cuyahoga County Accident Investigation Report within 24 hours of the occurrence, unless confined to the hospital. If confined to the hospital, the employee must complete the accident report within 24 hours of release from the hospital.
3. The employee may seek treatment at the medical provider of their choice so long as the provider is BWC certified. If medical care is needed, the employee should obtain a Managed Care Organization (MCO) card from Human Resources for submittal to their provider. If immediate medical care is needed, the employee does not need to obtain a MCO card. Rather, the employee should inform their provider that they have a work-related injury and refer them to the County's MCO, [1-888-OHIOCOMP-University Hospitals CompCare \(www.UHCompCare.com\) 1-800-818-7273](http://www.UHCompCare.com).

NOTE: An employee who is involved in a work-related accident/injury may be required to submit to a drug and/or alcohol test pursuant to Revised Code [Section 4123.54](#). The results of the drug and/or alcohol test, or the employee's refusal to submit to the test may affect the employee's eligibility for compensation and benefits pursuant to Revised Code [Section 4123.54](#) and [Chapter 4121](#) of the Revised Code and will subject the employee to the provisions of the County's Fitness for Duty Program ([Section 7.04](#)).



Employees who are off work due to a work-related accident/injury or occupational disease are responsible to keep their supervisors notified of their work status and to provide appropriate documentation from their physician. Appropriate documentation includes certification of total disability (BWC Form - C-84) and physician's reports of work ability (BWC Form - Medco-14).

If the employee is released to light or full duty, the employee must provide appropriate documentation from their physician to Human Resources and the County Workers' Compensation Office.

If an employee is required to attend an Industrial Commission hearing, he or she will be given up to two (2) hours of paid leave. The employee must present the Hearing Notice from the Industrial Commission to their supervisor prior to the hearing date in order to be granted the paid leave.

If an employee is required to attend a County or BWC mandated medical examination, he or she will be given up to four (4) hours of paid leave time to attend. The employee must present their supervisor with the written letter from the BWC, MCO or TPA in order to be granted the paid leave.

NOTE: Time off for attendance at any medical appointment not mandated by the County or BWC must be covered by the employee's own leave time.



12.03 **Supervisor Procedure**

Immediately upon receipt of notification from an employee of a job-related accident/injury or occupational disease diagnosis, the supervisor shall:

1. Provide the employee with a “~~Workers’ Compensation Injury Reporting Packet~~[Cuyahoga County Injury Care Packet](#).” Reporting packets can be obtained from Human Resources. The reporting packets contain the Accident Investigation Report that must be filled out by the employee; and
2. Contact Human Resources to notify them of the incident.

NOTE: If the incident in question involves a vehicle accident, the supervisor is also required to contact Fitness for Duty and Protective Services in accordance with [Section 16.04](#) of this Manual.

Upon receipt of the completed Accident Report from the employee, the supervisor shall immediately give the form to Human Resources.



12.04 Relationship to Leave Time

Employees who are off work for more than seven (7) calendar days due to a job-related accident/injury or occupational disease may be entitled to disability benefits through the BWC. It may be several weeks, however, before the BWC determines eligibility and issues the first disability check to an injured employee. County employees who are off work due to a job-related accident/injury or occupational disease have the following options while waiting for the BWC to determine eligibility and issue disability payments:

- **Sick Leave** – An employee may elect to use their accrued sick leave. The employee will continue to receive their full wages and benefits while using sick leave. The BWC, however, will not reimburse an employee for the usage of their sick time (i.e., the BWC will not issue retroactive payment of disability payments to cover the period of time where sick leave was used). In addition, the County will not reimburse or re-credit the employee for the sick time used.
- **Vacation/Compensatory/Exchange/Personal Leave** – An employee may elect to use their accrued vacation, compensatory, exchange or personal leave. The employee will continue to receive their full wages and benefits while using vacation, compensatory, exchange or personal leave. Should the BWC determine that the employee is eligible for disability payments, the BWC will issue retroactive disability payments to cover eligible periods where vacation, compensatory, exchange or personal leave were used. The County, however, will not reimburse or re-credit the employee for the vacation, compensatory, exchange or personal leave time used.
- **Unpaid Workers' Compensation Leave** Timesheet Code: WCX - Injured employees also have the option of not receiving a paycheck from the county and waiting on BWC wage benefits. However, the decision to go into a no-pay status may affect health care benefits. Should the BWC determine that the employee is eligible for disability payments, the BWC will issue retroactive disability payments to cover eligible periods where unpaid workers' compensation leave was used. Should the BWC determine that the employee is ineligible to receive disability, the employee will not receive any retroactive payment or reimbursement from the BWC or the County.

In addition, in the event that an FMLA eligible employee suffers lost time of three (3) days or more, the employee will be required to use their available FMLA time to cover up to the first twelve (12) weeks of lost time.



12.05 Alternative Work Program

Policy

On July 1, 2003, the County passed a Resolution adopting the Cuyahoga County Alternative Work Policy. The passage of this Resolution indicates that the County fully supports the provision of alternative work opportunities for employees who have been injured at work and are eligible for Workers' Compensation Benefits. Employees who have been injured may be able to work for a specific period of time in a modified form of their present job or at a different job assignment.

This policy only pertains to employees with County work related injuries who have been released by their physician for alternative work/light duty. The policy may also be limited based on individual departmental work needs at a particular time.

Procedure

- When an employee is injured, the County's MCO, [University Hospitals CompCare \(www.UHCompCare.com\)](http://www.UHCompCare.com) 1-800-818-7273, + 888-OHIOCOMP, will review the employee's medical records and discuss restrictions with the employee's physician (or review Medco-14 form from physician). The MCO will also make available Functional Job Analyses for certain positions for review by the physician. The MCO will then make recommendations on appropriate candidates. A Department may also make recommendations for appropriate candidates. Appropriate candidates will likely miss more than 7 calendar days of work.
- The employee must file a workers' compensation claim with the BWC and complete the County's accident report before being considered for alternative work. However, the County's initial allowance order does not have to be issued prior to participation in the program.
- The County Workers' Compensation Office will work in conjunction with Department management to determine whether there is an appropriate alternative position within the employee's department.
- The Department may object to the assignment if there are already two employees from the Department participating in this program.
- If a bargaining employee is involved, the union will be notified of the assignment. The employee will be notified of their right to union representation regarding the assignment.
- The employee will maintain their current rate of pay and their bargaining status will remain in force. Where possible, all efforts will be made to assign the employee to their regular shift.



- The County Workers' Compensation Office will inform the employee by certified mail in writing of the new assignment, reporting time and work hours. A copy of this letter will be sent to the union (if applicable), Human Resources, Department Director(s) and supervisor(s).
- An employee will be eligible for alternative work for up to sixty (60) calendar days. This initial sixty-day period may be extended by agreement between the Department and employee (or union if a bargaining employee). At no time may an alternative work assignment exceed one hundred twenty (120) days.
- For an employee to be allowed to return to their prior position, the employee must provide a full release from their physician, indicating that the employee can perform the essential functions of the position, with or without accommodation, or have been granted a reasonable accommodation under the ADA. (*See Section 4.07* of this Manual for more information on making a request for an ADA Accommodation.)



12.06 Wage Continuation Program

The County Wage Continuation Program is an optional program available for employees who are injured at work and meet specific eligibility requirements. Under the Program, the employee will continue to receive their regular County wages as opposed to receiving workers' compensation disability benefits for up to sixty (60) calendar days while they are recovering from their injuries. The employee will also continue to receive their applicable benefits, including accrual of sick, vacation and retirement credit.

The program is entirely voluntary and the employee may opt out of the program at any time. The employee must meet all eligibility requirements and follow all mandated procedures to participate in the program. **The County reserves the right to make determinations on eligibility on a case by case basis.**

Eligibility

- Injury or occupational disease must be compensable under Workers' Compensation Laws of the State of Ohio;
- Employee must miss more than seven (7) calendar days of work;
- Employee must fill out a county accident report in accordance with Section 12.02 of this Manual;
- Employee must use a medical provider from either MetroHealth or OccuCenters facilities.
- Employee must fill out a Wage Continuation Form (available from Human Resources), and return it to the County Workers' Compensation Office within 72 hours of the injury/diagnosis. If employee is hospitalized, the employee must return the form within 72 hours of their discharge from the hospital. There will be no retroactive application to this program;
- Employee must submit FMLA paperwork to Human Resources and are required to use their FMLA leave. Employees who are not eligible for FMLA leave are not eligible to participate in this program; **and**
- Employee must agree to participate in alternative work if eligible. The employee's participation in the alternative work program shall be governed by the rules set forth in Section 12.05 of this Manual.

Procedure

- Upon receipt of the required forms, the Workers' Compensation Office will consult with the employee's supervisor and make a decision to either certify or reject the injury/occupational disease claim.
 - **Rejected** - the employee will not be eligible to participate in the program.
 - **Certified** - the Workers' Compensation Office will enroll the employee in the program.
 - **Certified, but later disallowed by the BWC** - the employee's participation in the program will be suspended until a final decision is issued on the claim. The employee will be required to use accumulated paid leave or FMLA leave during



this period of time if the employee has not been released by their doctor. If the employee does not have sufficient leave time to cover the absence, the employee may be placed on an extended unpaid sick/medical leave.

- If, after the appeals are exhausted, the claim is allowed, leave time used will be refunded.
- The employee's physician will be required to submit both a C-84 and Medco-14 along with an estimated return to work date to the Workers' Compensation Office. The Workers' Compensation Office will use these forms to determine the appropriateness of an alternative work assignment.
- Wage continuation may continue for a maximum of **sixty (60) calendar days** or until the employee's physician releases the employee to either full duty or alternative work, whichever is earlier.
 - The sixty-day limit applies to each injury (i.e., if an employee returns to work after forty-five (45) days of wage continuation, but later needs to be off work again for the same injury – the employee will only be authorized for fifteen (15) additional days of wage continuation. After a total of sixty (60) calendar days of wage continuation, the employee will not be eligible to participate in wage continuation for the same injury for the duration of the participant's service with the County.)
- If the employee is unable to return to work at the end of the sixty-day time period, he or she will be directed to seek benefits from the BWC. The employee will be required to continue on FMLA leave until exhausted.
- An employee may discontinue the program at any time. If the employee decides to opt out of the program, the employee may use his or her accumulated leave time and apply to use the standard Workers' Compensation Program. An employee who has opted out of the program may not opt back in at a later date.

Medical Treatment

- Employees in the program must use a medical provider from either MetroHealth or OccuCenters facilities. It is recommended that employees with less serious injuries use OccuCenter, and employees with more serious injuries use MetroHealth.
- Any employee who fails to fully comply with his or her treating physicians recommendations, including treatment, medication, therapy, vocational rehabilitation, and/or alternative/transitional work assignment, will be immediately removed from the program and will forfeit any future claim to program benefits. Missing appointments will be considered non-cooperation.
- Employees in the program who are working in an alternative work position will be granted paid leave time for medical or physical therapy appointments with their approved physician. The employee will be required to submit documentation of the appointment to their supervisor, including the time he or she arrived and left the appointment. Failure to submit appropriate documentation will result in the employee being charged with sick leave for the time away from work
- Employees in the wage continuation program who have returned to full duty will be granted up to two (2) hours of leave time per day for medical appointments related to



their work-related injury for up to one (1) year following their date of injury. The appointment must be with their approved physician under this program and the employee will be required to submit documentation in the manner described in the prior paragraph.

Prohibitions

- An employee is not eligible to use leave donation while participating in this program.
- Employees in the program shall only be paid for their regularly scheduled hours during the period of disability.
- Employees may not maintain any other employment while collecting wage continuation.
- In the event that the County finds that an employee who has received wage continuation has filed a fraudulent claim, the County reserves the right to discipline the employee pursuant to Section 13 of this Manual, up to and including removal, and to recoup the full worth of all wage and benefit payments rendered to the employee.

NOTE: The County reserves the right to modify the wage continuation program at any time.



Section 13: **EMPLOYEE CONDUCT POLICY**

13.01 Guidelines for Appropriate Conduct

All County Employees are responsible for performing their jobs in a competent, professional manner and for conducting themselves, at all times, in a way that advances the goals of the County and increases public confidence in Cuyahoga County government. This requires County employees to exercise due care and regard for the safety and security of persons and property, and to refrain from behavior which might be harmful to the county's interests, or which violates or conflicts with the county policies and procedures.



13.02 Employee Dress/Appearance

County employees are required to dress in a manner appropriate for their position. Unless otherwise required by their position, employees are generally required to dress in a manner that is “business appropriate.”

Although it is not possible to compile a complete list of acceptable and unacceptable attire, employees should always strive to dress in a way that maintains a business appearance and promotes a positive image and level of professionalism.

Employees should be aware that their respective Departments may have additional rules and regulations or more specific guidelines regarding employee dress/appearance. In determining the appropriate dress standards for individual units, Department management should consider the following factors:

- The nature of the work performed by the unit;
- The likelihood of interaction with the public; and
- Consistency amongst similarly situated units.

Department management has the right to take corrective action when an employee is improperly dressed. An employee who is dressed inappropriately may be sent home to change his or her clothes and may be subject to further discipline under this Section. An employee who is sent home shall be required to use his or her own accumulated vacation, compensatory or exchange leave to cover the time that he or she is away from the worksite to change clothes. In the event the employee has no vacation, compensatory or exchange time, the employee will be placed in AWOL status for the time that he or she is away from the worksite.

Nothing in this policy is intended to abridge an employee’s rights relating to non-discrimination or to hinder the advancement of diversity at the County. The County will reasonably accommodate those employees whose bona fide religious belief or disability requires special attire (*see* [Section 4.08](#) for information regarding requests for religious accommodation; *see* [Section 4.07](#) for information regarding disability accommodation requests).



13.03 Employee Responsibility for County Property

Employees shall not abuse, neglect, waste or misappropriate County property. All employees are responsible for the proper care of any tools, materials, equipment or vehicles assigned for the performance of their jobs. No County tools, equipment, materials or vehicles shall be used for any purpose other than authorized work-related activities. No County tools, equipment or materials shall be taken from the worksite for any purpose unless specifically authorized by the employee's supervisor and/or management. Any violation of these requirements may subject an employee to discipline, up to and including removal.

Upon separation from County employment, employees must return to their Department Management all County-issued cell phones, pagers, computers, keys, uniforms, and other such equipment. In addition, employees must return their ID badges to Human Resources.



13.04 **Recording of Conversations**

The County has established the following guidelines for the recording of telephone conversations, office meetings and office conversations concerning County business. Any violation of this Section could result in disciplinary action, up to and including removal.

Telephone Conversations

County employees shall not record any telephone conversation involving the discussion of County business unless at least one of the following applies:

1. All parties first consent either verbally or in writing;
2. The party intending to record the conversation notified the other party – both at the beginning and at the end of the conversation – that the call is being recorded;
3. The Law Director or designee authorizes in writing an employee to record a telephone conversation without the other party's consent (e.g., in furtherance of a sexual harassment investigation); or
4. County management authorizes the recording of a telephone conversation as a standard course of business (e.g., all telephone calls to the 696-KIDS hotline are recorded).

Office Meetings and Conversations

County employees shall not record any internal office meetings, conversations, and/or any oral communication involving the discussion of matters pertaining to County business unless at least one of the following applies:

1. All parties first consent either verbally or in writing; or
2. The Law Director or designee authorizes in writing an employee to record a meeting/conversation without the other party's consent (e.g., in furtherance of a sexual harassment investigation).

An internal office meeting is defined as an assembly of two or more County employees for the purpose of discussing matters relating to the conduct of County business.

NOTE: This policy shall not apply to public meetings or any other meeting or forum involving the discussion of County business that is open to members of the general public, including, but not limited to, public hearings.



13.05 Workplace Search/Privacy Policy

NOTE: See Section 15.02 for information regarding the County's electronic equipment/e-mail privacy policies.

County management may question employees and/or inspect any personal property or any area from which the County conducts business, including any spaces, facilities and/or vehicles leased by the county, when there are **reasonable grounds** for suspecting that the search will reveal evidence of work-related misconduct, including, but not limited to:

- When management has a reasonable suspicion that a search/questioning is necessary to safeguard another employee's safety or property;
- When management has a reasonable suspicion that a search/questioning is necessary to safeguard a County customer or their property;
- To protect County property from destruction and/or theft;
- To investigate possible violations of County policy; or
- In furtherance of an internal workplace harassment/discrimination investigation.

County management will obtain authorization from either Human Resources or the Protective Services Division prior to conducting a workplace search.

NOTE: Employees who are without their County issued ID Badge may be required to submit to a search through the use of a metal detector. In addition, all County employees may periodically be required to submit to a search through the use of a metal detector.



13.06 Professional Licenses

Any County employee who is required as a condition of his or her employment to possess and maintain in good standing, a professional license (e.g., social worker license, license to practice law, etc.), shall immediately report any change in his or her licensure status to their Department Management (i.e., license revoked due to bad behavior or failure to renew). An employee who fails to promptly report any change in their licensure status may be subject to disciplinary action, up to and including removal.

13.07 Criminal Conviction

~~Pursuant to Section 5.05 of this Manual, all applicants for appointment to positions under the County are required to declare whether they have been previously convicted of certain crimes. Any employee that fails to disclose a previous criminal conviction or current arrest for one of the listed crimes on their application is subject to disciplinary action, up to and including removal for falsification of their application.~~

Any current County employee that is arrested and/or charged for one of the following crimes must immediately report said arrest to Human Resources:

- Felonies (or under arrest for crime punishable as a felony);
- A crime involving dishonesty, fraud, or theft (e.g., forgery, burglary, robbery, credit card fraud, perjury, bribery, tax evasion);
- Crimes of moral turpitude (e.g., sex offenses, pandering, prostitution, importuning, public indecency);
- Crimes involving physical violence (e.g., assault, patient abuse or neglect); and
- Drug-related crimes (e.g., trafficking offenses, drug possession).

Any employee who fails to disclose the fact that he or she has been arrested and/or charged for one of the above-described crimes is subject to disciplinary action, up to and including removal.

Conviction of a crime or a history of criminal convictions may constitute cause for disciplinary action. Determination of such action will be based on an analysis of the responsibilities of the position and the nature and time frame of the conviction.



13.08 Inappropriate Conduct / Grounds for Discipline

Inappropriate Conduct

In accordance with Ohio civil service laws, the County considers the following conduct to be inappropriate and grounds for disciplinary action:

Incompetency	Violation of County Policy and/or Procedure
Inefficiency	Violation of any Ohio Civil Service Law
Dishonesty	Failure of Good Behavior
Drunkness / Substance Abuse	Misfeasance
Immoral Conduct	Malfeasance
Insubordination	Nonfeasance
Discourteous Treatment of the Public	Felony Conviction
Neglect of Duty	

Examples of Inappropriate Conduct

The following examples of inappropriate conduct are provided to assist County management with administration of the Progressive Discipline Program. **The examples, however, are provided solely for illustration, and are NOT intended to be exhaustive or exclusive.**

MINOR INFRACTIONS:

The following is a non-exclusive list of examples of minor infractions:

Type of Conduct	Examples:
<i>Neglect of Duty / Inefficiency / Incompetency</i>	<ul style="list-style-type: none"> Failing to follow call-in procedures for a single day of absence without approved leave. Taking unauthorized or extended lunch or other breaks. Being away from the worksite without permission or leaving work prior to the end of the shift without authorization. Loafing, loitering, or failing to perform work in a prompt and efficient manner. Reading material during regular work hours that is not job-related or authorized by management. Conducting non-work related business while on County time.
<i>Violation of County Policy and/or Procedure</i>	<ul style="list-style-type: none"> Abuse of County telephones for personal, local calls. Using County equipment or property for other than its intended purpose (including, but not limited to, e-mail and Internet). Failing to sign time sheets, properly register time or to punch time card. Smoking on County owned or leased properties (1 ticket):-
<i>Insubordination</i>	<ul style="list-style-type: none"> Failing to follow supervisor's instructions or Departmental procedures.
<i><u>Failure of Good Behavior</u></i>	<ul style="list-style-type: none"> <u>Behavior unbecoming toward the public or fellow employee</u>



MAJOR INFRACTIONS:

The following is a non-exclusive list of examples of major infractions:

Type of Conduct	Examples:
<i>Neglect of Duty / Inefficiency / Incompetency</i>	<ul style="list-style-type: none"> • Sleeping while on duty. • Leaving a post of continuous operation without authorization prior to the end of the shift or prior to proper relief. • Failing to follow call-in procedures for two consecutive days of absence without approved leave. • Failing to report for overtime after being scheduled to work overtime or refusing to work mandated (mandatory) overtime when assigned. • Failing to complete a legitimate job assignment. • <u>Failure of a supervisor to properly supervise or enforce work rules or County policies and procedures.</u>
<i>Violation of County Policy and/or Procedure</i>	<ul style="list-style-type: none"> • Abuse of County telephone for personal long distance calls. • <u>Violation of County Policy and/or Procedures.</u> • <u>Smoking on County owned or leased properties (2 tickets)</u>
<i>Discourteous Treatment of the Public</i>	<ul style="list-style-type: none"> • Failure to provide prompt, courteous service to the public.
<i>Failure of Good Behavior</i>	<ul style="list-style-type: none"> • Verbal abuse or profanity directed at a co-worker, supervisor, or the public. • Unauthorized sharing of confidential information about clients and/or employees. • Using another employee's confidential computer identification code without authorization or giving another's code to anyone to use. • <u>Any act that would bring discredit to the employer</u> • <u>Failure to cooperate with a County investigation</u>
<i>Insubordination</i>	<ul style="list-style-type: none"> • <u>Refusing a legitimate job assignment or failing to perform a directive from a supervisor or management representative.</u>

REMOVABLE INFRACTIONS:

The following is a non-exclusive list of examples of removable infractions:

Type of Conduct	Examples:
<i>Neglect of Duty / Inefficiency / Incompetency</i>	<ul style="list-style-type: none"> • Egregious, flagrant or willful neglect in the performance of assigned duties. • Disregarding safety or security regulations that results or would likely in serious physical harm or major property loss or damage. • Failing to follow call-in procedures for three consecutive days of

	<ul style="list-style-type: none"> absence without approved leave. <u>Egregious, flagrant, or willful failure of a supervisor to properly supervise and enforce work rules or County policies and procedures.</u>
<i>Violation of County Policy and/or Procedure</i>	<ul style="list-style-type: none"> <u>Intentionally destroying County property or records without prior authorization.</u> <u>Violation of County Policy and/or Procedures.</u> <u>Smoking on County owned or leased properties (3 or more tickets)</u>
<i>Dishonesty</i>	<ul style="list-style-type: none"> Falsification of employment records or other County records in manual or automated systems, including falsification of stated reason for use of leave (e.g., abuse of sick leave or using sick leave for unauthorized purposes.) Unauthorized punching, signing or altering other employee's time cards or timesheets Unauthorized altering of one's own time card or sheet. Making false claims or providing false information in investigations of workplace misconduct or accidents. Making false claims or misrepresentations in an attempt to obtain any County benefit (e.g., health benefits, promotion, paid leave of absence, etc.).
<i>Felony Conviction</i>	<ul style="list-style-type: none"> Conviction of a felony.
<i>Failure of Good Behavior</i>	<ul style="list-style-type: none"> Soliciting or accepting a gratuity or bribe from anyone conducting business with the County or seeking to do business with the County. Using obscene, abusive, or threatening language or gestures, or performing an act with intent to cause injury to another. Striking or physically assaulting another person. Fighting, except for self-defense. Theft of property from co-workers, the County or others. Unauthorized possession of a firearm, explosives, or other dangerous weapons on County property or while engaged in County business. Performing an act which constitutes a felony under the laws of the United States, the State of Ohio or the jurisdiction in which the act was committed. Making an unwelcome, uninvited sexual advance or request for a sexual favor, especially of a subordinate, a vendor or a customer, and/or touching someone else if it is unwelcome and uninvited. <u>Engaging in a pattern of behavior which creates a hostile, intimidating, or offensive work environment based on a protected characteristic.</u> <u>Any act that would bring discredit to the employer.</u>
<i>Drunkenness / Substance Abuse</i>	<ul style="list-style-type: none"> Using alcoholic beverages on County property, or using alcoholic beverages while engaged in County business. Possessing an open container of alcohol on County property or while engaged in County business. Manufacturing, using, selling, or distributing alcohol or illicit drugs on

	<p>County time or County property.</p> <ul style="list-style-type: none"> • Refusal or failure to submit to a drug test as required. • <u>Failing an alcohol or drug test in violation of the County’s Fitness for Duty Policy.</u> • <u>Tampering with a specimen or drug test including but not limited to the introduction of any foreign substance or specimen from another individual into or in place of the employee’s specimen.</u>
<u>Job Abandonment</u>	<ul style="list-style-type: none"> • <u>Failing to follow call-in procedures for three (3) consecutive work days of absence without approved leave.</u>

Evaluation of Inappropriate Conduct

All inappropriate conduct shall be evaluated on a case by case basis, considering the following factors:

- 1) Level of disruption to County business.
- 2) Level of harm to the County’s interests.
- 3) Level of damage to the public’s trust and confidence in Cuyahoga County government.
- 4) The employee’s position and the degree of responsibility inherent in that position (i.e., supervisory vs. non-supervisory positions). **Employees who occupy a supervisory or management position are held to a higher standard of conduct commensurate with the level of leadership required of them.**
- 5) Whether the employee’s conduct is part of a continuing problem.
- 6) Whether the employee’s conduct put a co-worker, vendor or customer’s safety and/or security at risk.
- 7) Whether the employee’s honesty and veracity is brought into question because of his or her conduct.
- 8) Whether there are extenuating or mitigating circumstances.
- 9) Whether the inappropriate factor involves a violation of the County’s Code of Ethics (*See Section 3.*).

13.09 Progressive Discipline Program

Purpose

The County subscribes to a policy of progressive discipline. Progressive discipline is not intended to be punitive. Rather, the goal of this policy is to help the employee recognize and correct certain unacceptable behavior before it becomes serious enough, or frequent enough, to warrant termination of employment.

Application

The Progressive Discipline Program applies to:

- Regular full-time and part-time employees (bargaining and non-bargaining); and
- Promotion or transfer probationary employees.

The Progressive Discipline Program may not apply to:

- New-hire probationary employees;
- Interns; and
- Temporary or seasonal employees
- Any employee who commits an offense deemed to be “removable” pursuant to Section 13.08.

In the event of a conflict, Federal, State and Local laws, rules, and regulations take precedence over Progressive Discipline policies and procedures. In addition, in the event of a conflict, collective bargaining agreements take precedence over Progressive Discipline policies and procedures.

Relationship to Attendance Control Program

All attendance related discipline shall be administered in accordance with the Attendance Control Program (Section 14). Attendance related discipline, however, may be relevant under this Section as evidence of a continuing performance problem. In addition, failure to follow call in procedures is considered a Progressive Discipline offense and may be addressed separately from the related attendance control issue.

Procedure

When a management representative determines that an employee has conducted himself or herself in a manner that is deemed “inappropriate” under Section 13.08 of the Policies and Procedures Manual, the management representative shall consult with Human Resources to determine the appropriate action to take. If an investigation is necessary, Human Resources will work with the management representative to gather the necessary information regarding the inappropriate conduct.

If Human Resources determines that the facts of the case may justify the imposition of a suspension, demotion, or removal, Human Resources will have the management representative complete a request for Pre-Disciplinary Conference in accordance with Section 13.11 of this Manual.



Depending on the nature of the discipline that is ultimately issued, the employee will either be notified of the discipline by his or her supervisor or Human Resources.

NOTE: All finalized disciplinary actions are permanently placed in the employee's personnel file. **The disciplinary action, however, will only remain active for two (2) years for purposes of progressive discipline.** The two-year period shall be measured backward from the date of the subsequent offense to the date the prior discipline was imposed.

Types of Disciplinary Action

- **Verbal Reprimand**- A verbal reprimand is an articulation of the problem by the supervisor to the employee. This serves as a warning and may be administered before a supervisor applies stronger action. A verbal reprimand shall note the date and nature of the reprimand as well as specifically state that the employee is receiving a formal warning. A written record of the reprimands will be made and such will be made a part of the employee's personnel file. Such records should include the time, date, a brief description of the problem and direction given to the employee.
- **Written Reprimand** – The purpose of a written reprimand is to give an employee formal written notice that his or her conduct has been deemed to be inappropriate and of any action that may be necessary to correct said conduct. The written reprimand should also specify consequences if the employee does not correct his or her inappropriate conduct. If Human Resources determines that a written reprimand is appropriate pursuant to the Progressive Discipline Program, the supervisor or management representative shall prepare the written reprimand and submit it to Human Resources for review. Once approved by Human Resources, the supervisor or management representative will give the written reprimand to the employee. The written reprimand shall be signed by the supervisor or management representative, the employee and any third-party who witnessed the issuance of the written reprimand. The employee's signature is an acknowledgement of receipt of the form, not agreement with its contents. The original written reprimand shall be sent to Human Resources to be placed in the employee's personnel file, with copies to the employee and the employee's direct supervisor.
- **Working Suspension** - A working suspension results when the County requires an employee who is suspended to report to work to serve the suspension. An employee serving a working suspension shall continue to be compensated at the employee's regular rate of pay for hours worked. The disciplinary action shall be recorded in the employee's personnel file and has the same effect as a suspension without pay for the purpose of recording disciplinary actions. Working suspensions may be applied to situations other than attendance control issues at management's discretion with consultation from HR.



- **Suspension** - A suspension is a forced unpaid leave of absence from employment with the County. The County may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. The disciplinary action shall be recorded in the employee's personnel file and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.
- **Reduction** - See Section 5.15.
- **Demotion** - See Section 5.14.
- **Removal** - See Section 5.17.

NOTE: At the sole discretion of the Director of Human Resources or designee, an employee may be temporarily placed on paid administrative leave when the employee's inappropriate behavior is so serious that immediate removal from the workplace is necessary. This may be necessary because the employee's actions indicate that remaining on the job or returning to the job may be detrimental to the employee, co-workers, customers or the County. The employee will be required to leave County property pending an investigation into the employee's behavior. Examples of behavior that may require a placement on paid administrative leave include, but are not limited to, the "Removable Offenses" set forth in Section 13.08 of this Manual. Employees who are placed on paid administrative leave shall be prepared to return to work each day on leave and are required to call Human Resources prior to their regular starting time each day to determine whether they should return to work that day.

13.10 Conduct/Performance Improvement Measures

The utilization of the measures described below can oftentimes help an employee improve his or her performance or conduct without having to initiate formal disciplinary procedures. Their purpose is to establish an understanding of the issues, exchange information, and establish job expectations. If the employee's performance or conduct does not improve, however, the supervisor shall initiate disciplinary proceedings in accordance with Section 13.09 of this Manual.

Management is strongly encouraged to consult with Human Resources prior to making use of the following measures:

NOTE: The following measures are NOT considered disciplinary action for purposes of the Progressive Discipline Program. These measures, however, may be mandated in conjunction with disciplinary action under the Progressive Discipline Program. An employee's failure to fulfill a mandate pursuant to this section constitutes insubordination and may subject the employee to disciplinary action. For example, an employee that is being suspended for inappropriate conduct may also receive a mandatory referral to the Employee Assistance Program as part of the disciplinary order. The employee's failure to fulfill the mandated referral would subject them to further disciplinary action for insubordination.

Verbal Counseling

Verbal counseling involves a private meeting between supervisor and employee, whereby the employee is informed in detail of his or her conduct that the supervisor has deemed inappropriate and of any action that may be necessary to correct said conduct. The supervisor shall create a document detailing the reasons for and outcomes of the counseling. The supervisor and the employee shall sign the document. The supervisor shall retain the original and the employee shall receive a copy of the document. The employee's signature is an acknowledgement of receipt of the form, not agreement with its contents.

NOTE: "Verbal counseling" may also be referred to as "oral counseling" or "coaching".

Performance Improvement Plan ("PIP")

A performance improvement plan is a formal process used by supervisors to help employees improve performance or modify behavior. The performance improvement plan, or PIP, as it is often called, identifies performance and/or behavioral issues that need to be corrected and creates a written plan of action to guide the improvement and/or corrective action. A PIP may be used in conjunction with a verbal counseling, a disciplinary action or a poor performance review.

Fundamentally, a PIP is a structured communication tool designed to facilitate constructive discussion between the employee and the supervisor. An effective PIP will:



- Consider the employee’s input;
- Specifically identify the performance to be improved or behavior to be corrected;
- Provide **reasonable and clear expectations** about the work to be performed or behavior that must change;
- Identify the support and resources available to help the employee make the required improvements;
- Establish a plan for reviewing the employee’s progress and providing feedback to the employee for the duration of the PIP; and
- Specify consequences if performance standards as identified in the PIP are not met.

NOTE: A “performance improvement plan” may also be referred to as a “corrective action plan or “CAP”.

Training

In an effort to further the professional development of its employees, the County will frequently offer a wide variety of training opportunities for its employees. Examples of the types of training that may be offered includes:

- Computer skills;
- Management/leadership training;
- Professionalism and business etiquette;
- Conflict management/resolution;
- Problem solving;
- Effective communication; and
- Project management.

Attendance at training sessions can be mandated by County management. An employee that fails to attend a mandated training session will be subject to disciplinary action, up to and including termination of employment.

Please contact Human Resources or refer to the County Intranet for more information regarding training opportunities.

Management Referral to Employee Assistance Program

Under certain circumstances, the County may deem it necessary to request that an employee seek assistance through the County’s Employee Assistance Program (EAP) (*See Section 7.03*). An employee who receives a management EAP referral will be treated in the same manner as an employee who voluntarily seeks assistance through the EAP except that the employee’s attendance, motivation level, and willingness to follow recommendations will be reported back to County management by the EAP administrator.

13.11 Pre-Disciplinary Conference (PDC)

If Human Resources determines that the severity of the employee's conduct may justify imposition of a suspension, demotion or removal, Human Resources will prepare a Notice of Pre-Disciplinary Conference for issuance to the employee.

At any point prior to the PDC, the employee may choose to waive his or her opportunity to have a PDC. Attendance at the PDC is mandatory unless waived. Upon written request, the presiding Human Resources' official may grant the employee a reasonable continuance, if necessary.

The following rules of procedure shall apply to the PDC:

- a) The employee may present oral and/or written statements, testimony, documents etc., in response to each allegation of inappropriate conduct.
- b) The employee may choose to have one additional person (other than a subordinate employee) accompany them to the PDC as an observer. The observer shall not be permitted to speak on the employee's behalf. It is the employee's responsibility to notify their chosen observer that their attendance is desired.
- c) If the employee is a member of a union, he or she may be accompanied by a union representative in accordance with the applicable collective bargaining agreement. It is the employee's responsibility to notify the union representative that their attendance is desired.
- d) The County reserves the right to record the PDC. The employee has no right to record the PDC, unless otherwise authorized in their collective bargaining agreement.



13.12 Appeals

Comment [c9]: Incorporated new appeals language

The Cuyahoga County Charter provides non-bargaining employees an appeals process for certain disciplinary action through the HRC. Revised Code [Section 124.34](#) sets forth the specific types of discipline that may be appealed and outlines the procedures for filing an appeal with the HRC.

Should an employee elect to appeal a disciplinary action, they must file their written appeal with the Cuyahoga County Human Resource Commission (HRC). The appeal must actually be received and date stamped by the HRC by the tenth calendar day from the date the disciplinary letter is delivered to the employee by hand or to their last known mailing address, as maintained by Cuyahoga County, whichever occurs first. Employees may file with the HRC by email at humanresourcecommission@cuyahogacounty.us, by facsimile at (216) 443-3694, in person by obtaining a date stamp, or by mail postmarked no later than the tenth calendar day from the date the disciplinary letter is delivered. It is advised that employees retain records of proof of service upon the HRC.

~~NOTE: Certain progressive discipline decisions may be appealed in accordance with the complaint process set forth in [Section 17.03](#). Certain claims, such as claims of discrimination or harassment, do not fall under the jurisdiction of the HRC. If an action is not subject to HRC appeal, employees may elect to appeal these actions in accordance with the terms set forth in sections 4 or 17 of this policy manual.~~



Section 14:

ATTENDANCE CONTROL PLAN

14.01 Purpose

Absenteeism and tardiness represent two of the most serious problems in county government. Absenteeism and tardiness disrupt work schedules, cause unnecessary overtime, and place an unfair burden on responsible employees and supervisors. The purpose of the Attendance Control Plan is to increase productivity and employee morale through the systematic reduction of employee absenteeism and tardiness.

14.02 AWOL (Absent Without Official Leave)

AWOL occurs when an employee is away from his or her scheduled place of work or is tardy for reasons other than authorized leave. AWOL and tardiness are work rule violations.

The mere procurement of a physician's statement will not prevent the accumulation of AWOL hours, unless the absence is covered by approved leave.



14.03 Attendance Control Plan

Attendance control is administered separately from the Progressive Discipline Program in Section 13.09. **Failure to follow departmental call-in procedures, however, is considered a separate offense which may be addressed under the Progressive Discipline Program in Section 13.09.**

NOTE: An employee may receive separate disciplinary action for a failure to follow call-in procedures and for AWOL arising out of the same incident. For example, if an employee fails to follow call in procedures for a single day of absence without approved leave, the employee would be subject to discipline for a “minor infraction” under Section 13.08 and would also receive eight (8) hours of AWOL time pursuant to the Attendance Control Plan.

The Attendance Control Plan shall be administered as follows:

Stage 1

If the employee accumulates ten (10) or more hours of AWOL in a two-year period, the employee shall receive an **AWOL Written Reprimand**. The supervisor and employee shall sign the AWOL Written Reprimand and the original shall be sent to Human Resources to be placed in the employee’s personnel file, with a copy to the employee.

Stage 2

If the employee accumulates ~~ten~~ twenty (20) or more hours of AWOL in ~~the a~~ two-year period ~~after the date of the issuance of their Stage 1 AWOL Written Reprimand~~, the employee shall be subject to a **three-day working suspension**.

Stage 3

If the employee accumulates ~~sixteen~~ thirty-six (36) or more hours of AWOL in ~~the a~~ two-year ~~period after the third day of their Stage 2 three day suspension~~, the employee shall be subject to **removal**.

Attendance Control Plan Summary Chart

	AWOL ACCUMULATION	DISCIPLINE
STAGE 1	10 hours in a 2-year period	Written Reprimand
STAGE 2	10-20 additional <u>hours in the a</u> two-year period after the date of the issuance of their Stage 1 AWOL Written Reprimand	3-day <u>Working</u> Suspension
STAGE 3	16-36 additional <u>hours in the a</u> two-year period after the third day of their Stage 2 three day working suspension	Removal



NOTE: Non bargaining staff who have accumulated over 36 hours of AWOL as a first or second offense shall be subject to removal. *Section 14.03*

14.04 Appeals

Comment [c10]: Incorporated new appeals language

The Cuyahoga County Charter provides non-bargaining employees an appeals process for certain disciplinary action through the HRC. Revised Code Section 124.34 sets forth the specific types of discipline that may be appealed.

Should an employee elect to appeal a disciplinary action, they must file their written appeal with the Cuyahoga County Human Resource Commission (HRC). The appeal must actually be received and date stamped by the HRC by the tenth calendar day from the date the disciplinary letter is delivered to the employee by hand or to their last known mailing address, as maintained by Cuyahoga County, whichever occurs first. Employees may file with the HRC by email at humanresourcecommission@cuyahogacounty.us, by facsimile at (216) 443-3694, in person by obtaining a date stamp, or by mail postmarked no later than the tenth calendar day from the date the disciplinary letter is delivered. It is advised that employees retain records of proof of service upon the HRC.

NOTE: ~~Certain progressive discipline decisions may be appealed in accordance with the complaint process set forth in Section 17.03. Certain claims, such as claims of discrimination or harassment, do not fall under the jurisdiction of the HRC. If an action is not subject to HRC appeal, employees may elect to appeal these actions in accordance with the terms set forth in sections 4 or 17 of this policy manual.~~



Section 15:
**ELECTRONIC EQUIPMENT AND
COMMUNICATIONS**

15.01 Electronic Equipment and Communications Policy

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, World Wide Web browsing, FTP, cellular telephones, and “smart phones” are the property of Cuyahoga County. These systems are to be used for business purposes in serving the interests of the County, the public and agency customers in the course of normal operations. Access and use of County provided communication equipment and services are provided at the discretion of the County and may be revoked at will.

Effective security is a team effort involving the participation and support of every Cuyahoga County employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

The purpose of this policy is to outline the acceptable use of electronic equipment at Cuyahoga County. These rules are in place to protect the employee and Cuyahoga County. Inappropriate use exposes Cuyahoga County to risks including virus attacks, compromise of network systems, data, services, and legal liability issues.

This policy applies to employees, contractors, consultants, temporaries, and other workers at Cuyahoga County, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by Cuyahoga County.



15.02 Privacy Expectations

County employees do not have a right, nor should they have an expectation, of privacy while using any County electronic equipment at any time, including accessing the Internet and/or using County owned/provided e-mail. By using County electronic equipment, County employees make express agreement to consent to disclose the contents of any type of information maintained on or passed through County electronic equipment. **In addition, any record created by an employee when using County electronic equipment (e.g., e-mail record, internet usage history), is generally considered a public record subject to disclosure upon request.**

By using County electronic equipment, consent to monitoring and recording is implied with or without cause, including, but not limited to, accessing the Internet and using County owned/provided e-mail. Any use of County communication resources is made with the understanding that such use is generally not secure, is not private, and is not anonymous.

All County provided electronic equipment, and its contents, may be monitored and inspected at any time without prior notice. Electronic communications may be disclosed within a Department to those who have a need to know in the performance of their duties. Department Directors, system managers, and supervisors may access any electronic communications at any time.



15.03 Security and Proprietary Information

The following guidelines are designed to protect County employees, partners and the public from illegal or damaging actions by individuals, either knowingly or unknowingly:

1. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed quarterly, user level passwords should be changed every six months.
2. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off (control-alt-delete for Win2K users) when the host will be unattended.
3. Use encryption of information in compliance with Information Services Center's Acceptable Encryption Use policy. This policy may be found at: http://10.4.1.23/ccisc/pdf/policies/ISCSecurityPolicyProcedures_0309.pdf
4. Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with good judgment and best practices in protecting county owned equipment.
5. Postings by employees from a Cuyahoga County email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of Cuyahoga County, unless posting is in the course of business duties.
6. All hosts used by the employee that are connected to the Cuyahoga County Internet/Intranet/Extranet, whether owned by the employee or Cuyahoga County, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy.
7. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.



15.04 Prohibited Uses of Electronic Equipment and Communications

Prohibited use of County equipment and/or electronic communications may subject the violator to disciplinary action, up to and including removal. Prohibited usage may also expose the violator to criminal prosecution. Examples of prohibited uses of electronic equipment and communication are:

NOTE: Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services.)

System and Network Activities

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Cuyahoga County.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which Cuyahoga County or the end user does not have an active license is strictly prohibited.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
5. Sharing or revealing your account password to others or allowing use of your account by others. This includes friends, family and other household members when work is being done at home.
6. Using a Cuyahoga County computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
7. Making fraudulent offers of products, items, or services originating from any Cuyahoga County account.
8. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
9. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.



10. Port scanning or security scanning is expressly prohibited unless prior notification to the Research and Security Department is completed.
11. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
12. Circumventing user authentication or security of any host, network or account.
13. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
14. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
15. Providing information about, or lists of, Cuyahoga County employees to parties outside Cuyahoga County.
16. Accessing inappropriate websites (e.g., pornography, gambling, etc.).

Email and Communications Activities

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within Cuyahoga County's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by Cuyahoga County or connected via Cuyahoga County's network.
7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

Weblogs ("Blogging")

1. Blogging by employees using Cuyahoga County's equipment or systems is subject to the terms and restrictions set forth in this Policy. Use of Cuyahoga County's systems to engage in blogging is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate Cuyahoga County's policy, is not detrimental to Cuyahoga County's best interests, and does not interfere with an employee's regular work duties. Blogging from Cuyahoga County's systems is subject to monitoring.
2. Cuyahoga County's Information Sensitivity policy also applies to blogging. As such, employees are prohibited from revealing any Cuyahoga County confidential or proprietary information, trade secrets or any other material covered by Cuyahoga County's Information Sensitivity policy when engaged in blogging.
3. Employees are prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by Cuyahoga County's Non-Discrimination and Anti-Harassment policy.



4. Employees may also not attribute personal statements, opinions or beliefs to Cuyahoga County when engaged in blogging from Cuyahoga County systems. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of Cuyahoga County. Employees assume any and all risk associated with blogging, to include legal liability. Employees may blog freely from their home personal computers or other access outlets assuming legal liability at their own risk.
5. Apart from following all laws pertaining to the handling and disclosure of copyrighted or export controlled materials, Cuyahoga County's trademarks, logos and any other Cuyahoga County intellectual property may not be used in connection with any blogging activity



Section 16: **TRAVEL / DRIVING ON COUNTY BUSINESS**

16.01 Traveling on County Business

Employees may be required to travel on County business in conjunction with their normal job assignments or in order to fulfill a special departmental need. Any decision to travel must be made in accordance with the policies and procedures set forth in the Cuyahoga County Travel Policy. An employee may be denied reimbursement for their travel expenses and may be subject to discipline, up to and including removal, if they fail to follow the policies and procedures set forth in the Cuyahoga County Travel Policy. **A copy of the Cuyahoga County Travel Policy is available on the County intranet. A copy may also be obtained by contacting Human Resources.**

County employees who are required to travel are responsible for conducting themselves, at all times, in a manner that advances the goals of the County and increases public confidence in County government. This requires County employees to refrain from behavior that might be harmful to the County's interests, or which violates or conflicts with County policies, practices and/or procedures. County employees shall exercise good judgment while traveling on County business and shall observe all of the County's rules while traveling, including, but not limited to rules regarding:

- Personal appearance ([Section 13.02](#));
- Alcohol and drug use ([Section 7.01](#)); and
- Sexual or other workplace harassment ([Section 4.03](#)).

Any failure to adhere to these requirements constitutes an infraction of the County Discipline Policy ([Section 13](#)), which may result in disciplinary action, up to and including removal from County employment.



16.02 Safety Belt Usage

The County recognizes that safety belts are an important item of personal protective equipment and that safety belts save lives and reduce the severity of injuries to those who wear them. It is the County's commitment to do everything reasonable to prevent injuries to employees and damage to property and to protect the County, its employees and the general public from the results of vehicle accidents.

This policy applies to all County employees and to all occupants of vehicles driven by employees on County business. Occupants shall use safety belts in all vehicles driven on County business (whether County owned or privately owned vehicles). It is especially important that all employees demonstrate their commitment to and support of this policy by their strict adherence to it.

Any employee who is cited by a law enforcement agency for not wearing a safety belt will be responsible for any fines or other actions that may result as part of the citation. Employees who violate this policy may be subject to disciplinary action, up to and including removal.



16.03 Driving on County Business / Use of County Fleet Vehicles

Every employee who drives or operates a County fleet vehicle at any time, or who operates any motor vehicle (i.e., employee's personal vehicle, rental vehicle) on, or in the course of County business must strictly adhere to the following requirements:

- The employee must have and maintain at all times, without interruption, a **valid driver's license** and the minimum **automobile insurance coverage** required by Ohio law. Employees are solely responsible to make sure that their licenses and automobile insurance are properly renewed/maintained.
- Employees are responsible to make sure that the **Ohio Bureau of Motor Vehicles (BMV) has the employee's correct mailing address**. Employees can notify the BMV of an address change by visiting the BMV website (<http://www.ohiobmv.com/>). If the BMV sends notification of a license suspension or other mailing to the address in its records, the employee is deemed to be properly notified and held responsible for having knowledge of the suspension or other matter.
- If the employee's **driver's license and/or insurance is expired, suspended, revoked, or otherwise invalid**, the employee shall **immediately report** this fact to their immediate supervisor, and **immediately stop driving** on, or in the course of County business. The employee's Department Director, with the concurrence of the Director of Human Resources, may allow the employee to resume driving on, or in the course of County business upon the employee providing acceptable proof of insurance coverage and driver's license (or appropriate occupational driving privileges granted by a court of competent jurisdiction). Other conditions may be imposed as appropriate in light of the circumstances of each individual case.

NOTE: Driving records are public information. County management has the authority and does conduct **routine inspections** of the driving records of its employees. Employees who are required to drive on, or in the course of County business are encouraged to periodically visit the Ohio BMV website (<http://www.ohiobmv.com/>) to monitor the status of their license.

- All occupants (including non-employees) of any motor vehicle being used on, or in the course of County business are required to wear a **safety belt** at all times.
- Employees who are required to transport children on, or in the course of County business must follow all applicable Ohio laws regarding the use of **car seats** or other restraints.
- Employees must follow all **traffic laws and parking regulations**. Employees are solely responsible for the cost of any driving/moving infraction/violation, parking



tickets, impound charges, towing charges, and/or storage charges incurred while driving a County fleet vehicle or any vehicle on, or in the course of County business.

- The use of **alcohol** and/or other **controlled substances** – including a prescription or over the counter medication, which may temporarily render an employee unable to operate a vehicle safely – is strictly prohibited.
- An employee involved in a **motor vehicle accident** must strictly adhere to the vehicle accident reporting requirements set forth in Section 16.04 of this Manual.

NOTE: It is strongly recommended that an employee operating a vehicle pull to a safe location and park the vehicle **before** using a cell phone. It should also be noted that several municipalities strictly prohibit the use of a cell phone while driving.

Use of County Fleet Vehicle

Immediately upon becoming aware of the need for the use of a County fleet vehicle, a County employee should contact the Fleet Services Department at (216) 443-8952 to determine if a vehicle is available on their travel date. If a vehicle is available, the employee should submit a Vehicle Request Form to the Fleet Services Garage via facsimile at (216) 443-7806.

A County employee that operates a County fleet vehicle must adhere to the following additional requirements:

- **Personal use** of a fleet/pool vehicle is strictly prohibited.
- Fleet/pool vehicles may only be used during the **employee's regular working hours** or as approved by the employee's department management.
- Fleet/pool vehicles shall only be **operated by County employees**.
- **Non-County employees** shall not travel in a fleet/pool vehicle unless specifically authorized by the employee's department management.
- **Smoking** is strictly prohibited inside a fleet/pool vehicle.
- Employees must comply with the Cuyahoga County **Vehicle Idling** Policy. A copy of the Idling Policy can be obtained by contacting the Fleet Services Department or by logging onto the County intranet.
- Fleet/pool vehicles may not be driven **out-of-state** without prior approval by the County.
- Fleet/pool vehicles may never be driven **out of the country**.
- Fleet/pool vehicles and keys must be **returned** by the specific date and time given and in the condition that they were received.



Use of Personal Vehicle

A County employee who is required to drive or operate their personal vehicle on, or in the course of County business must adhere to the following additional requirements:

- The employee's personal vehicle's **automobile registration** must be current. If the employee's personal vehicle's automobile registration expires or is otherwise invalid, the employee must immediately notify his or her supervisor and immediately stop driving in the course of County business. The employee's Department Director, with the concurrence of the Director of Human Resources, may allow the employee to resume driving their personal vehicle on, or in the course of County business upon the employee providing acceptable proof of valid automobile registration.
- An employee on, or in the course of County business **may not be transported by a non-County employee unless approved by the employee's supervisor.**
- Every employee who submits a **Travel Expense Report** for operating a personal vehicle on, or in the course of County business, certifies that he or she has a valid driver's license, vehicle registration, financial responsibility (insurance), and personally operated the vehicle for which the travel expense is claimed.
- The employee must maintain the vehicle in a **good and safe operating condition.**
- Smoking is strictly prohibited within an employee's personal vehicle when transporting other employees and/or the public throughout the course of county business.

Employees who are required to drive their personal vehicle on, or in the course of County business should refer to the policies and procedures set forth in the Cuyahoga County Travel Policy for information regarding mileage and parking reimbursement. A copy of the Cuyahoga County Travel Policy is available on the County intranet. A copy may also be obtained by contacting Human Resources. **Any failure to conform to the requirement set forth in this Section constitutes an infraction of the County Discipline Policy (Section 13), which may result in disciplinary action, up to and including removal from County employment.**



16.04 Vehicle Accident Reporting Procedure

For purposes of this Section, a “vehicle accident” is an accident that results in property damage and/or physical injuries to any parties involved in the accident.

Employee Duties

An employee involved in a vehicle accident either, (1) occurring in the course of County business in a private/rental vehicle, or (2) occurring in a County vehicle at any time, **must** follow the following steps:

- 1) **Remain at the accident site unless it is necessary to immediately go to hospital.**
- 2) **Contact the appropriate authorities (i.e., dial 911).**
- 3) **Contact County Protective Services at 216-443-2141 or 1-888-814-3578.**
- 4) **Contact their immediate supervisor.**

After such accidents, the County employee may be required to submit to an alcohol and drug test depending on the circumstances. (See Section 7.04 for more information on County drug/alcohol testing policies and procedures.) Therefore, the employee shall remain at the accident site until they receive further instruction from either their supervisor, Protective Services or the Fitness for Duty Coordinator.

NOTE: An employee who is incapacitated and/or transported by EMS to the hospital as a result of a vehicle accident shall contact their immediate supervisor as soon as practicable.

Supervisor Duties

Upon receipt of notification of a vehicle accident involving a County employee, the supervisor shall immediately notify County Protective Services (216-443-2141).

Any failure to conform to the requirement set forth in this Section constitutes an infraction of the County Discipline Policy (Section 13), which may result in disciplinary action, up to and including removal from County employment.



Section 17: **EMPLOYEE COMPLAINT PROCEDURES**

17.01 **Equal Employment Opportunity Complaints**

See Section 4.05 for information regarding the Equal Employment Opportunity Complaint procedure.

17.02 **Fair Labor Standards Act (FLSA) Complaints**

Non-bargaining employees shall use the following complaint procedure for disputes regarding alleged violations of the FLSA (*see Section 6.01*). Employees covered by a collective bargaining agreement shall use the grievance procedure outlined in their agreement.

An employee who has been designated by the County as being exempt from receiving overtime and/or compensatory time may file a written complaint if he or she believe that:

- He or she has been improperly designated as an exempt employee; **or**
- His or her paycheck has been improperly docked.

The written complaint should outline why the employee should not be considered exempt or the specific dates, amounts and circumstance regarding when the alleged improper docking occurred. This written complaint should be submitted to the County Human Resources Director for review.

Upon receipt of the complaint, the Human Resources Director or designee will investigate the allegation. After review, if the employee has been improperly designated or docked, the County will re-designate, reimburse and/or correct the wages of the employee. The decision issued pursuant to this section will be the final decision of the County.



17.03 General Complaints

Policy

For all complaints not involving equal employment or FLSA issues, County employees are encouraged to make every reasonable effort to resolve such complaints with his or her immediate supervisor. If the complaint cannot be resolved informally, employees may file a County General Complaint pursuant to the procedure outlined in this Section.

Limitations

Certain issues are not subject to the County General Complaint Procedure. Examples include, but are not limited to:

- Administration of disciplinary action that entitles the employee to a right of appeal to the HRC;
- Removals, reductions or demotions during the new-hire probationary period;
- Collective bargaining issues (bargaining unit employees should refer to the grievance process set forth in their collective bargaining agreement);
- Position audit results;
- Temporary transfers of thirty (30) days or less;
- Layoffs;
- Disability separation decisions
- Performance evaluations; and
- Decisions based on fitness for duty examinations.

Procedure

STEP 1: WRITTEN COMPLAINT TO DIRECTOR

- Employees wishing to file a complaint under this Section shall document his or her complaint in writing and submit it to his or her Department Director within ten (10) working days of the event upon which the complaint is based. **The complaint must specifically state the remedy the employee is seeking.**
- The Department Director and/or designee will investigate the complaint and/or discuss the issue with the employee.
- The Department Director will issue a written response within a reasonable period of time, generally not to exceed thirty (30) calendar days.

STEP 2: APPEAL TO DIRECTOR OF HUMAN RESOURCES

- If the employee is not satisfied with his or her Department Director's response, the employee may request review by the Director of Human Resources.
- The employee shall send his or her original complaint and the Department Director's response to the Director of Human Resources within ten (10) working days of receipt of the Department Director's response.
- The Director of Human Resources and/or designee will investigate the complaint and/or discuss the issue with the employee.



- The Director of Human Resources and/or designee will issue a written response to the complaint within a reasonable period of time, generally not to exceed thirty (30) calendar days.

STEP 3: APPEAL TO THE COUNTY EXECUTIVE/DESIGNEE

- If the employee is not satisfied with the response submitted by the Director of Human Resources, the employee may request review by the County Executive/Designee.
- The employee shall send their original complaint and both prior responses to the County Administrator within ten (10) working days of receipt of the Director of Human Resources' response.
- The County Executive and/or designee will investigate the complaint and/or discuss the issue with the employee.
- The County Executive or designee will render a final decision on the appeal within a reasonable period of time, generally not to exceed forty-five (45) calendar days.



Section 18:

RECORDS MANAGEMENT

18.01 Confidential Information

The County prohibits the release of confidential information, which consists of any information that is required by state or federal law or state or federal administrative rule to be kept confidential.

In addition, some information is specifically exempt from public inspection and copying under state public records law but is not required to be kept confidential. Release of such information is permitted only by any of the County's designated public records managers, and release of such information by anyone else is a violation of this section.

An employee who violates this section may be subject to disciplinary action, up to and including removal.

18.02 Compliance with Records Retention Schedule

Each Department has established a policy to ensure that all County records are retained in compliance with all known local, state, and federal laws and regulations, all Ohio Historical Society requirements, and the internal operating needs of the County. Before disposing of any County records, employees must determine whether the disposal is in accordance with the applicable Records Retention Policy adopted by the employee's Department.

An employee should contact his or her Department's designated public records manager with any questions regarding records retention.



18.03 Personnel Records

A personnel file on each employee is kept in the Human Resources Department's office. It contains information regarding training, experience, and employment as well as the work history of the employee with the County. An employee shall have the right to inspect his or her personnel file provided reasonable notification is given to the Human Resources Department.

It is the responsibility of the employee to immediately notify the Human Resources Department of any changes in address, telephone number, emergency information, name change and marital status. Employees are required to have a current permanent residence address and contact number on file at all times with the Human Resources Department. Post Office boxes are not sufficient for this purpose. Name and marital status changes require legal documentation (e.g., marriage certificate, divorce decree, etc.), which will also be provided to the Personnel and Benefits Divisions.

18.04 Electronic Mail Records

Employees using electronic mail in the normal course of the County's business are responsible for adhering to the rules established for electronic mail (see [Section 15](#)). Electronic mail is to be used judiciously as such for conducting the business of the County. The use of e-mail for improper purposes, such as intimidation, harassment, non-County business, etc., may subject the employee to disciplinary action, up to and including removal.

There is no expectation of privacy for County owned/provided e-mail accounts. The County, without notice to employees, reserves the right to routinely and randomly monitor and/or access any employee's County owned/provided e-mail account. In addition, any record created or received by an employee when using County owned/provided e-mail accounts is generally considered a public record subject to disclosure upon request.

NOTE: See [Section 15](#) for more information on the County's Electronic Equipment and Communications Policy.

All e-mail sent or received through County owned/provided e-mail accounts is the property of Cuyahoga County.

The County has established a policy that electronic mail messages are records of the County and that they are subject to all established rules concerning records retention and management. The deletion of e-mail messages shall be done in accordance with the applicable Records Retention Policy adopted by the County.



18.05 Complying with Requests to Inspect and Copy County Records

In cooperation with the County's designated public records managers, all County employees shall maintain public records so that they are readily available for inspection and copying and shall make public records available for inspection and provide copies of public records in accordance with the County's Public Records Policy, which is as follows:

Public Records Policy of Cuyahoga County, Ohio

Chapter 1: Rationale

Believing that open government leads to a better-informed citizenry, greater public participation in government, better government, better public policy, and more effective use of public resources, the County Council establishes this Public Records Policy to insure the preservation and public accessibility of records relating to all functions of Cuyahoga County government. Cuyahoga County's policy in all of its functions is to strictly adhere to all of its obligations under Ohio's Public Records Law and to exceed those obligations whenever it is practical and makes sense to do so.

Chapter 2: Definitions

Section 2.1: "Committee" shall include subcommittees.

Section 2.2: "Public office" includes the following:

- (A) the office of the County Executive
- (B) the Cuyahoga County Council, including all of its committees
- (C) all departments, divisions, offices, or other organized bodies operating under the administration of the County Executive,
- (D) the Cuyahoga County Prosecuting Attorney,
- (E) all Boards, Commissions, and Advisory Councils to which the County Executive and/or the County Council appoint at least a majority of its members,
- (F) all Boards, Commissions, Advisory Councils and any similar body created by the Cuyahoga County Charter, the County Council, and/or the County Executive.

Section 2.3: As used in Section 2.2, a "similar body" must be formally organized, be on-going, and be involved in making or advising on public policy decisions.

Section 2.4: "Public record" includes any document, device, or item, regardless of physical form or characteristic, including electronic records, created or received by or coming under the jurisdiction of any public office, which serves to document the organization, functions, policies,



decisions, procedures, operation, or other activities of the office. All records which meet this definition are public records, unless exempted under section 149.43 of the Ohio Revised Code.

Section 2.5: "Electronic record" includes prepared documents such as word processing documents, spreadsheets, and graphic presentations as well as written electronic communications, including but not limited to electronic mail and text messages.

Chapter 3: Scope of Ordinance

Section 3.1: Applicability

This ordinance is hereby adopted as the public records policy, required under Section 149.43 of the Ohio Revised Code, for every public office in Cuyahoga County government, as public office is defined in Section 2.2 of this ordinance, over which the Cuyahoga County Council has legislative authority.

Chapter 4: County Records Commission

Section 4.1: Creation of County Records Commission

There is hereby created, the County Records Commission, which shall succeed and replace the current County Records Commission. The County Records Commission shall consist of the County Executive, who shall serve as chairperson, the President of County Council, the Prosecuting Attorney, the Fiscal Officer, and the Clerk of Court of Common Pleas.

Section 4.2: Appointment of Designees

Each member of the County Records Commission shall appoint one designee, an employee of his/her office who is knowledgeable about the maintenance of public records, who shall attend meetings of the County Records Commission whenever the member is unable to do so.

Section 4.3: Powers and Duties of County Records Commission

The County Records Commission shall have all the powers and perform all the duties of County Records Commissions provided for in Section 149.38 of the Ohio Revised Code, including, but not limited to, the power to recommend applications for one-time disposal of records or proposed records retention schedules to the Ohio Historical Society.

Section 4.4: Rules and Procedures of the County Records Commission

The County Records Commission shall adopt its own rules and procedures, which shall be consistent with Section 149.38 of the Ohio Revised Code. Until such time as the County Records Commission adopts such rules, it shall operate under the rules of the prior County Records Commission that existed prior to the enactment of this ordinance.

Section 4.5: Meetings of the County Records Commission

The County Records Commission shall meet at the call of the chair as often as needed to respond to proposed records retention schedules and proposed one-time disposals of records, but shall meet a minimum of once every six (6) months.



Section 4.6: Within sixty (60) days after receiving a request for one-time disposal of records or a proposed records retention schedule from any office, the County Records Commission shall either approve the request and send it to the Ohio Historical Society for its consideration or return the request disapproved to the office that submitted it with a letter stating the reasons for disapproval.

Chapter 5: Public Records

Section 5.1: Maintenance of Public Records

All public offices within the scope of this ordinance shall organize and maintain all their public records so that they are readily available for inspection and copying in accordance with the Ohio Public Records Law and the Public Records Policy of Cuyahoga County.

Section 5.2: Maintenance of Electronic Mail

All electronic mail sent or received through the Cuyahoga County Information Services Center shall be the property of Cuyahoga County. The necessity to maintain electronic mail as public records shall depend on the content of the records, not on the medium in which it is kept. It shall be the responsibility of the public records managers and each individual user to insure that electronic mail is maintained in accordance with the records retention schedule for each office, and that records which must be kept for an extended length of time will not be placed in files where they will be automatically deleted.

Each person covered by this ordinance shall also insure that all public record electronic mail sent or received outside of the County Information Service Center system are maintained so that they are readily available for inspection and copying in accordance with the records retention schedule for each office.

Section 5.3: Designation of Countywide Public Records Manager

The County Archivist is hereby designated as the Countywide Public Records Manager and shall do the following:

- (A) Manage the public records of Cuyahoga County to insure that they are organized so as to be readily available to the public for inspection and copying and are maintained and disposed of in accordance with the records retention schedules of the various offices within Cuyahoga County government.
- (B) Assist the public records managers of the various public offices in Cuyahoga County in implementing a sound and consistent countywide public records process in accordance with this ordinance.
- (C) Assist the public offices within the scope of this ordinance in preparing and updating public records retention schedules.

Section 5.4: Designation of Deputy Countywide Public Records Manager

The County Executive shall designate one employee of the executive office staff as Deputy County Public Records Manager, who shall do the following:

- (A) Assist the Countywide Public Records Manager in the performance of his/her duties;
- (B) Maintain the public records request log provided for in Section 6.5 of this ordinance;



- (C) Work with each public office to determine what kinds of public records requests are received by that office that relate to personal or business matters, rather than governmental operations, and are not required to be included in the public records request log;
- (D) Provide a copy of Cuyahoga County's Public Records policy to each public records manager and obtain a written acknowledgement from each records manager that the policy was received; and
- (E) Serve as the public records manager for the County Executive's office.

Section 5.5: Designation of Public Records Managers

(A) Each public office shall designate a public records manager who shall be responsible for the maintenance of the public records for that office and for handling public records requests directed to that office.

(B) For the following offices, the person designated as public records manager shall be an employee of the office who works at the principal place at which that office does business:

- (1) the County Executive, including all executive office staff
- (2) the County Council
- (3) the Law Department
- (4) the Sheriff
- (5) the Medical Examiner
- (6) the Clerk of Courts
- (7) the Department of Economic Development, which shall include the Office of

Regional Collaboration

- (8) the Information Officer
- (9) the Department of Public Works
- (10) the Department of Purchasing
- (11) the Department of Human Resources
- (12) the Fiscal Office
- (13) the Child Support Enforcement Agency
- (14) the Division of Children and Family Services
- (15) the Division of Employment and Family Services
- (16) the Division of Senior and Adult Services
- (17) the Director of Human Services, which shall include the Director's Office and all other offices in the Department of Human Services not covered by items twelve (12) through fifteen (15) above.

(18) the Inspector General

(C) Each office not listed in Subsection B of this section shall designate a public records manager who shall be one of the following:

- (1) an employee of that office or an officer of a Board, Commission, or Advisory Council,
- (2) the Deputy County Public Records Manager, or
- (3) an employee of Cuyahoga County, approved by the Deputy County Public Records Manager, who is the public records manager for another office with responsibilities related to those of the designating office.



Section 5.6: Public Records Manager for County Council

The Clerk of Council is hereby designated as public records manager for Cuyahoga County Council.

Section 5.7: Records Retention Schedules

Each public office shall have a records retention schedule in place, which shall specify, consistent with state law, the methods by which and the length of time that records shall be kept. For any office that has a records retention schedule in place at the time that this ordinance becomes effective, that records retention schedule shall remain in effect until it is amended according to the procedure set forth in Section 149.38 of the Ohio Revised Code. Each public office that does not have a records retention schedule in place at the time that this ordinance becomes effective shall propose a public records retention schedule to the County Records Commission, in accordance with the procedure set forth in Section 149.38 of the Ohio Revised Code, not later than June 30, 2011.

Section 5.8: Interim Transient Records Retention Schedule

Except to the extent that a different records retention schedule on transient communications is required for an office by state law, each public office that does not have a records retention schedule on transient communications in place at the time that this ordinance becomes effective shall use the transient records retention policy and schedule adopted by the County Commissioners on January 12, 2009, until such time as the office's records retention schedule on transient communications is updated, according to the procedure set forth in Section 149.38 of the Ohio Revised Code.

Section 5.9: Publication of Public Records Policy

(A) Each public office having public office space shall prepare a poster which shall describe the public records policy of that office, explain how to obtain public records, and name the public records manager for that office. The poster shall be displayed in a conspicuous place at the office and at any branch office where the office conducts business. Each office shall post the same information and its public records retention schedule on its web-page on the county's website.

(B) The County Executive and the Clerk of Council shall each post on their respective web-pages the full Public Records Policy of Cuyahoga County, a summary of that policy, instructions on how to obtain public records, and a list of all of the public records managers for Cuyahoga County government and their contact information, and the public records retention schedule for each office.

(C) The manual of general policies and procedures issued to all employees shall include the county's public records policy.

Section 5.10: County Website

The County shall maintain a readily accessible website, which shall include separate pages for the County Executive, the County Council, and each department in County government. The County Executive and the Clerk of County Council shall insure that the website is regularly updated to provide current information, including the notice, agenda, minutes, and reports of all



public meetings conducted by offices within the scope of this ordinance and instructions on how to obtain public records.

Chapter 6: Public Records Requests

Section 6.1: Form of Records Request

Any person requesting public records shall identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records requested. No specific language or form is required to make the request. If the records request is not sufficiently clear, the public records manager must contact the requestor for clarification, and should assist the requestor by providing information about the manner in which the office keeps its records.

Section 6.2: Identity of Requestor Not Required

The requestor is not required to put a public records request in writing and does not need to provide his/her identity or the intended use of the records requested. The public office may request this information, particularly to aid in complying with the request, but must clearly state that providing this information is voluntary.

Section 6.3: Availability of Records

Records shall be made available promptly for inspection or copying. Public records requests shall be given priority attention in any office receiving them, but reasonable time shall be allowed to comply with requests that are large, involve records stored other than at the site where the request was made, or involving records that must be inspected for possible redaction of information exempt from the public records law. Whenever a request is received that cannot be complied with immediately, the public office shall provide the requestor a receipt acknowledging and describing the public records request and may provide an estimate as to when a response can be provided.

Section 6.4: Denial of Request and Redaction of Records

Any denial of records requested must include a written explanation, including legal authority. If part of a record requested is exempt from public records law, that part shall be redacted, and the remainder provided. Each redaction shall be accompanied by a written explanation, including legal authority.

Section 6.5: Public Records Request Log

Each office shall maintain a log of all public records requests received that relate to governmental operations and shall forward a copy of the log at the end of each week to the Deputy Countywide Records Manager, who shall maintain a countywide public records log. Each office shall, with the approval of the Deputy Countywide Public Records Manager, determine what kinds of public records requests received by that office relate to personal or business matters, rather than governmental operations; and these requests shall not be required to be included in the log. For each public records request required to be included in the public records request log, the following information shall be provided:

- (A) the office that received the request
- (B) the date that the request was received,



- (C) the name of the requestor, if known
- (D) a brief description of what records were requested,
- (E) the date that response to the request was completed,
- (F) a brief description of any denials or redactions required.

Chapter 7: Costs of Public Records

Section 7.1: Persons requesting copies of public records shall be required to pay for the cost of making copies, at a rate not to exceed the actual cost of making copies. Payment in advance may be required.

Starting in calendar year 2011, the County Council shall biannually determine and establish the copying costs for public records.

Section 7.2: Except as otherwise provided by court order, the following copying costs shall apply until the County Council first determines and establishes copying costs for public records:

(A) The charge for paper copies shall be three cents (\$.03) per page. The charge shall be waived when less than one dollar (\$1.00).

(B) The charge for computer files downloaded to a compact disc shall be the actual cost, not to exceed \$1.26 per disc. The charge shall be waived when only one (1) disc is required to fulfill the request.

(C) There shall be no charge for copies provided by email.

(D) Each public office shall have the discretion to waive copying costs of ten dollars (\$10.00) or less when it determines that it is practical and cost-effective to do so, provided that the public office follows a consistent policy on waiver of copying fees for all requestors.

