

# MORROW COUNTY PERSONNEL POLICY MANUAL

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**Adopted February 3, 2025**

**With support from:**



The County Risk Sharing Authority

209 East State Street, Columbus, Ohio 43215-4309

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A Service Program of the County Commissioners Association of Ohio

# IN APPRECIATION



## MORROW COUNTY COMMISSIONERS

80 North Walnut Street, Suite A  
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*Commissioners:*

Jon Mason  
Timothy D. Abraham  
Timothy R. Siegfried

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The following action was taken by the Board of Morrow County Commissioners during regular session on February 3, 2025:

**IN THE MATTER OF  
APPROVAL TO ADOPT A NEW, UPDATED MORROW COUNTY PERSONNEL POLICY  
MANUAL FOR MORROW COUNTY EMPLOYEES: 25-R-091**

**WHEREAS**, the Morrow County Commissioners with support from CORSA (The County Risk Sharing Authority) have prepared a new, updated Morrow County Personnel Policy Manual to be adopted for use by County Offices; and

**WHEREAS**, offices under union contracts (Sheriff and Engineer) will abide by their collective bargaining agreements but may revise those agreements to meet the requirements of their specific offices; and

**WHEREAS**, all offices will need to sign off and indicate whether they have their own policy they will be following or will be adopting this policy for their perspective offices; and

**WHEREAS**, all forms that were previously a part of the Policy Manual will now be available in a separate file on the HR website along with the Personnel Policy Manual;

**THEREFORE**, Mr. Siegfried made a motion to adopt the new, updated Morrow County Personnel Policy Manual effective February 3, 2025.

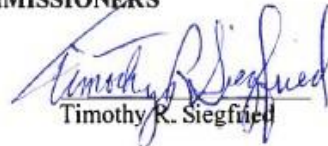
Mr. Abraham duly seconded this motion.

Roll Call Vote: .., Mr. Mason..., "yea" .., Mr. Abraham..., "yea" .., Mr. Siegfried., "yea"

**BOARD OF MORROW COUNTY COMMISSIONERS**

  
Jon Mason

  
Tim D. Abraham

  
Timothy R. Siegfried

MCC/ch

c: Elected Officials/Department Heads

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## **I. INTRODUCTION, APPLICABILITY AND ADMINISTRATION**

The provisions of this Policy Manual are applicable to all County employees except as specifically provided herein. This Manual's purpose is to provide a systematic and organized approach to the establishment, implementation, and administration of the personnel policies and practices relevant to all affected employees. This Manual is not a contract of employment or a guarantee of any rights or benefits, but is merely intended to be used to assist and guide employees in the day-to-day directions and performance of their duties. Any promises or statements made by any individual that conflicts with this Manual is unauthorized, expressly disallowed, and should not be relied upon. Any questions relating to the purpose, goals, and/or interpretation of these policies should be directed to the Morrow County Commissioners.

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

The County will endeavor to give employees advance notice of any Manual changes. However, the County may revise these policies with or without advance notice. Notice of revisions shall be provided to all employees. Employees are encouraged to make suggestions for improvements in personnel policies and practices to the Morrow County Commissioners.

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

## **II. CLASSIFICATION STATUS**

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

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

### **III. EQUAL EMPLOYMENT OPPORTUNITY**

The County is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, age, national origin, disability, military status, genetic testing, or other unlawful bias except when such a factor constitutes a bona fide occupational qualification (“BFOQ”). All personnel decisions and practices including, but not limited to, hiring, suspensions, terminations, layoffs, demotions, promotions, transfers, and evaluations, shall be made without regard to the above listed categories. The County intends for all of its policies to comply with federal and state equal employment opportunity principles and other related laws.

The County condemns and will not tolerate any conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that their rights have been violated under this policy should submit a written complaint of discrimination to the Morrow County Commissioners or Prosecutor’s Office, each of whom shall have the authority and responsibility to investigate and take appropriate action concerning the complaint, or work with a designated “investigator” to investigate with complaint.

#### **IV. AMERICANS WITH DISABILITIES ACT**

The County prohibits discrimination in hiring, promotions, transfers, or any other benefit or privilege of employment, of any qualified individual with a disability. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position held or desired and must be able to perform the essential functions of his/her position, with or without a reasonable accommodation.

The County will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on or direct threat to the facility. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. An employee who wishes to request an accommodation shall direct such request to your direct supervisor or elected official of your office, each of whom shall have the authority and responsibility to work directly with ADA Coordinator to investigate and take appropriate action concerning the request. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The employer and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given.

Any employee who feels that his/her rights have been violated under this policy should submit a written complaint as set forth in the Unlawful Discrimination and Harassment Policy.

**Service Animals** Individuals may have the right to bring service animals into a public building. Service animals are those animals that are individually trained to do work or perform tasks for people with disabilities. Questions concerning a service animal should be presented to ADA Coordinator.



## **V. UNLAWFUL DISCRIMINATION AND HARASSMENT**

### **A. Policy.**

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

### **B. Definitions.**

Unlawful discrimination occurs when individuals are treated less favorably in their employment because of their membership in a protected classification. An employer may not discriminate against an individual with respect to the terms and conditions of employment, such as promotions, raises, and other job opportunities, based upon that individual's membership in that protected class.

Harassment is a form of discrimination. Harassment may be generally defined as unwelcome conduct based upon a protected classification. However, harassment becomes unlawful when:

1. Enduring the offensive conduct becomes a condition of continued employment.
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

### **C. Examples.**

Sexual harassment is one type of unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Harassment on the basis of an employee's membership in any protected classification (as set forth above) is unlawful, will not be tolerated, and must be reported so that the County may investigate and take appropriate action.

4. Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.

Sex-based harassment includes harassment based on pregnancy, childbirth, or related medical conditions, including lactation. This can also include harassment based on a woman's reproductive decisions.

Sex-based discrimination, and accordingly sex-based harassment, includes discrimination based on sexual orientation, and gender identity. Sex-based harassment includes harassment on the basis of sexual orientation and gender identity, including the expression of gender identity.

**D. Off Duty Conduct.**

Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace, including but not limited to social media and other forms of electronic communication. Employee conduct that occurs off duty and off premises may also be subject to this policy.

**E. Workplace Romances.**

To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform their immediate supervisor, appointing authority, or the Prosecutor's Office if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should the County determine that a conflict exists between an employee's employment and a personal relationship with a co-worker, the County will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties must separate from employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee they directly supervise.

**F. Complaint Procedure.**

Employees who feel they have been subject to unlawful discrimination or harassment by a fellow employee, supervisor, or other individual otherwise affiliated with the County, as outlined in paragraph J below, shall immediately report the conduct, in writing, to their immediate supervisor, appointing authority, or the Prosecutor's Office, each of whom shall have the authority and responsibility to investigate and take appropriate action concerning the complaint, or work with a designated "investigator" to investigate the complaint. Similarly, employees who feel they have knowledge of discrimination or harassment, or

who have questions or concerns regarding discrimination or harassment, shall immediately contact their immediate supervisor, appointing authority, or the Prosecutor's Office. Late reporting of complaints and verbal reporting of complaints will not preclude the County from taking action. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit complaints in writing and in an expedient manner following the harassing or offensive incident. All supervisors are required to follow up on all claims or concerns, whether written, verbal, or witnessed, regarding unlawful discrimination and harassment.

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

**G. Retaliation.**

Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals, in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. The County and its supervisors and employees shall not in any way retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels he/she has been subjected to retaliatory conduct as a result of actions taken under this policy, or as a result of his/her relationship with someone who took action under this policy, shall report the conduct to their immediate supervisor, appointing authority, or the Prosecutor's Office immediately. Disciplinary action for filing a false complaint is not a retaliatory act.

**H. False Complaints.**

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

**I. Corrective Action.**

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

**J. Coverage.**

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

**VI. MEDICAL EXAMINATIONS AND DISABILITY SEPARATION**

- A.** The County may require an employee to take an examination, conducted by a licensed medical practitioner, to determine the employee's physical or mental capacity to perform the essential functions of the job, with or without reasonable accommodation. This examination shall be at the County's expense. If the employee disagrees with the County's licensed medical practitioner's determination, the employee may request to be examined by a second licensed medical practitioner of the employee's choice and expense. If the reports of the two practitioners conflict, a third opinion shall be rendered by a neutral party chosen by the County and paid for by the County. The third opinion shall be controlling.
- B.** If an employee, after examination, is found to be unable to perform the essential functions of the position with or without reasonable accommodation, the employee may request use of accumulated, unused, paid and unpaid leave benefits, if applicable.

If a classified employee remains unable to perform the essential functions of the position after exhausting available leaves, the employee may request a voluntary disability separation. If, after exhausting available leave, an employee refuses to request a voluntary disability separation, an Appointing Authority may place the employee on an involuntary disability separation if the Appointing Authority has substantial, credible medical evidence to indicate that the employee remains disabled and incapable of performing the essential job duties. Such involuntary disability separation may be done in accordance with Ohio Administrative Code (O.A.C.) Chapter 123:1-30.

- C.** An employee's refusal to submit to an examination, to release the findings of an examination, or to otherwise cooperate in the examination process will be considered insubordination.

## **VII. DRUG AND ALCOHOL POLICY**

### **A. Drug-Free Workplace.**

As a condition prior to hiring, all prospective employees will receive a copy of the Morrow County Drug Free Workplace Statement and Policy, and will be required to sign an acknowledgment of receipt which will become a permanent part of the employee's personnel file.

The Courthouse, Engineer's Office, Prosecutor's Office and Walnut Place Campuses shall be smoke free in the buildings, at entrances, and in the parking lots. The designated smoking areas for the campuses are on the public sidewalks.

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

Treatment pursuant to this accommodation policy will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action. The County may take disciplinary action for any violations of work rules, regardless of the effect of alcohol or drug abuse. Nothing in this policy shall be construed to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem.

The County maintains a drug and alcohol free workplace<sup>1</sup> in order to eliminate the inherent risks and liability to the County, the affected employee, co-workers and the public. Employees are hereby notified that the manufacture, distribution, dispensing, possession, use or being under the influence of alcohol, drugs or other controlled substance is strictly prohibited during working hours at any location where employees are conducting County business. Also prohibited is the illegal use of legal substances.

In order to further the County's objective of maintaining a safe, healthful, and drug-free workplace, the County may require an employee to submit to a urine and/or blood test if there is reasonable suspicion as explained in Section C, paragraph 2, below, to believe that an employee is under the influence of a controlled substance or alcohol. Refusal to submit to a drug or alcohol test and/or to release the results of the same shall be considered insubordination and will be construed as a positive test result.

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<sup>1</sup> As set forth in detail in paragraph B 8 below medical marijuana use as authorized by state law is not exempted from the County's drug and alcohol free workplace policy, constitutes a violation of this policy, and employees are subject to discipline up to and including discharge for any violation of this policy, including use of medical marijuana.

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

**B. Drug Policy.**

1. Controlled Substance: Means any controlled substance contained in Schedules 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812; or as defined in § 3719.01 O.R.C.).
2. Conviction: Means any finding of guilt, including a plea of *nolo contendere* (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
3. Criminal Drug Statute: Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with O.R.C. § 3719.01 *et seq.*
4. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the employer's work place is strictly prohibited and will result in criminal prosecution and employee discipline.
5. Any employee arrested or convicted of any Federal or State criminal drug statute must notify the employer of that fact immediately, but in no event longer than five (5) calendar days, of the arrest or conviction.
6. Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances and/or alcohol will be subject to disciplinary action up to and including removal. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.
7. Any employee arrested or convicted of a drug or alcohol offense, who fails to timely report the arrest or conviction, may be terminated from employment and/or held civilly liable for any damage caused, including a loss of state or federal funds, resulting from the misconduct.
8. The County has a zero tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using medical marijuana as

authorized by Ohio law are not exempt from this policy in any way. The use of marijuana in any form for any purpose, authorized for medicinal purposes or unauthorized, will be treated the same as the use of all other Schedule 1 controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule 1 controlled substances or illegal drugs, including medical marijuana authorized by and in accordance with Ohio law, are still subject to all provisions of this policy and may be subject to discipline including termination for such use.

**C. The Drug/Alcohol Testing Policy.**

1. In order to maintain a safe and healthful work environment, the County reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.
2. Where the County has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to go to a medical clinic, at the County's expense, to provide blood and/or urine specimens. Reasonable suspicion shall generally mean suspicion based on personal observation by a County representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior. Reasonable suspicion should be documented in writing according to procedures prescribed in federal regulations, any applicable collective bargaining agreement covering the employee, or procedures developed by the County.
3. If requested, the employee shall sign a consent form authorizing the clinic to withdraw a specimen of blood or urine and release the test results to the County. Refusal to sign a consent form or to provide a specimen will constitute insubordination and a presumption of impairment and may result in discharge.
4. Any employee who tests positive may request retesting of the original specimen at their own expense.
5. Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be offered rehabilitation through the County Employee Assistance Program. Any costs related to the rehabilitation shall be paid by the employee. Employees must take any available, accumulated, paid or unpaid leave during their absence. Failure to fully participate in or successfully complete such a rehabilitation program may result in disciplinary action.
6. Employees who return to work after the successful rehabilitation will be subject to random drug tests for a period of two years from the date of their return.
7. Employees subject to random drug tests who refuse to participate in the drug/alcohol testing and/or rehabilitation program or who continue to test positive



for substance abuse will face additional disciplinary actions, up to and including removal.

8. Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol testing.
9. Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the County's drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors. Employees holding a CDL, and applicants for positions requiring a CDL, are subject to the reporting guidelines of the FMCSA Clearinghouse. The FMSCA Drug and Alcohol Clearinghouse guidelines are addressed below.

#### **D. Discipline.**

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

#### **E. Refusal to Test.**

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

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

**F. Prescription/OTC Medications.**

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

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

**G. Drivers with CDLs and the FMSCA Drug and Alcohol Clearinghouse**

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

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

Consistent with the FMCSA Clearinghouse requirements, the County shall conduct a full query of the Clearinghouse of each pre-employment driver during the background investigation process.

The County will conduct limited queries, at least annually, for all employers required to possess and maintain a CDL.

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

The County will report the following to the FMSCA Clearinghouse:

- Alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- A negative return to duty test result;

- A refusal to submit to a drug or an alcohol test;
- A refusal to test determination made in accordance with 49 CFR 40.191;
- A report that the driver has successfully completed all follow-up tests;
- Verified positive, adulterated, or substituted drug test result;
- Pre-duty or on-duty alcohol use;
- Drug use as defined in the regulations;
- The County's report of completion of follow-up testing;
- Other results required by law.

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

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

CDL drivers may petition to correct FMCSA Clearinghouse records.

## **VIII. TOBACCO USE POLICY**

In order to promote a healthy and comfortable work environment, County employees are prohibited from using tobacco while on County property, while performing duties related to County employment whether on or off site, while traveling for County business, and in any other circumstances or locations where an employee is representing the interests of the County. County property includes, but is not limited to: buildings, offices, restrooms, hallways, common work areas, parking lots, garages, County vehicles, conference rooms, sidewalks, green space, stairs, cafeterias/break rooms, and storage areas.

For the purpose of this policy, tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial/faux cigarette, cigars, cigarillos, pipes, oral tobacco, or any other manner of using or consuming tobacco, tobacco derived substances and/or substances mimicking tobacco. The definition is intended to include all products that deliver nicotine for purposes other than cessation.

## **IX. LACTATION BREAKS**

Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one year after the child's birth. The employee will be provided appropriate space, other than a bathroom, that is shielded from view and free from intrusion from other employees, teleworking video systems, and members of the public. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee. Employees who request reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions will be provided accommodations that do not cause undue hardship to the employer. Employees will be advised about the appropriate accommodation space when the need for use arises under this policy.

**X. JOB ASSIGNMENTS**

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

## **XI. PERFORMANCE EVALUATIONS**

The County may complete performance evaluations. Evaluations, if conducted, will be based upon defined and specific criteria and will generally be reviewed and signed by the employee's direct supervisor, and those superiors in the direct chain-of-command. The results will be discussed with the employee and the employee will be asked to sign the evaluation. An employee's signature will reflect their receipt of the evaluation, not their agreement with its contents. Should the employee refuse to sign, a notation will be made reflecting the date and time of the review along with the employee's refusal to sign. Employees may offer a written response to their performance evaluation. Such response, if given, will be maintained with the evaluation.

## **XII. HOURS OF WORK AND OVERTIME**

The County will establish the hours of work for all employees. Employees may be required to work days, evenings, nights and/or weekends due to operational needs. Additionally, the County may alter schedules, days off and shifts based upon operational needs. Unless prohibited due to operational needs, the County will meet in advance with employees and give at least two weeks advance notice for significant shift and schedule changes.

Due to federal regulations, employees who are not exempt from the overtime provisions of the Fair Labor Standards Act (“FLSA”) are prohibited from signing in or beginning work before their scheduled starting time, or signing out/stopping work past their scheduled quitting time except with supervisory approval or in emergency situations. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working during their lunch period except with supervisory approval or in emergency situations. Non-exempt employees should not remain at their desks, or computers, without notice and approval of their supervisor. Non-exempt employees who work outside their regularly scheduled hours in contravention of this rule shall be paid for all hours actually worked, but may be disciplined accordingly.

Failure to properly sign in or out as required, misrepresenting time worked, altering any time record, working overtime without approval, or allowing a time record to be altered by others will result in disciplinary action.

Generally, employees not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all hours actually worked in excess of forty in any one work week, regardless of the employee’s regularly scheduled work day. Sick leave, vacation leave, personal days, compensatory time, holidays and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation. Overtime shall be compensated at a rate of one and one-half times the employee’s regular rate of pay only for actual overtime worked.

The County may mandate overtime as a condition of continued employment. Supervisors shall attempt to distribute overtime as equally as practicable among qualified employees within those classifications in which overtime is required. An employee who refuses to work a mandatory overtime assignment may be considered insubordinate and disciplined accordingly. Additionally, the County may authorize or require employees to work a flexible schedule in a work week. For overtime eligible employees, a flexible schedule must occur within a single forty-hour work week.

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

### **A. Overtime Exempt Employees.**

Employees who are exempt from the overtime provisions of the FLSA are not eligible for overtime payment. The appropriate appointing authority shall determine if an employee is exempt from overtime requirements for purposes of the FLSA. Such exemptions may include employees whose job duties are executive, administrative or professional in nature.



At the discretion of the appointing authority, exempt employees may be required to keep track of, and report, their hours without destroying their exempt status.

**B. Compensatory Time – Non-Exempt Employees Only.**

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

Non-safety force employees may not exceed the maximum accrual cap of one hundred twenty (120) hours.

The appointing authority may, at its sole discretion, require an employee to use his/her compensatory time prior to the employee reaching the one hundred eighty (180) or three hundred sixty-five (365) day accrual limit. Additionally, the Appointing Authority may choose to pay out an employee's compensatory time. If an employee's compensatory time is paid out, the employee shall receive payment at the employee's regular rate of pay at the time of payment. The maximum number of compensatory time paid in an annual year is 40 hours.

**C. Earned Time Off – Overtime Exempt Employees.**

Employees who are exempt from the overtime provisions of the FLSA shall not receive compensatory time. However, if approved by the appointing authority, a bona fide executive, administrative or professional employee may receive earned time off. Earned time off may not be given on a time and one half basis, but may be given as an hour for hour trade or as a lump sum "bonus" for hours worked on a particular project. Earned time off shall not be paid out and shall either be used or lost.

**D. Improper Deductions.**

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

**E. Flex Time.**

Employees working beyond their regularly scheduled work hours during a workweek, may be permitted to “flex their time” up to the number of additional hours worked, subject to the approval of their supervisor. When electing to flex their time, employees may flex their time at the start, or end, of a shift, so long as the flexing of time does not create overtime or impact the efficient operations of the Employer. Flex time shall not be considered “hours worked” for purposes of calculating an employee’s overtime. Employees are not permitted to flex their time for consecutive shifts. Employees electing to flex their time shall do so on a “first-come, first-served” basis and all requests are subject to the operational needs of the Employer.

### **XIII. REPORTING TO WORK AND TARDINESS**

Employees are expected to report for and remain at work as scheduled and to be at their work stations at their starting time. Employees who call off work for personal reasons should call off in advance of their starting time in accordance with procedures established by their Appointing Authority or Agency Head. Employees who call off must make contact with their supervisor or designee each day of their absence unless they have made alternate arrangements. Calling off work in accordance with this procedure will not necessarily result in an employee receiving approved leave for their absence. The County will consider the underlying reason for the absence in order to determine whether to grant approved leave.

An employee who reports to work late, extends his/her lunch or break without authorization, or who leaves before the end of his/her scheduled shift, may be disciplined and docked pay. Pay will be docked in the lowest increments permitted by the County's timekeeping system.

#### **XIV. LAYOFF**

If it becomes necessary to reduce staffing levels, the County shall lay off employees in accordance with law. The County shall determine the number of positions and the classifications in which layoffs will occur. Layoffs and job abolishment may occur for lack of work, lack of funds, or reorganization.

## **XV. PROBATIONARY PERIOD**

Newly hired or newly promoted employees shall be required to successfully complete a probationary period of six (6) months to one (1) year. The County maintains the right to extend the probationary period up to an additional six (6) months if deemed necessary. The probationary period allows the County to closely observe and evaluate the employee's fitness and suitability for the position. Only those employees who demonstrate an acceptable standard of conduct and performance shall be retained in their positions.

If, at any time during the probationary period, a newly hired employee's service is determined to be such that it does not merit further employment, the employee's employment may be terminated without appeal rights. Time spent on inactive pay status or non-paid leave of absence shall not be counted toward the completion of the probationary period.

The failure of a promoted employee to complete a probationary period due to unsatisfactory performance shall result in the employee being returned to the same or similar position he held at the time of his/her promotion.

## **XVI. ETHICS/CONFLICTS OF INTEREST**

The proper operation of a democratic government requires that actions of public officials and employees be impartial, that government decisions and policies be made through the proper channels of governmental structure, that public office not be used for personal gain, and that the public have confidence in the integrity of its government. Ohio Revised Code §§ 102.03 and 2921.42 prohibit public employees from using their influence to benefit themselves or their family members. In recognition of the above-listed requirements, the following Code of Ethics is established for all County officials and employees:

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

Any employee having doubt as to the applicability of these provisions should consult his/her supervisor or legal counsel. Any employee offered a gift or favor who is not sure whether acceptance is a violation of the Code of Ethics, should inform his/her supervisor of the gift offer. The supervisor will make a decision or will refer the individual to the Prosecutor's Office. No employee will accept from any contractor or supplier doing business with the County, any material or service for the employee's private use.

State law prohibits County employees and officials from having a financial interest in companies that do business with public agencies, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to consult an attorney.

## **XVII. NEPOTISM**

### **A. Hiring.**

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

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

### **B. Employment.**

An employee is not permitted to work in a position where his/her supervisor or anyone within his/her chain of command is a relative. If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred or an accommodation acceptable to the County must be established. Termination of employment will be a last resort. If two employees marry, they will be subject to the same rules listed above as other relatives.

The provisions of O.R.C. §§ 102.03 and 2921.42 render it unlawful for a public official to use his/her influence to obtain a benefit, including a job for her relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action. For purposes of the Article, the term “relative” shall include: spouse, children, grandchildren, parents, grandparents, siblings, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, step-parents, step-children, step-siblings, and a legal guardian or other person who stands in the place of a parent to the employee.

## **XVIII. OUTSIDE EMPLOYMENT**

Employees are required to notify their Appointing Authority or Agency Head of any outside employment. No employee shall have outside employment which conflicts in any manner with the employee's ability to properly and efficiently perform his/her duties and responsibilities with the County. Employees are expected to be at work and fit for duty when scheduled.

Employees are prohibited from engaging in secondary employment while on sick leave, disability leave, or family medical leave. Employees are strictly prohibited from engaging in or conducting outside private business during scheduled working hours and are further prohibited from engaging in conduct which creates a potential or actual conflict of interest with their duties and responsibilities as a County employee.



## **XIX. POLITICAL ACTIVITY**

- A.** Although the County encourages all employees to exercise their constitutional rights to vote, certain political activities are legally prohibited for classified employees of the County whether in active pay status or on leave of absence. The following activities are examples of conduct permitted by classified employees:
1. Registration and voting.
  2. Expressing opinions, either orally or in writing.
  3. Voluntary financial contributions to political candidates or organizations.
  4. Circulating non-partisan petitions or petitions stating views on legislation.
  5. Attendance at political rallies.
  6. Signing nominating petitions in support of individuals.
  7. Displaying political materials in the employee's home or on the employee's property.
  8. Wearing political badges or buttons, or the display of political stickers on private vehicles.
  9. Serving as a precinct official under O.R.C. § 3501.22.
- B.** The following activities are examples of conduct prohibited by classified employees:
1. Candidacy for public office in a partisan election.
  2. Candidacy for public office in a non-partisan general election if the nomination to candidacy was obtained in a primary partisan election or through the circulation of a nominating petition identified with a political party.
  3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
  4. Circulating official nominating petitions for any partisan candidate.
  5. Holding an elected or appointed office in any partisan political organization.
  6. Accepting appointment to any office normally filled by partisan election.

7. Campaigning by writing in publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.
  8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate.
  9. Solicitation for the sale, or actual sale, of political party tickets.
  10. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues.
  11. Service as a witness or challenger for any party or partisan committee.
  12. Participation in political caucuses of a partisan nature.
  13. Participation in a political action committee that supports partisan activity.
- C. Unclassified employees whose jobs are funded in whole or in part by the federal government may also be subject to prohibitions against partisan political activity. Any employee having a question pertaining to whether specific conduct of a political nature is permissible should contact their immediate supervisor prior to engaging in such conduct.

## **XX. INVESTIGATIONS AND DISCIPLINE**

The County has the right to investigate all alleged disciplinary violations. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented, and advised by an attorney. For all employees, the failure to respond, to respond truthfully, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during the pendency of the investigation. Investigations shall be conducted upon receipt of an allegation of potential misconduct. Investigations shall be conducted promptly and in a reasonable and efficient manner to determine whether the alleged misconduct occurred.

Classified employees may be placed on a paid “administrative” leave of absence pending an investigation. Classified employees placed on paid “administrative” leave are expected to remain available to their employer, including coming to their designated workplace, if requested, during their designated working hours while placed on paid “administrative” leave. A classified employee who has been charged with a violation of law that is punishable as a felony may be placed on unpaid “administrative” leave, for a period not to exceed two months, pending an investigation. However, a classified employee who is placed on unpaid leave and is later exonerated of a felony must be reimbursed for lost pay, plus interest, and lost benefits. Unclassified employees may be placed on paid or unpaid leave pending an investigation.

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

The following forms of misconduct constitute grounds for disciplinary action: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, policy or work rule violations, conviction of a crime, failure of good behavior including a violation of ethics of public employment, failure to maintain licensing requirements, and any other acts of misfeasance, malfeasance, nonfeasance or any other reason set forth in O.R.C. § 124.34.

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

Employees have an obligation to immediately inform the County of any on-duty or off-duty arrests or convictions. An arrest or conviction may, or may not, result in discipline depending on the nature of the incident, the job performed, and other relevant considerations. Employees will not be granted vacation leave in order to serve jail time.

The filing or prosecution of criminal charges or other civil administrative investigations against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action, if any, under this policy. The County may investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending administrative or criminal charges. The disposition of such administrative or charge is independent of a disciplinary investigation. Although the County may utilize information obtained during other investigations, the County's decision to take appropriate disciplinary action may or may not correspond with the filing, or non-filing, of criminal charges or civil actions. A felony conviction while employed with the County is just cause for termination.

Staff is responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of County Policies and Procedures whether the conduct occurs on-duty or off-duty. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts.

When the County believes that discipline of a classified employee in the form of a paid or unpaid suspension, reduction or elimination of longevity pay, demotion or termination, or loss of pay or benefits is possible, a pre-disciplinary conference shall be scheduled. Prior to the pre-disciplinary meeting, the employee will be provided with written notice of the charges against him. At the pre-disciplinary conference, the employee may respond to the charges, verbally or in writing, or have his/her chosen representative respond. The employee may also waive the Pre-Disciplinary conference. Failure to attend the pre-disciplinary conference shall be deemed a waiver of the conference.

Unclassified employees and probationary employees are not eligible for a Pre-Disciplinary Conference.

### **COMPLAINT PROCEDURE**

Employees may have questions or concerns caused by misunderstandings in the application of policies, procedures and work rules. The County believes questions and concerns will be heard promptly and action will be taken to resolve or clarify a particular situation, if necessary. Complaints regarding unlawful discrimination or harassment should be brought according to the unlawful discrimination and harassment policy contained in this manual.

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

**A. Step 1: Immediate Supervisor.**

An employee having a complaint shall file it in writing with his/her Immediate Supervisor, as outlined in the procedure for his/her work unit. The employee's Immediate Supervisor will review the complaint and attempt to resolve the complaint within a reasonable time and will provide the employee with a written response. Step 1 may be bypassed by either the employee or Immediate Supervisor if the Immediate Supervisor lacks the authority to make a change and/or the Immediate Supervisor is the subject of the complaint.

**B. Step 2: Department Head.**

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

**C. Step 3: Employer (Commissioners or Designee).**

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

## **XXI. SOLICITATION**

Individuals not employed by the County are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers or vendors given prior authority), or engaging in any other solicitation, distribution, or similar activity on the premises or at a worksite.

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

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

- A.** Distribution of literature, solicitation and the sale of merchandise or services is prohibited in public areas.
- B.** Soliciting and distributing literature during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term “working time” does not include an employee’s authorized lunch or rest periods or other times when the employee is not required to be working.
- C.** Distributing literature in a way that causes litter on County property is prohibited.

The County maintains various communications systems to communicate County-related information to employees and to disseminate or post notices required by law. The unauthorized use of the communications systems or the distribution or posting of notices, photographs, or other materials on any County property is prohibited.

Violations of this policy will be addressed on a case-by-case basis. Disciplinary measures will be determined by the severity of the violation, not the content of the solicitation or literature involved.

## **XXII. COUNTY PROPERTY**

### **A. General.**

Employees are prohibited from using County materials, tools, facilities, equipment and labor for personal or private use regardless of whether the use is during working or non-working time. Employees may not perform private work for themselves, co-workers, friends, family members or others during working time or while using County materials, tools, facilities, or equipment. All County tools and equipment must be used and operated within the laws of the State of Ohio and/or rules and regulations of the County. Employees who separate from service with the County are responsible for return of reusable County property in his/her possession.

Employees have no reasonable expectation of privacy in the use of County property and facilities. In order to safeguard employees and the workplace, and in order to maximize efficiency, safety and productivity, the County reserves the right, in its sole discretion and without notice to employees, to inspect, monitor or otherwise search County property and facilities or any other enclosed or open area within County property or facilities and to monitor or inspect any items found within such facilities. Employees are required to cooperate in any work place inspection. The County also reserves the right to inspect any packages, mail, parcels, handbags, briefcases, or any other possessions or articles carried to and from County facilities and job sites where permitted by law.

Employees required to answer the telephone or other communication, as part of their assigned duties shall do so in a polite and courteous manner. No employee shall use foul or abusive language over the telephone, or other communication, or in any dealings with the public. The County reserves the right to monitor any phone or other communications at any time.

The County may issue cellular phones to its employees. Cellular phones are not only capable of making and receiving phone calls, they may also be capable of email, text messaging, internet browsing, running third party applications, GPS, and entertainment. Regardless of the capability of a particular cellular phone, County-issued cellular phones are considered County property and are for business use only. Features other than phone use must not be used or activated without direct authorization from a supervisor. Use of County cellular phones while operating a motor vehicle (County-owned or personal) is prohibited, including GPS and hands-free, unless authorized by a supervisor.

### **B. Vehicles.**

#### **General Rules.**

1. Employees must use assigned county vehicles for the purpose(s) authorized, and must not permit the driving of county vehicles by unauthorized individuals, or permit unauthorized passengers in county vehicles.

2. Employees shall not use their personal vehicle to transport clients or children in custody, except in emergency situations, which are first approved by the manager or supervisor.
  3. Reimbursement for necessary emergency road service and repairs, parking, and highway-related tolls require appropriate receipts for reimbursement.
  4. Employees of the county who are assigned a county vehicle for duty to domicile travel are subject to all Internal Revenue Service (IRS) rulings regarding such usage.
- A. Expectations. Employees operating county vehicles shall exercise caution and responsibility while driving, and shall follow all safety regulations. Each employee who drives on program business will maintain current driver's license and proof of insurance within their personnel file. Reckless or destructive operation of vehicles is grounds for disciplinary action, up to and including termination. Employees required to maintain a CDL for employment will abide by all federal, state, and local transportation regulations.
- B. Communication / Electronic Devices.
1. Cellular Phone Usage. Employees driving any vehicle on employer business using a cell phone, either personal or employer-owned, must use a hand-free-system for communicating, or pull off the road prior to using the cell phone. Only under these circumstances may the employee pull the vehicle off the road to a safe location and stop the vehicle prior to using the electronic device. While refueling, employees are not to be either carrying or using a cell phone. In accordance with state law, texting while driving is prohibited.
  2. Use of other Electronic Devices. Employees will not use other electronic devices that are not part of the original vehicle equipment without prior authorization by the appointing authority.
- C. Vehicular Accidents / Incidents. All vehicular accidents or incidents while performing program business in either county-owned or personal vehicles shall be immediately reported to the employee's supervisor and to proper law enforcement personnel. The employee is also subject to drug and alcohol testing.

Following an accident, the appointing authority and the employee's immediate supervisor will determine whether or not disciplinary action is to be pursued. Upon reporting the accident to the employee's immediate supervisor, the employee will be required to fill out the proper accident reporting form so that the accident can be reported to the appointing authority and to the county's insurance carrier. (Utilize Form 21 – Report of Traffic Violation, Arrest and/or Incident).



D. Traffic Offenses. Employees are expected to report traffic convictions/point accumulations to the appointing authority or the appointing authority's designee as well as their immediate supervisor. Any convictions or point accumulations may result in the suspension of the employee's driving responsibilities. In addition, disciplinary action, up to and including termination, may be taken subject to appropriate procedures. Citations received while on employer business are the sole responsibility of the employee involved in the incident and may also result in discipline. These offenses include, but are not limited to, the following:

1. Driving while under the influence of alcohol or drugs. An employee convicted of OVI (operating a motor vehicle under the influence) or any other drug or alcohol related driving offense shall be excluded from operating a motor vehicle for the county for a period of 12 months, beginning on the date of the offense. An employee must provide the county with proof of a valid driver's license without restrictions and successfully complete a mandatory DDC class to lift the exclusion after the 12 month period.
2. Suspended license. An employee with a suspended license shall be excluded from operating a motor vehicle for the county until he/she provides proof of a valid driver's license without any restrictions.
3. Driving under a suspended or revoked license. An employee convicted of driving under a suspended or revoked driver's license shall be excluded from operating a motor vehicle for the county for a period of 6 months, beginning on the date of the offense. An employee must provide the county with proof of a valid driver's license without restrictions and successfully complete an approved DDC class to lift the exclusion after the 6 month period.
4. Vehicular homicide or manslaughter. An employee convicted of vehicular homicide or manslaughter shall be excluded from the time of offense from operating a motor vehicle for the county until clear of standard MVR based on the State of Ohio Bureau of Motor Vehicles reporting system.
5. Leaving the scene of an accident. An employee convicted of leaving the scene of an accident shall be excluded from operating a motor vehicle for the county for a period of 12 months, beginning on the date of the offense. An employee must provide a valid driver's license without restrictions and successfully complete a mandatory approved DDC class to lift the exclusion after the 12 month period.
6. Attempting to allude or flee a police officer after a traffic violation. An employee convicted of fleeing or eluding shall be excluded from operating a motor vehicle for the county for a period of 12 months, beginning on the date of the offense. An employee must provide a valid driver's license without restrictions and successfully complete a mandatory approved DDC class to lift the exclusion after the 12 month period.

7. Drag racing.

8. Failing to comply with Ohio Financial Responsibility Law. An employee failing to provide proof of financial responsibility shall be excluded from operating a motor vehicle for the county until proof of financial responsibility is provided along with a valid driver's license without any restrictions.

9. Other intentional and dangerous use of a motor vehicle.

10. Speeding or reckless operation.

F. Driving Abstract Reviews.

1. Driving impacts the employer's insurance risk. Reviews of records are designed to decrease the risk to the employer by employees who have poor driving records. The employer requires review of driving records as maintained by the state of Ohio Bureau of Motor Vehicles (BMV) for applicants and employees. The driving record is used to indicate an individual's ability to responsibly operate a vehicle. BMV records must be reviewed for an employee to be eligible for mileage reimbursement. Records will be monitored annually, and may be monitored quarterly if warranted.

2. The appointing authority or designee will review BMV records of employees annually. The employee must allow the employer to review their BMV records. (Utilize Form 22 – Annual Driver's License Check). Driving suspensions for employer purposes typically occur when an employee has accumulated at least six (6) points on their driving record with the Ohio BMV. Employees shall sign a statement acknowledging the suspension. (Utilize Form 23 – Suspended Driver Statement of Understanding). Driving suspensions will remain in effect until subsequent reviews determine that the offenses have been removed from the abstract record. Offenses remain on record for a period of up to three (3) years.

3. Progressive discipline action, up to and including termination, may be taken upon an individual who fails to maintain insurability under the county's vehicle insurance policy.

G. Personal Vehicles Included. Employees who use a personal vehicle in the course of their employment shall be subject to the requirements of this Section.

## **XXIII. COMPUTER USE AND CYBERSECURITY POLICY**

Cyber threats are constantly evolving with increasing intensity and complexity.

To minimize these threats that may harm the ability to achieve Morrow County's member mission objectives and delivery of member functions. These mission objectives and deliver member functions are increasingly reliant on information systems and the Internet, resulting in increased cyber risks that could cause severe disruption to Morrow County's functions, or impact reputation, or compromise sensitive data and intellectual property.

### **A. Password Security**

#### Purpose

Employees of Morrow County must access a variety of technology resources, including computers and other hardware devices, data storage systems, and other accounts. Passwords are a key part to any information technology strategy to make sure only authorized people can access those resources and data.

All employees who have access to any of those resources are responsible for choosing strong passwords and protecting their log-in information from unauthorized people.

The purpose of this policy is to make sure all Morrow County resources and data receive adequate password protection. The policy covers all employees who are responsible for one or more account or have access to any resource that requires a password.

#### Scope

This policy applies to all Morrow County full-time, part-time and temporary employees.

#### Password creation

- All passwords should be reasonably complex and difficult for unauthorized people to guess. Employees should choose passwords that are at least eight characters long and contain a combination of upper and lower-case letters, numbers, and punctuation marks and other special characters. These requirements will be enforced with software when possible.
- In addition to meeting those requirements, employees should also use common sense when choosing passwords. They must avoid basic combinations that are easy to crack. For instance, choices like "password", "password1" and Pa\$\$w0rd" are equally bad from a security perspective.
- A password should be unique, with meaning only to the employee who chooses it. That means dictionary words, common phrases and even names should be avoided. One recommended method to choosing a strong password that is still easy to remember:

Pick a phrase, take its initials and replace some of those letters with numbers and other characters and mix up the capitalization.

For example, the phrase “this may be one way to remember” can become “TmB0WTr!”.

- Employees must choose unique passwords for all of their Morrow County accounts and may not use a password that they are already using for a personal account.
- All passwords must be changed regularly, with the frequency varying based on the sensitivity of the account in question. This requirement will be enforced using software when possible.
- If the security of a password is in doubt – for example, if it appears that an unauthorized person has logged in to the account – the password must be changed immediately.
- Default passwords – such as those created for new employees when they start or those that protect new systems when they’re initially set up – must be changed as quickly as possible.

#### Protecting passwords

- Employees may never share their passwords with anyone else in the organization, including co-workers, managers/supervisor, administrative assistants, IT staff members, etc. Everyone who needs access to a system will be given their own unique password.
- Employees may never share their passwords with any outside parties, including those claiming to be representatives of a business partner/organization with a legitimate need to access a system.
- Employees should take steps to avoid phishing scams and other attempts by hackers to steal passwords and other sensitive information. All employees will receive training on how to recognize these attacks.
- Employees must refrain from writing passwords down and keeping them at their workstations. See above for advice on creating memorable but secure passwords.
- Employees may not use password managers or other tools to help store and remember passwords without IT’s permission.

For additional information on password security see the NIST special publication 800-118: Guide to Enterprise Password Management.

## **B. Computer Equipment**

### Purpose

The purpose of this policy is to outline the process by which Morrow County acquires, replaces, and disposes of computer hardware equipment as well as the purchasing of personal computer systems and laptops for county staff.

### Scope

This policy applies to all Morrow County full-time and part-time employees and to the purchase of all computer equipment issued by the county regardless of funding sources.

### Computer Equipment Purchases

All computer equipment purchases must be coordinated with Information Technology before any purchases are made.

### Computer Equipment Received via Grants or Gifts

Departments/agencies receiving computer equipment as gifts from individuals, donations and grants must work with Information Technology before accepting the equipment. Equipment gifts will be reviewed to ensure that the equipment may be utilized in the county environment and that ongoing support can be provided.

### Computer Replacement Cycle

Full-time positions will be assigned one primary computer. The computer assigned to a user as their primary system will be the machine covered under the Computer Replacement Cycle. Those users with non-primary computers may either be upgraded out of the IT computer redistribution pool or by other departmental funds. The general guidelines for replacement of primary systems are:

1. Full-time staff: Four years from the date of computer assignment
2. Computers needed for part-time staff, student worker or intern positions, temporary positions, and machines needed for projects or other temporary uses will be furnished out of the IT redistribution pool of computers.
3. Computers that are part of the IT Computer Replacement Cycle will be replaced with a new standard computer and charged back to each department/agency. Each department/agency will also cover the costs of a new standard machine requested for a newly created position.

### Standard Computer Configurations

A standard configuration will be established by Information Technology on an annual basis. Any upgrades to the hardware configuration beyond the scope of the standard configuration will be charged to the requesting department/agency.

Full-time staff will receive a Windows desktop unless justification can be provided and approved by the respective department/agency. If equipment other than a Windows desktop is approved by the department/agency, any monetary difference will be paid by the respective departmental/agency funds.

Any staff replacement personnel will inherit the computer used by the previous holder of that position, unless that computer was purchased or has been in use for four years.

#### Standard Software Installations

Standard software on machines will include:

1. Current supported version of Windows (or Mac OS as required)
2. Current supported version of Microsoft Office Suite
3. Symantec Endpoint Protection
4. Runtimes (Java, Adobe, Adobe Flash, Adobe Shockwave)
5. Internet Browsers (Microsoft Explorer, Google chrome, Apple Safari)

#### Additional Peripheral Devices

Standard desktop configuration will include a workstation/CPU, monitor, keyboard and mouse. Standard laptop configurations will only include the laptop. External monitors may be supplied depending on availability in redistribution. Laptop setups do not include carrying cases, docking stations, and monitor stands.

#### Employee Purchase Option

Full-time employees will have the option of purchasing their primary computer system at time of replacement once IT identifies it as decommissioned.

Please note the following:

1. The purchase price is a flat fee of \$150.00 plus sales tax and is payable at the Auditor's Office.
2. User is responsible for ensuring all data has been backed up from the PC or laptop.
3. All computers that have been decommissioned where the employee has elected to purchase must be processed through IT Help Desk and will be re-built with a basic operating System installed.
4. Once a computer has been identified as decommissioned, it will no longer be supported by Information Technology or any other office at Morrow County.
5. All computers that have been purchased will need to be removed from county property.
6. All such sales are "as is" and Information Technology provides no warranty.

Follow this process to purchase a decommissioned system:

- Requests by employees to purchase their decommissioned computer system must be made through Information Technology by creating a work order in FacilityDude. The work order must include the serial/tag number of the computer.
- After the work order is created, Information Technology will email the purchaser the forms and procedures to follow for the purchase. Once the computer is ready for pickup, Information Technology will contact the purchaser to coordinate the pickup of the decommissioned computer. Upon machine pickup, purchaser must bring a copy of the completed paperwork for IT to keep to finalize transfer of ownership.

Configuration of machines that are to be sold are as follows:

1. Desktop computers will include the monitor, keyboard and mouse.
2. Laptop computers will only consist of the laptop, no external peripheral devices will be included.
3. All-in-one systems will include keyboard and mouse.

**C. Antivirus/ Malware and Firewall Software**

**1. Applicability**

- i. This policy applies to all computing environments, networks and computer systems owned, contracted, leased, or operated by Morrow County. It also applies to personally-owned or third party computers transmitting our sensitive data electronically or connecting directly to the member's network, including any websites operated by the member.
  - ii. This policy applies to all users, including administrative consultants, employees, contractors, administrators, and third parties.
- 2.** The willful introduction of a computer virus, malware, and disruptive/destructive code to the member network is prohibited.
- 3.** All Morrow County appointing authorities are responsible for deploying and maintaining licensed antivirus/malware and firewall prevention software to all systems it supports/ administers and providing timely updates for all components of the software on:
- i. Any externally facing servers or gateways
  - ii. Proxy servers
  - iii. Application servers such as mail servers and/or mail gateways, FTP servers, web servers, audio/video servers
  - iv. Data management servers such as back-up servers and database servers
  - v. Morrow County deployed desktops, laptops, and tablets
  - vi. When technically feasible, cell phones, smart phones and PDAs
  - vii. For non-member deployed laptops or mobile devices, Morrow County should ensure, where feasible, that both up-to-date antivirus/malware prevention software and a personal firewall are deployed on the connecting device prior to granting permission to connect to the member network.
- 4.** Users are not to make any changes to their system that will disable or remove our approved antivirus and malware prevention or firewall software or otherwise prevent the software from performing its intended purpose.
- 5.** Users are not to open any files or macros attached to an email from an unknown, suspicious, or untrustworthy source. All unexpected content received from a trusted source should be verified with that source prior to opening.

6. Computer systems that are unable to run antivirus and malware prevention software must be restricted to an isolated network with sufficient network-level protections deployed to prevent viruses/malware from spreading into any other areas of our network (e.g. running antivirus technology at its “gateway” to Morrow County network).
7. All software updates will be installed and scheduled to run at regular intervals or upon electronic notification of a new security update, patch, vulnerability, or threat. Wherever possible, our computing resources should be set to auto-apply/update security patches on a regular basis.
8. Antivirus and malware prevention scanning should be programmed to run/initiate upon startup and/or reboot of PCs/servers/other computing devices.
9. For PCs/servers/computing devices that are not normally rebooted, firewall, antivirus and malware scanning should be “always on” when technically feasible.
10. All Morrow County appointing authorities are responsible for receiving and acting upon alerts (via automated alert, email, news, etc.) promptly to ensure minimal exposure and security risk to the confidentiality, integrity, and availability of our electronic assets.
11. Critical security patches should be deployed by a maximum of 48 hours after released by the operating system software or application vendor, unless there is reason to believe the patch might negatively impact a business-related activity or application.
12. After appropriate testing, updates without issue will be made available to all PCs/servers/computing devices, as well as remote employees.
13. Malware prevention software scans shall be run routinely (at a minimum weekly).
14. Antivirus and malware prevention software shall be run immediately after the installation of any new software.
15. Suspicious content (files or macros attached to email) should be quarantined for review or permanently deleted immediately.
16. All downloads should be scanned with an updated member standard antivirus/malware prevention scanner immediately (automatically, if possible).
17. Computing systems will be rebooted as required to ensure virus definitions (as well as operating system updates) are updated and that the antivirus software can run to check for viruses.
18. Default settings should be set up so that antivirus software runs upon startup or reboot.

**D. Mobile Computing**

1. Protection of laptop/mobile devices, especially when used off-site, is necessary in order to reduce the risk of both unauthorized access to the data contained on the



device, as well as the data that the device has access to on Morrow County's network. Protection is also necessary to safeguard against loss or damage of the device itself.

2. A Virtual Private Network (VPN) is a secured private network connection built on top of a public network, such as the internet. Whenever feasible, it is strongly recommended to utilize a VPN for all remote computing.
3. Shipments of new or unassigned laptops/mobile devices are to be stored in locked closets or rooms with controlled access and no false ceilings or partial walls within a reasonable time of receipt.
4. Security instructions to users should be included with laptop/mobile device when issued.
5. In 'open' access areas, a laptop restraint/lockdown device ("Kensington lock" or similar) will be used when the computer is left unattended if deemed necessary to protect it.
6. Tamper-proof identification labels with the company name/ID shall be visibly placed on all laptops to assist in identification if stolen or misplaced. (Where a safety issue is involved, the local security environment may necessitate masking the company name.)
7. The laptop/mobile device make, model, serial number and media access control address is to be recorded and stored in a safe location in order to give precise information to authorities in case of theft.
8. Unattended storage standards for laptop/mobile devices should be same as those for the storage of similar hard copy information.
9. Back-ups of our data onto our servers should be accomplished on a basis which ensures the availability and negates the significant loss of our data.
10. The user has overall responsibility for the confidentiality, integrity, availability and accessibility of his/her assigned member laptop/mobile device and the data on or accessible through the laptop/mobile device.
11. Device/hard drive must be encrypted to maintain confidentiality and protect against the bypass of software controls (e.g., booting from a system disk or USB, file encryption) must be utilized.
12. Anti-virus/anti-malware software will be installed on the laptop/mobile device and all incoming disks/magnetic/digital media /jump drives should be virus checked before being used.
13. Users must take steps to prevent casual overview or attempted use by unauthorized personnel. The use of privacy screens is encouraged.
14. User ID and authentication is required before access is given to data and applications residing on the laptop/mobile device. Some smartphones only allow for pattern or PIN for authentication without a User ID, which is acceptable for accessing the device itself.

15. A screensaver and password or “clear and lock” feature will be used to protect the machine if the user must leave the activated laptop; a user password must be re-entered for further access.
16. Passwords must meet the standards set forth in this policy.
17. To help prevent damage and theft, a laptop should not be placed in or as checked baggage. If a laptop must be left in an automobile, it must be stored in the trunk or otherwise out of plain view.
18. Any lost or stolen device must be immediately reported to appropriate appointing authority.

**E. Use of Personal Devices**

1. Morrow County may provide its employees who acknowledge and agree to the terms and conditions below, the opportunity to use their own computers, smart phones, tablets, and other devices for business purposes to access and use Email and other authorized member systems and information. Authorization and use is up to the discretion of the appointing authority and is subject to the following terms and conditions:
  - i. Device Requirements
    - a. "Personal Device" means a computer, smart phone, tablet, or other device that is authorized to access member data or is used to backup any such device and is owned by employee and acquired voluntarily, without payment by member and without any expectation of reimbursement for any costs related to the purchase, activation, operational/connectivity charges, service or repairs, or other costs that may be incurred related to the device or its use.
    - b. The minimum security requirements for using a Personal Device are listed below, but may be subject to change.
  - ii. A password/pin code must be entered on any Personal Device after fifteen (15) minutes of inactivity;
  - iii. The employee must maintain the original Personal Device operating system and keep the Personal Device current with security patches and updates, as released by the Personal Device manufacturer. The employee will not "Jail Break" or “Root” the Personal Device (installing software that allows the user to bypass standard built-in security features and controls) or otherwise modify the safeguards installed on the Personal Device by the manufacturer; and
  - iv. The Personal Device must be encrypted and any resulting back-ups must also be encrypted.
  - v. If a Personal Device becomes non-compliant with any of the Minimum Security Requirements, it must be remedied within a reasonable period of

time, or the Personal Device will be blocked from access to member termination of this privilege may be revoked.

- vi. All data on the device may be subject to a public records request or legal discovery.

## **F. Network Design and Administration**

1. Implement a “trust no-one” policy. Assume all connections are a risk that needs to be minimized. This would include internal systems such as HVAC, Card Access, elevator controls, etc.
2. No equipment should be connected directly to the “internet” unless it is 100% unavoidable.
  - i) Do not connect directly to an ISP’s modem without an intervening firewall or other layer of acceptable security.
- (1) If you get your LAN IP addresses from the ISP’s modem that is a clue you may be without protection.
3. No equipment should be connected to the network in the out-of-the-box configuration.
  - i) At a minimum, the default administrative passwords should be changed to comply with the strong password policy.
  - ii) Where possible, individual sign-ins to the administrative interface of the equipment should be used for access and change tracking rather than the default administrator account login.
4. Security devices (Firewalls\ASA’s) should be of an enterprise-grade type, no matter how small the operation. Major name brands of equipment should be used.
5. Network equipment should be classified as MANAGED, which provides for access to logging, VLAN’s, and the ability to upgrade.
6. Cyber-threats evolve in real-time. Your equipment is vulnerable the second it is put into use. Firewalls, switches, and routers should have the most current firmware and threat-list available. Some firmware updates introduce issues that need to be resolved with another update. In this case, the next closest revision should be used.
7. Network Address Translation (NAT) and Port Address Translation (PAT) should be used to mask all internal private IP addresses communicating to the internet or to another connected non-native agency (such as another city, county, or state).
8. The strongest AES encryption should be used in every instance of VPN connection. CJIS requirements should be observed as the minimum even in non-CJIS access (i.e. FIPS).
9. Networks should avoid a “flat” network design where a person can open “Network” on their pc and see the entire organizations pc’s and servers listed.  
The design should include:

- i) The use of multiple VLAN's
  - (1) State\Fed mandated Secure (CJIS connected, etc.)
  - (2) By Department (HR, Accounting, Commissioners, Health, etc.)
  - (3) By Equipment (HVAC, Elevator, Server Type, etc.)
- ii) The use of multiple IP Subnets
  - (1) Per VLAN
  - (2) Per Department
  - (3) Per Equipment Type
- iii) Use the Router ACL's to limit which VLAN, IP Subnet can talk to one another.
- 10. The use of Access Control Lists (ACL) in routers and switches should be used to only provide access to core systems to those who need it. The overhead associated with this design can be minimized by using security groups instead of individual MAC, IP Address, or User accounts.
- 11. Wireless Access Points are an easy target by anyone with a smartphone or a tablet.
  - i) SID should NEVER be "open" and should always require a password. The Password must comply with the strong password policy.
  - ii) Individual user accounts must be utilized and passwords never shared.
  - iii) Use LDAP for sign-on so wireless passwords don't have to be changed and can be audited.
  - iv) Tune antenna power to lowest reasonable power to limit exposure.
- 12. The use of a syslog server should be used to capture the activities of the routers, switches, and firewalls. Especially the firewalls should be reviewed weekly to identify intrusions and improper
- 13. Open wall ports (no pc, printer, phone, etc. connected to them) should have the patched switch port DISABLED to prevent rogue and unapproved devices from being able to connect to the network by vendors, contractors, etc.
- 14. Physical security of your data systems is often overlooked.
  - i) Servers should be in a controlled access room, not on a desk in an office.
  - ii) Some means of auditing the access to the room should be in place, such as a camera, card access system.
  - iii) Keys to the room should be limited to qualified IT persons and limited Facilities persons so they may respond in the case of a fire, etc.
- 15. Contract with a reputable vendor for a network penetration test, run from both the outside and the inside and make adjustments where necessary.

## **G. Software Updates/Patches**

1. Morrow County will review, evaluate, and appropriately apply software patches as soon as possible after release. If patches cannot be applied immediately due to

hardware or software constraints, mitigating controls will be implemented based upon the results of a risk assessment.

2. This policy covers all servers, workstations, network devices, operating systems (OS), applications, and other information assets for which vendors provide system patches or security updates.

## **H. Interaction With Other Information and Equipment Security Policies**

This policy is one part of Morrow County information and equipment security policies. It is to be utilized in addition to, not instead of, other policies such as, but not limited to, the Use of Member Property, Social Media, Computer Use, Internet, Email, Telephone and Privacy Policies.

## **I. Security Awareness Training and Testing**

### **1. Introduction:**

Technical security controls are a vital part of any information security framework but are not in themselves sufficient to secure all information assets. Effective information security also requires the awareness and proactive support of all staff, supplementing and making full use of the technical security controls. This is obvious in the case of social engineering attacks and other current exploits being used, which specifically target vulnerable humans rather than IT and network systems.

Lacking adequate information security awareness, staff is less likely to recognize or react appropriately to information security threats and incidents, and are more likely to place information assets at risk of compromise. To protect information assets, all workers must be informed about relevant, current information security matters, and motivated to fulfill their information security obligations.

### **2. Objective:**

This policy specifies the Morrow County internal information security awareness and training program to inform and assess all staff regarding their information security obligations.

### **3. Scope:**

This policy applies throughout the organization as part of the cybersecurity framework. It applies regardless of whether staff use computer systems and networks, since all staff are expected to protect all forms of information assets including computer data, written materials/paperwork, and intangible forms of knowledge and experience. This policy also applies to third party employees working for the organization whether they are explicitly bound (e.g. by contractual terms and conditions) or implicitly bound (e.g. by generally held standards of ethics and acceptable behavior) to comply with our information security policies.

#### **4. Audience:**

In general, this policy applies to all Morrow County employees, elected officials and contractors with access to Morrow County systems, networks, Morrow County information, nonpublic personal information, personally identifiable information, and/or customer data.

#### **5. Document Changes and Feedback:**

This policy will be updated and re-issued at least annually to reflect, among other things, changes to applicable law, update or changes to Morrow County requirements, technology, and the results or findings of any audit.

#### **6. Policy Requirements:**

All awareness training must fulfill the requirements for the security awareness program as listed below:

- The information security awareness program should ensure that all staff achieve and maintain at least a basic level of understanding of information security matters, such as general obligations under various information security policies, standards, procedures, guidelines, laws, regulations, contractual terms, and generally held standards of ethics and acceptable behavior.
- Additional training is appropriate for staff with specific obligations towards information security that are not satisfied by basic security awareness, for example Security Administration, Site Security and IT personnel. Such training requirements must be identified in departmental/personal training plans and funded accordingly. The training requirements will reflect relevant prior experience, training and/or professional qualifications, as well as anticipated job requirements.
- Security awareness and training activities should commence as soon as practicable after staff joins the organization, generally through attending information security induction/orientation as part of the on boarding process. The awareness activities should continue on a continuous/rolling basis thereafter to maintain a reasonably consistent level of awareness.
- Where necessary and practicable, security awareness and training materials and exercises should suit their intended audiences in terms of styles, formats, complexity, technical content, etc. Everyone needs to know why information security is so important, but the motivators may be different for workers focused on their own personal situations or leaders with broader responsibilities to the organization and their staff.
- Morrow County will provide staff with information on the location of the security awareness training materials, along with security policies, standards, and guidance on a wide variety of information security matters.

#### **7. Morrow County Information Security Awareness Training:**

The Morrow County Information Technology (IT) department requires that each employee upon hire and at least annually thereafter successfully complete **KnowBe4 Security Awareness Training - 30 minutes**. Certain staff may be required to complete additional training modules depending on their specific job requirements upon hire and at least annually. Staff will be given a reasonable amount time to complete each course to

not disrupt business operations.

**8. Simulated Social Engineering Exercises:**

The Morrow County IT department will conduct periodic simulated social engineering exercises including but not limited to phishing (e-mail), vishing (voice), smishing (SMS), USB testing, and physical assessments. The Morrow County IT department will conduct these tests at random throughout the year with no set schedule or frequency. The Morrow County IT department may conduct targeted exercises against specific departments or individuals based on a risk determination.

**9. Remedial Training Exercise:**

From time-to-time Morrow County staff may be required to complete remedial training courses or may be required to participate in remedial training exercises with members of the Morrow County IT department as part of a risk-based assessment.

The following is a list of situations that may increase a risk rating of a Morrow County staff member. Higher risk ratings may result in an increased sophistication of social engineering tests and an increase in frequency and/or type of training and testing.

- Staff member email resides within a recent Email Exposure Check report
- Staff member is an elected official or department head (High value target)
- Staff member possesses access to significant Morrow County confidential information
- Staff member is using a Windows or Apple-based operating system
- Staff member uses their mobile phone for conducting work-related business
- Staff member possesses access to significant Morrow County systems
- Staff member personal information can be found publicly on the internet
- Staff member maintains a weak password
- Staff member has repeated Morrow County policy violations

**10. Compliance & Non-Compliance with the Security Awareness Training and Testing**

a. Compliance with this policy is mandatory for all staff, including contractors and elected officials. The Morrow County IT department will monitor compliance and non-compliance with this policy and report to the results of training and social engineering exercises to elected officials and department heads.

b. The penalties for non-compliance are described below:

The following table outlines the penalty of non-compliance with this policy. Steps not listed here may be taken by the Morrow County IS team to reduce the risk that an individual may pose to the Morrow County.

<b>Failure Count</b>	<b>Resulting Level of Remediation Action</b>
First Failure	Mandatory completion of <b>KnowBe4 Security Awareness Training - 30minutes</b>

Second Failure	Mandatory completion of <b>KnowBe4 Security Awareness Training - 30minutes and Your Role: Internet Security and You</b>
Third Failure	Mandatory completion of <b>KnowBe4 Security Awareness Training - 45 minutes</b>
Fourth Failure	Face to face meeting with their manager and/or department head/elected official
Fifth Failure	Face to face meeting with their manager and Head of Human Resources
Sixth Failure	Face to face meeting with the Director of IT and their elected official - Possibility that additional administrative and technical controls will be implemented to prevent further Failure even
Seventh Failure	Meeting with the Director of IT and their elected official - Possibility that additional administrative and technical controls will be implemented to prevent further Failure events
Eighth Failure	Formal review of employment with elected official - Possibility that additional administrative and technical controls will be implemented to prevent further Failure events
Ninth and Subsequent Failures	Potential for Termination of Employment or Employment Contract

c. Non-Compliance Actions:

Certain actions or non-actions by Morrow County personnel may result in a non-compliance event (Failure).

A Failure includes but is not limited to:

- Failure to complete required training within the time allotted
- Failure of a social engineering exercise

Failure of a social engineering exercise includes but is not limited to:

- Clicking on a URL within a phishing test
- Replying with any information to a phishing test
- Opening an attachment that is part of a phishing test
- Enabling macros that are within an attachment as part of a phishing test
- Allowing exploit code to run as part of a phishing test
- Entering any data within a landing page as part of a phishing test
- Transmitting any information as part of a phishing test
- Replying with any information to a smishing test
- Plugging in a USB stick or removable drive as part of a social engineering exercise
- Failing to follow Morrow County policies during a physical social engineering exercise



Certain social engineering exercises can result in multiple Failures being counted in a single test. The maximum number of Failure events per social engineering exercise is two.

The Morrow County IT department may also determine, on a case-by-case basis, that specific Failures are a false positive and should be removed from that staff member's total Failure count.

d. Compliance Actions:

Certain actions or non-actions by Morrow County personnel may result in a compliance event (Pass).

A Pass includes but is not limited to:

- Successfully identifying a simulated social engineering exercises
- Not having a Failure during a social engineering exercise (non-action)
- Reporting real social engineering attacks to the IT department

e. Removing Failure Events through Passes:

Each Failure will result in a Remedial training or coaching event as described in above. Subsequent Failures will result in escalation of training or coaching. De-escalation will occur when three consecutive Passes have taken place.

f. Responsibilities and Accountabilities:

Listed below is an overview of the responsibilities and accountabilities for managing and complying with this policy program.

The Director of IT is accountable for running an effective information security awareness and training program that informs and motivates workers to help protect the organization's and the organization's customer's information assets.

Information Technology is responsible for developing and maintaining a comprehensive suite of information security policies (including this one), standards, procedures and guidelines that are to be mandated and/or endorsed by the organization where applicable. Working in conjunction with other corporate functions, it is also responsible for conducting suitable awareness, training, and educational activities to raise awareness and aid understanding of staff's responsibilities identified in applicable policies, laws, regulations, contracts, etc.

All Elected Officials and Department Heads are responsible for ensuring that their staff and other workers within their responsibility participate in the information security awareness, training, and educational activities where appropriate and required.

All Staff are personally accountable for completing the security awareness training activities, and complying with applicable policies, laws, and regulations at all times.

**J. Use of Artificial Intelligence**

Artificial intelligence (AI) models rely heavily on data to develop and train the artificial intelligence. In regard to data privacy concerns, employees using applications that have AI, or rely upon AI, should limit AI access to sensitive information, must obtain written permission to input data into AI models, and adhere to any and all County policies regarding AI models.

**K. Compliance**

Violations of this policy may lead to suspension or revocation of system privileges and/or disciplinary action up to and including termination of employment. In the case of a third party, there may be contractual obligations for encryption that the third party is responsible for implementing. Violations of those provisions may result in cancellation of any related privileges or termination of the contract. We reserve the right to advise appropriate authorities of any violation of law.

## **XXIV. SOCIAL MEDIA POLICY**

### **A. Social Media Limitations.**

The County supports the free exchange of information and camaraderie among employees on the internet. However, when internet blogging, chat room discussions, email, text messages, social media posts or other forms of electronic communication extend to employees revealing confidential information about the County or its employees, or engaging in posting inappropriate material about the County or its employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action up to and including termination. Employees shall not post on personal social media accounts, either on a County computer/cell phone, or personal computer/cell phone, unless permitted by a Supervisor.

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

1. Comments or displays about coworkers, supervisors or the County that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the County's workplace policies against discrimination, harassment or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, military status or other protected class, status, or characteristic.
2. Statements or uses of the County's logo which are slanderous or detrimental, including evidence of the misuse of the County's authority, information, insignia or equipment.
3. Unprofessional communication which, if left unaddressed, could potentially result in a civil or criminal cause of action against the County. Unprofessional communication also includes that which the County could demonstrate has a substantial risk of negatively affecting the County's reputation, mission or operations, such as slander, defamation or other legal cause of action.
4. Disclosure of confidential and/or proprietary information acquired in the course of employment. Confidential information includes not only information that would not be available pursuant to a public records request, but also includes any information which does not relate to an issue of public concern.
5. Comments or displays which impact employees' abilities to perform their job duties or the County's ability to maintain an efficient workplace.

Social media sites may be inspected by the County consistent with law to determine potential policy violations. If an employee believes that an online communication violates a County policy, the employee should immediately report the communication to his/her supervisor. The County may investigate the matter,

determine whether such communication violates policy, and take appropriate action. This policy does not apply to communications protected by the U.S. or Ohio Constitutions.

In the event a County agency operates and maintains a social media site, the elected official, or department head, shall designate the employee(s) who is permitted to post, maintain and monitor the postings on behalf of the agency. Absent prior approval, employees shall not add, or remove, any information, or posting, from the agency's social media site. The use of artificial intelligence (AI) models in generating public posts about the County or coworkers is prohibited.

Employees should clearly label or distinguish any personal social media account(s), from a public social media account. It is discouraged to make exclusive agency public announcements on personal social media accounts. However, if an employee does post a public announcement on their personal social media account the employee must make it clear that it is in their capacity as a public official.

If someone posts a comment on an employee's public social media account that the employee views as negative, do not try to delete the comment or block the account. Consult your Prosecutor's Office or legal advisor.

## **XXV. CONCEALED CARRY**

Consistent with the Ohio Revised Code, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or ordnance onto the property of the County. A valid concealed carry license does not authorize an individual to carry such a weapon onto these premises, unless specifically otherwise authorized. Law enforcement officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon.

County employees are prohibited from carrying firearms any time they are working for the County or acting within the course and scope of employment. These situations include, but are not limited to attending training sessions or seminars, wearing a County identification badge, uniform, or other County issued paraphernalia that an employee is required to wear relative to their employment and working in resident's homes or other sites off County premises. Except for law enforcement officers, no employee or member of the public may carry, transport, or store a concealed weapon, firearm, or ammunition in a County owned vehicle.

This policy does not prohibit employees, possessing a valid license to carry a concealed handgun, from transporting and/or storing a firearm or ammunition in their personal vehicle at work locations where their personal vehicle is otherwise permitted to be (e.g. County Parking Lot). However, the employee must leave the firearm and ammunition in their personal vehicle. Employees are neither permitted to remove their firearm or ammunition from their personal vehicles while at work locations nor are they permitted to bring a concealed firearm or ammunition into a County owned building. The employee's firearm and ammunition must be stored in their personal vehicle in accordance with the storage provisions of the Concealed Carry statute. The firearm and ammunition must be in a locked vehicle either in the glove compartment, a lock box or the trunk.

Employees shall immediately contact a supervisor if they suspect an employee or member of the public is carrying a concealed weapon, firearm, or ammunition on County premises. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a concealed weapon or firearm in violation of this policy at any time while they are working for the County, acting within the course and scope of employment, or acting as a representative of the County.

## **XXVI. WORKPLACE VIOLENCE**

### **A. Zero Tolerance.**

The County is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. In furtherance of this commitment, the County enforces a zero tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect employees, or which occur on County property or at a worksite, will not be tolerated. Employees who are found to have committed acts of workplace violence will receive discipline and possible criminal prosecution, depending on the nature of the offense. Acts of workplace violence must immediately be reported.

### **B. Prohibited Acts of Violence.**

Prohibited acts of workplace violence include, but are not limited to, the following, which may occur on-duty or off-duty: (1) hitting or shoving; (2) threatening harm to an employee or his/her family, friends, associates, or property; (3) intentional destruction of property; (4) harassing or threatening telephone calls, letters or other forms of written or electronic communications, including email and social media postings; (5) intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule; (6) willful, malicious and repeated following of another person, also known as “stalking” and/or making threats with the intent to place another person in reasonable fear for his/her safety; (7) suggesting or otherwise intimating that an act to injure persons or property is “appropriate”, without regard to the location where the suggestion or intimation occurs; and (8) unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on County property.

### **C. Warning Signs and Risk Factors.**

The following are examples of warning signs, symptoms and risk factors that may indicate an employee’s potential for violence. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify management if they witness any violent behavior, including, but not limited to, the following: (1) hinting or bragging about a knowledge of firearms; (2) making intimidating statements such as: “I’ll get even,” or “You haven’t heard the last from me.”; (3) keeping records of other employees the individual believes to have violated departmental policy; (4) physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech; (5) acting out violently either verbally or physically; (6) excessive bitterness by a disgruntled employee or an ex-employee; (7) being a “loner,” avoiding all social contact with co-workers; (8) having a romantic obsession with a co-worker who does not share that interest; (9) history of interpersonal conflict; (10) domestic problems, financial problems, unstable/dysfunctional family; and (11) brooding, depressed, strange behavior.

## **XXVII. CONTACT WITH NEWS MEDIA/RESIDENTS**

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

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

## **XXVIII. SICK LEAVE**

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

### **A. Accumulation.**

Each employee shall be entitled for each completed eighty (80) hours of service to sick leave of four (four) and six-tenths (6/10) hours of pay, and unused sick leave may be accumulated without limit. Previous accumulated sick leave of an employee who has separated from public service shall be re-credited if reemployment in public service takes place within ten (10) years of the last termination from public service and the employee provides proof of the prior leave balance. An employee who transfers from one public agency to another shall be credited with up to the maximum of sick leave accumulation permitted in the public agency to which the employee transfers.

### **B. Use.**

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

1. Illness, injury, or pregnancy-related medical condition of the employee.
2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
3. Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate licensed medical practitioner.
4. Death of a member of the employee's immediate family. Such usage shall be limited to reasonably necessary time, not to exceed three (3) days. The County may grant additional time off on a case by case basis.
5. Illness, injury, or pregnancy-related medical condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
6. Medical, dental or optical examinations or treatments of an employee or of a member of an employee's immediate family where the employee's care and attendance is reasonably required.

Elective cosmetic surgeries that are not medically necessary do not constitute an appropriate usage of sick leave. Other appropriate leaves of absence, such as vacation, may be requested for such purposes.



For purposes of sick leave, immediate family is defined as: grandparent; great-grandparents; brother; sister; brother-in-law; sister-in-law; daughter-in-law; son-in-law; father; mother; father-in-law; mother-in-law; spouse; child; step-child; step-parent; grandchild; grandparent-in-law; aunts; uncles; legal guardian; or other person who stands in place of a parent.

**C. Employee Notification.**

When an employee is unable to report to work due to illness or other acceptable sick leave reason, he shall notify his/her supervisor as instructed by the Appointing Authority or Agency Head. An employee must continue such notification each succeeding day of absence except in cases of prolonged illness or absence where the employee has been granted a set period of leave. Failure of an employee to make proper notification may result in denial of sick leave and/or appropriate disciplinary action.

**D. Written Statement.**

Proof of illness, such as a doctor's excuse, may be required when the County believes absence to be excessive, chronic, patterned, or abusive. A satisfactory licensed medical practitioner's certificate may be required at any time, but will generally be required in each case when an employee has been absent more than three (3) consecutive days. When a licensed medical practitioner's certificate is required, it must be submitted to the employee's immediate supervisor or designee before an employee will be permitted to return to work from leave. The licensed medical practitioner's certificate must be signed personally by the treating practitioner, and must verify that the employee was unable to work during the period in question, not simply that the employee was "under the doctor's care." For absences where a licensed medical practitioner's certificate is not required, the employee must submit a written statement to the employee's immediate supervisor or designee explaining the nature of the illness.

**E. Sick Leave Abuse.**

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

**F. Uses of Other Leave.**

Other accumulated unused leaves may be used for sick leave purposes, at the discretion of the County.

**G. Sick Leave Charge.**

Sick leave shall be charged in minimum increments of one-quarter (1/4) hour. When sick leave is used it shall be deducted from the employee's credit on the basis of one hour of sick leave for every one hour of absence from previously scheduled work. Sick leave payments shall not exceed the normal scheduled workday or workweek earnings. Employees may utilize sick leave only for the hours and days on which they are scheduled to work.

**H. Sick Leave Upon Retirement.**

Upon retirement from active service with the County, an employee who has ten or more years of service with the County will be paid in cash for up to one-fourth (1/4) the value of the employee's accrued but unused sick leave credit. The maximum aggregate payment to the employee shall not exceed the value of thirty (30) days' accrued, unused sick leave. The payment shall be based on the employee's rate of pay at the time of retirement. The above payments will only be made after written demand and presentation of a copy of the employee's Public Employees Retirement System retirement check. A payout under this provision will eliminate all of the retiring employee's sick leave balance.

**I. Medical Information.**

The County will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to their immediate supervisor or designee.

## **XXIX. FAMILY MEDICAL LEAVE ACT (“FMLA”)**

### **A. Statement of Policy.**

Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993.

### **B. Definitions.**

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

1. “Family and/or medical leave of absence”: An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
  - a. Upon the birth of an employee’s child and in order to care for the child.
  - b. Upon the placement of a child with an employee for adoption or foster care.
  - c. When an employee is needed to care for a family member who has a serious health condition.
  - d. When an employee is unable to perform the functions of his/her position because of the employee’s own serious health condition.
  - e. Qualifying service member leave.
2. Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on “covered active duty” or receiving a “call to covered active duty.” In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a “single twelve (12)-month period” to care for a service member with a “serious injury or illness” sustained or aggravated while in the line of duty on active duty. The “single twelve (12)-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.
3. “Per year”: A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance

remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four weeks beginning June 1, 2009, and four weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.

4. “Serious health condition”: Any illness, injury, impairment, or physical or mental condition that involves:
  - a. Inpatient care.
  - b. Any period of incapacity of more than three consecutive calendar days that also involves:
    - i. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
    - ii. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
  - c. Any period of incapacity due to pregnancy or for prenatal care.
  - d. A chronic serious health condition which requires at least two “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
  - e. Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer’s disease, etc.).
  - f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).
5. “Licensed health care provider”: A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
6. “Family member”: Spouse, child, parent or a person who stands “*in loco parentis*” to the employee.
7. “Covered Service Member”: Means either:

- a. A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
  - b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.
    - i. Note: An individual who was a member of the Armed Forces (including National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period of October 28, 2009 and March 8, 2013, shall not count toward the determination of the five-year period for covered veteran status.
8. “Outpatient Status”: The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.
9. “Next Of Kin”: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.
10. A “serious injury or illness”, for purposes for the twenty six (26)-week military caregiver leave means either:
- a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,
  - b. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
    - i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed

Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or

- ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service–Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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

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

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

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

- a. Up to seven days of leave to deal with issues arising from a covered military member’s short notice deployment, which is a deployment on seven (7) or fewer days notice.
- b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the

military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.

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

**C. Leave Entitlement.**

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

1. Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.
2. Actually worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
3. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius. County health districts and the County are not considered a single employer for purposes of FMLA leave entitlement.
  - a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.
  - b. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

**D. Use of Leave.**

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

1. Generally: An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc.) in conjunction with/concurrent to their use of accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.
2. Birth of An Employee's Child: An employee who takes leave for the birth of his/her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust



all of her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. *(Note: See section E below for information on disability leaves.)*

3. **Placement of a Child for Adoption or Foster Care:** An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.
4. **Employee's Serious Health Condition or Family Member's Serious Health Condition:** An employee who takes leave because of his/her serious health condition or the serious health condition of his/her family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

#### **E. FMLA and Disability/Workers' Compensation.**

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

##### **1. Accident or Injury on the Job**

- a. **Reporting.** An employee who is injured and/or involved in an accident (regardless of how minor) arising out of or in the course of employment with the Employer must notify his or her supervisor immediately and must complete an accident report recording all pertinent and factual information about the accident. (Utilize– Workers' Compensation Accident/Injury Form). This report must be completed for each work-related accident or injury, whether or not the employee requires medical attention. The report is to be forwarded to the Risk Manager within twenty-four (24) hours of the accident and/or injury. In the event of a serious injury, the Employer must be notified immediately so that an investigation can be initiated. A Workers' Compensation claim for an unreported injury will not be certified unless the injury required immediate medical attention and was documented by the supervisor.
- b. **Injuries Requiring Medical Attention.** If an injury requires medical attention, the supervisor will provide the injured employee with a "Doctor's Report of Injury" form, which is to be completed by the attending health care provider. (Utilize– Workers' Compensation Doctor's Report of Injury) This completed report must be forwarded to Risk Manager at the earliest possible date.

- c. Continued Reporting. The employee is responsible for notifying the Employer of their expected date of return as soon as it is known. The employee shall also keep the Employer apprised of his or her condition. An injured employee is required to comply with all treatment plans prescribed by the attending health care provider and return to work as soon as possible.
- d. Pay and Benefits. Should an employee who is injured in the line of duty leave work before completing the workday, the employee will be paid at their regular rate of pay for the balance of time left in the scheduled workday. Further absence may require the employee to apply for benefits pursuant to the Morrow County Wage Continuation Program or Workers' Compensation.
- e. Utilizing Accrued Leave. Any employee who suffers a compensable work-related injury or occupational illness may elect to use accrued sick leave and/or vacation prior to receiving payments from Workers' Compensation.
- f. Family Medical Leave. Any leave, whether paid or unpaid, taken due to an on-the-job injury that qualifies as a "serious health condition" under the Family and Medical Leave Act, will be counted as part of the twelve (12) week entitlement as provided

**F. Procedures for Requesting FMLA Leave.**

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

FMLA requests must be submitted on a standard leave form prescribed by the Employer. The Employer will determine whether the leave qualifies as FMLA leave, including instances of Family Medical Leave that are not requested by the employee, and designate any leave that counts against the employee's twelve (12) week entitlement, and notify the employee that the leave has been so designated.

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

**G. Certification of Need for FMLA Leave for Serious Health Condition.**

An employee requesting FMLA leave due to his/her family member's serious health condition must provide a doctor's certification of the serious health condition, which must

designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or if the need for leave is not foreseeable, as soon as practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.

The Employer, at its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

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

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

#### **H. Certification for Leave Taken Because Of A Qualifying Exigency.**

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

## **I. Intermittent/Reduced Schedule Leave.**

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

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

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

## **J. Employee Benefits.**

Except as provided below, while an employee is on FMLA leave, the Employer will continue to pay its portion of premiums for any life, medical, and dental insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts he would have been required to pay had he not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

The Employer will not continue to pay the Employer portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for his/her portion of the premium is late by more than thirty (30) days. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

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

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, specific leaves times (i.e. sick, vacation, and personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

**K. Reinstatement.**

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

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

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to perform the essential functions of his/her position, with or without reasonable accommodation.

**L. Records.**

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

### **XXX. CIVIC DUTY LEAVE**

#### **A. Jury Duty.**

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

#### **B. Work Related Proceedings.**

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

#### **C. Personal Matters.**

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

## **XXXI. VACATION**

### **A. Vacation Leave Accrual.**

1. Full-time County employees shall be entitled to vacation after completion of one full year of public employment in Ohio. Vacation time is credited each bi-weekly pay period at rates as established below in accordance with O.R.C. §§ 325.19 and 124.13 as applicable. An employee who is not in active pay status for part of a bi-weekly pay period shall earn a pro-rated amount of vacation leave for that period.

<b>Completed Years of Service</b>	<b>Credit Earned Per Eighty (80) Hours Worked</b>	<b>Vacation Credit Earned for Yearly Hours</b>	<b>Equivalent Work Days</b>
<b>Less than one year</b>	0	0	0
<b>1 through less than 6 years</b>	3.1	80	10
<b>7 through less than 12 years</b>	4.6	120	15
<b>13 through less than 20 years</b>	6.2	160	20
<b>21 plus years</b>	7.7	200	25

2. Employees who work on a less than full-time (32 hours) basis are not entitled to vacation leave unless approved by the appointing authority.
3. Vacation leave will accrue during periods of authorized paid leaves of absence but will not accrue while an employee is on unpaid leave status.
4. In accordance with O.R.C. § 9.44, employees may be entitled to prior service credit for time spent with the State of Ohio or any political subdivision of the State. It is the employee's responsibility to provide necessary documentation of prior service.
5. Upon the completion of the first year of service, a full-time employee shall have earned eighty (80) hours of vacation leave and shall accrue vacation leave consistent with the above-schedule.
6. Full-time county employees are to be credited with forty (40) hours of vacation leave upon the completion of six (6), twelve (12) or twenty-one (21) years of service, in addition to the amount of vacation leave already accrued on a bi-weekly basis during each of those years.



**B. Vacation Leave Use.**

1. Vacation time must be taken within twelve (12) months following an employee's anniversary date. An Appointing Authority, at its sole discretion, may permit an employee to accumulate vacation for a period not to exceed three (3) years. Accrued vacation time that is not taken within the time period permitted under this policy is forfeited.
2. Vacation requests should generally be received by the employee's immediate supervisor seven (7) days in advance. Vacation requests will be granted on a first-come, first-serve basis and are subject to operational needs. Vacation time may be taken in one-half (1/2) hour increments.
3. The County may revoke vacation leave that has been approved if required by operational reasons.
4. Upon separation from service with at least one (1) year of recognized public service, an employee is entitled to compensation for accrued but unused vacation.

## **XXXII. HOLIDAYS**

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

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

For non-continuous service employees, if the holiday falls on a Saturday, it shall be observed on the preceding Friday; if the holiday falls on a Sunday, it shall be observed on the following Monday. If the holiday occurs while an employee is on vacation leave, the vacation day will not be charged against such leave. An employee shall receive holiday pay rather than paid sick leave for any holiday which occurs when he is absent on sick leave. Holiday pay will not be given to any employee who is on a leave of absence without pay. An employee must be on approved leave status before and after the holiday in order to be eligible for holiday pay.

### **XXXIII. UNPAID LEAVE**

Employees may request an unpaid leave of absence for professional, educational, or other personal reasons. The County has sole discretion to grant or deny the leave. A personal leave of absence may be granted for one day to six months for any reason the County deems appropriate. Upon completion of approved unpaid leave, the employee will be returned to his/her former position or to a similar position within the same classification. Requests for, and approvals of, unpaid leave shall be made in writing.

While on leave without pay status, an employee shall not accumulate paid leave or holiday pay. An employee on a non-FMLA unpaid leave of absence will be given COBRA notification regarding his/her health insurance benefits. An employee may continue to pay the insurance premium during the leave of absence to maintain coverage.

The County may revoke an unpaid leave of absence for business reasons upon one week's written notice to the employee that he must return to work. An employee on an unpaid leave of absence who is determined to be using the leave for purposes other than for which the leave was granted may be ordered to return to work immediately. Failure to do so may result in termination of employment.

## **XXXIV. MILITARY LEAVE**

Military leave is governed by O.R.C. Chapters 5903, 5906 and 5923 and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

### **A. Paid Military Leave.**

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

Pursuant to O.R.C. § 5923.05, employees who are not “public safety employees,” as that term is defined by O.R.C. § 5923.05, are authorized leave of up to twenty-two (22) eight (8)-hour working days or one hundred seventy-six (176) hours within a federal fiscal year, and public safety employees, public employees employed as a firefighter or emergency medical technician, are authorized up to seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours. During the applicable periods, employees are entitled to receive their regular pay in addition to compensation from military pay. Any employee required to be serving military duty in excess of twenty-two (22) days or 176 hours or, in the case of a public safety employee, in excess of seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours during a federal fiscal year due to an executive order issued by the President of the United States or an act of Congress or by the Governor in accordance with law shall be entitled to a leave of absence. During this leave of absence, all employees are entitled to be paid a monthly amount equal to the lesser of (1) the difference between the employee’s gross monthly wage and his/her gross monthly uniformed pay and allowances received for the month, or (2) five hundred dollars (\$500). No employee is entitled to receive this benefit if the amount of gross military pay and benefits exceed the employee’s gross wages from the County for that period.

Employees who are on military leave in excess of twenty-two (22) days or one hundred seventy-six (176) hours or, in the case of public safety employees, in excess of seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours during a federal fiscal year, may use their accrued vacation leave, personal leave or compensatory time while on military leave. Employees who elect this option shall accrue vacation leave and sick leave while on such paid leave.

For military leave up to twenty-two (22) days or one hundred seventy-six (176) hours or, in the case of a public safety employee, of up to seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours in a federal fiscal year, employees shall continue to be entitled to health insurance benefits as if they are working. These benefits shall continue beyond this period if the employee is on military leave and elects to utilize paid leave. Employees who exceed the applicable limits and do not elect to utilize paid leave are not entitled to the health insurance benefits on the same basis as if they are working. In these

circumstances, employees will be provided notice of their rights to continue this coverage at their cost in accordance with applicable law.

*Also see Family and Medical Leave Act Policy*

## **XXXV. PERSONNEL FILES**

The County shall maintain personnel files for all County employees. Such files may include individual employment data, payroll information, schedules, records of additions or deductions, application forms, and records pertaining to hiring, promotion, demotion, transfer, layoff and termination. Personnel files shall be available to members of the public in accordance with the law. An employee shall have a right of reasonable inspection of his/her official personnel file. No personnel records shall be removed from the official records unless in accordance with state or federal law or in accordance with the County's retention of records policy.

When a public records request is made for an employee's records, the County will endeavor to inform the employee of the request in advance of the release of records. The County will make reasonable efforts to redact personal information, and other non- public information, from the files before release. Notifying the employee of the release may not result in an unreasonable delay in releasing the records pursuant to an appropriate request. Employees are responsible for taking legal action in the event they wish to prohibit release of the requested documents to the requesting individual or entity.

Employees must timely advise the County of any change in name, address, marital status, telephone number, number of tax exemptions, citizenship, or association with any government military service organization.

## **XXXVI. REHIRING RETIRED OPERS MEMBERS**

### **A. County Employees Who Take OPERS Retirement May Be Rehired Subject to the Following:**

1. In accordance with O.R.C. §145.381, if the retiring employee is subject to hire through a Board, then sixty (60) days prior to rehire in the same job from which the employee retired, the hiring Board must give public notice of the employee's intent to rehire. The hiring Board must then hold a public hearing on the issue between fifteen (15) and thirty (30) days prior to the retired employee's rehire date.
2. At the time of retirement, the employee must be paid all accrued vacation time. When rehired, the employee will begin accruing vacation as a new employee. The employee will not receive credit for prior years' service in determining the vacation accrual rate.
3. If the employee requests payment of sick leave upon retirement, the employee will start with a zero balance and accrue sick leave as a new employee. The employee will not be eligible for any future payment of unused sick leave earned during post-retirement employment.
4. If the employee does not request payment of sick leave upon retirement, he/she may retain the sick leave balance for use when rehired provided his/her re-hire date is within ten years of his/her retirement. If the employee chooses not to request payout upon retirement, he/she shall not be eligible for any payment of unused sick leave upon separation from the post-retirement employment.
5. Classified employees who are rehired subsequent to taking OPERS retirement will receive no credit for prior service. Rehired employees will start a new period of classified service for the purpose of calculating service credits in the event of layoff or other action affecting their employment.
6. Employees are required to notify their employer of their retirement date. The County reserves the right to start a rehired employee at a newly negotiated rate of pay.

## **XXXVII. AUDITOR OF STATE FRAUD REPORTING SYSTEM**

The Ohio Auditor of State's Office maintains a system for reporting fraud, including the misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll free number, the Auditor of State's website, or the United States mail. Employees may be required to watch a fraud reporting video upon hire. Contact information for the Auditor of State is as follows:

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

US Mail: Ohio Auditor of State's Office

Special Investigations Unit

88 East Broad Street

P.O. Box 1140

Columbus, OH 43215

Web: [www.ohioauditor.gov](http://www.ohioauditor.gov)



## **CREDIT CARD POLICY**

Credit cards are designed to make purchases in order to reduce paperwork and processing time. This is an alternative to the traditional process and can significantly reduce the number of payments processed. The program can also help minimize or eliminate the need for the use of personal funds reimbursed by expense report.

Benefits include an expanded list of merchants from whom purchases can be made, accelerate payment to the vendor, expedite delivery of goods, reduce paperwork, lower processing costs and the ability to set and control purchasing dollar limits.

Ohio Revised Code § 301.27 permits the use of credit cards. The Board of County Commissioners formulates the policy for the use of the cards. The resolution shall set limits for spending, activity and allowable expenditures as well as administrative controls.

### **General Information**

The credit card program is not intended to avoid or bypass the competitive bid requirements, appropriation of funds, approval process, or payment process. Rather, the program complements the existing processes. Expenditures may not exceed appropriations under any circumstances.

A credit card includes gasoline and telephone cards. The card can be used for in-store purchases as well as mail, e-mail, internet, telephone and fax orders. It is not an ATM card or debit card. It cannot be used for cash withdrawals nor personal or non-work-related purchases.

Additionally, the card can be used for purchasing automatic or electronic data processing or record-keeping equipment, software, or services. This is limited to counties that have established a data processing board, and the county officer or employee with the authorized use of the credit card complies with other applicable O.R.C. provisions for data processing. Expenses for work-related expenses paid by the credit card under this section may not exceed the limits set forth below, unless otherwise approved by a county board of commissioners.

A “cardholder” is an individual who has been approved by the Board of County Commissioners after application by a county appointing authority to pay for certain work-related expenses with a procurement card. The cardholder is responsible for the security and physical custody of the card, and is accountable for all transactions made with the card. The cardholder must comply with the program’s record-keeping requirements (including retention of original receipts) for the protection of both the cardholder and the County. The cardholder is also responsible for timely reconciliation of the billing statement. Employees have a responsibility to report instances where the County policies and procedures are not being followed. It shall be the responsibility of the county appointing authority to notify the Board of County Commissioners regarding in whose name a county credit card is issued.

**Each credit card for a county account shall include the name of the County.**

The County Credit Card may only be used for purchases satisfying the following:

- The purchase of work-related expenses;
- Purchases serving a public purpose;
- Any incurred debt as a result of the purchase is payable with moneys appropriated to a specific line item that is appropriate for the purchase;
- The purchase is consistent with this policy;

Each credit card for a county account shall include the name of the County.

The cardholder's personal credit history is not impacted in any way and credit checks are not done on individual cardholders. Billings for authorized purchases will be paid with County funds.

### **Selection of the Card Issuer**

Selection of the card issuer will be made based upon the specific needs of the County and the current depository agreement. The agreement will include fee schedules, processing procedures and rights and responsibilities of both parties.

### **Administration of Program**

The Board of County Commissioners will designate the person responsible for administration of the credit card program. That person will be responsible for processing cardholder applications, suspensions and cancellations; resolving disputes with merchants; and maintaining cardholder profiles for the County's cards.

### **Establishment of Card Limits**

Individual cards are subject to the following maximum limits:

1. Monthly spending per card \$ TBD when applying
2. Single transaction limit \$ TBD when applying

Purchases may not be split to bypass the single transaction limit. Cardholder limits will be defined based upon the limits established above.

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

1. Entertainment
2. Alcoholic beverages
3. ATM, cash advance and all other cash-related transactions

### **Sales and Use Tax**

Purchases made with County credit cards are tax-exempt. If tax is charged inappropriately, the cardholder should present a tax exemption certificate to the vendor, and receive credit for the

unnecessary tax. Tax exemption certificates are available in the designated County Office.

### **Application for Credit Card**

An individual cardholder must be a current full-time County employee. Additionally, the Appointing Authority must recommend that a card be issued to the employee and it must be approved by the County Commissioners. The application will specify monetary and transaction limits as well as approved merchant commodity codes for the individual cardholder. Once a card has been issued, the Board may modify the card's limits. These limit changes should be initiated by the person responsible for the program administration.

## **Cardholder Acknowledgment and Responsibilities**

The cardholder is responsible for the physical custody of the card, and for maintaining confidentiality of all information relating to the card such as the account number and expiration date. The card is not to be loaned to anyone.

The cardholder will sign a written acknowledgment indicating that the cardholder understands the intent of the program and agrees to adhere to the policy and guidelines established by the Board of County Commissioners. The person responsible for the program administration will retain the signed acknowledgment.

The officer, employee, or appointing authority may be liable for the following:

- Finance charges;
- Late fees or late penalties;
- Sales tax;
- Unauthorized expenditures.

## **Original Receipts**

When making a purchase, the cardholder should obtain and retain the original, itemized, receipt. The receipt must contain the vendor's name, date of purchase, itemized description of purchase, per unit price, extended price, and reason for purchase noted on the receipt. The cardholder will forward all receipts to the designated County office to be matched to the billing statement.

## **Internet, Telephone and Fax Purchases**

Credit cards may be used to purchase goods over the internet, telephone or fax. These purchases must be evidenced by an order confirmation along with either the original packing slip that accompanies the purchased goods or an itemized receipt.

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

1. An internet web site is secure when the address changes from <http://www> to <https://www>. The "s" stands for secure.
2. A symbol resembling a "lock" will appear at the bottom of the browser. The "lock" symbol signifies that the web site is secure and that all card numbers will be encrypted when passed.
3. Cardholders will be held responsible for all orders placed, even those with vendors that turn out not to be legitimate businesses.

The cardholder should inform the vendor that the purchase will be paid through the County credit card, and that the purchase is tax exempt.

### **Vendor Invoices**

Vendors should not invoice the cardholder for purchases made with the credit card. The vendor will be paid by the card issuer, not by the County. However, the cardholder must always receive an itemized receipt or order confirmation.

### **Monitoring Card Activity**

The person responsible for the program administration or the Appointing Authority will have access to view and monitor card activity. This review can occur at any time.

A compliance officer shall be established by the County to, at least quarterly, review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.

### **Account Reconciliation**

Employees should ensure that all **itemized** receipts are forwarded to the designated County office in a timely manner for the reconciliation of all billing statements. Failure to do so may result in the employee's credit card use being suspended.

### **Returns, Credits and Dispute Resolution**

There may be problems with a purchased item or service, such as broken merchandise, incorrect merchandise, the billed amount does not match the quote, sales tax is included, or the statement contains an unknown or duplicate charge. In these instances, the cardholder should try to resolve the dispute with the supplier or merchant. If the item needs to be returned for any reason, the item should be returned and the cardholder should request a credit to the credit card. Cash or a rain check instead of a vendor credit is not acceptable. If the dispute cannot be resolved, the Appointing Authority or person responsible for program administration should be contacted.

### **Lost or Stolen Cards**

If the card is lost or stolen, the cardholder must notify the card issuer immediately. Upon receipt of the phone call, further use of the card will be blocked. The cardholder must confirm the phone call by written notification to the card issuer via mail or fax, with copies to the Appointing Authority or person responsible for program administration. The date and time of the phone report of the lost or stolen card should be included in the written notification.

If at any time any officer or employee who is authorized to use the credit card that is held by the board or the office of the county suspects that the card has been lost, stolen, or there is the possibility of unauthorized use, the officer or employee must immediately, in writing, **notify** both the county auditor and either the employee or officer's appointing authority or the board. In the

event the auditor confirms the credit card has not been used in a manner consistent with this policy, the auditor shall immediately notify the Board of County Commissioners. If the Board confirms the credit card has not been used in a manner consistent with this policy, it shall provide written notice to the auditor and the employee or appointing authority notice that they have thirty (30) days to reimburse the county treasury. If not reimbursed, the county prosecutor may seek recovery.

### **Suspension or Cancellation of Card**

The Appointing Authority will notify the Board of County Commissioners that the cardholder's card has been suspended or cancelled. Cardholders, who terminate their employment, are on extended leave or whose job duties change and no longer include purchasing must surrender the card immediately. The cancelled cards will be cut in half. Cardholders who are on extended leave or reassignment may have their card suspended. Intentional use of the card for personal purchases or for purchases made in violation of County policy will result in card cancellation.

## **Penalties for Improper Use of Card**

The card is to be used only by the cardholder for authorized, work-related expenses. The cardholder is not permitted to lend the card to someone else. Improper use of the card can be considered misappropriation of County funds. This may result in disciplinary action up to and including termination of employment. Improper use can result in revoking the card. In addition, the cardholder is personally liable for payment of improper purchases and subject to criminal prosecution.

In the event that the cardholder does not submit proper documentation for purchases, card privileges may be terminated and/or suspended by the Board of County Commissioners in their sole and absolute discretion.

## **Credit Card Rewards**

Annually, a report shall be filed with the Board of Commissioners detailing all rewards received based on the use of the credit card.

## **Debit Cards**

Debit cards shall be impermissible, except for law enforcement purposes or debit card accounts related to the receipt of grant moneys.

## **Fuel Card/Fuel Inventory**

The County may provide employees the use of a fuel card and/or access to the County's fuel inventory for use with a County vehicle conducting authorized County business. Employees having access to the County's fuel card and/or fuel inventory shall abide by the following:

### **Fuel Inventory**

To assist in the County and minimize costs, the County may participate in a bulk fuel purchasing program. Only the following officeholders shall be permitted to purchase fuel on behalf of the County: \_\_\_\_\_. Any purchase of bulk fuel shall be submitted to the Board of County Commissioners who shall maintain a record of the purchase.

Only employees specifically authorized by their appointing authority shall have access to the County's fuel inventory. Such use of the County's fuel inventory shall be for the purpose of conducting County business. Under no circumstance will the usage of fuel purchased by the County be permitted for personal usage and/or in a personal vehicle or personal equipment. When the County's fuel inventory is used, the employee shall record and notify the appropriate appointing authority of their name (or identification number), date, time, amount of fuel accessed, odometer reading and receipt, if applicable. Additionally, the employee shall be required to notify the appointing authority of the vehicle and purpose for the accessing of the fuel.

Except for when being used, the County's fuel inventory shall remain secure through the use of a

locking mechanism. The County may install other security measures as it deems appropriate, including but not limited to: a surveillance camera.

### **Fuel Card**

In the event the County has a fuel card, an appointing authority may allow specified eligible employees to utilize a fuel card for use in County vehicles and equipment. Use of the County's fuel card shall be subject to the same restrictions as outlined above. Notice of all purchases on the County fuel card shall immediately be provided to the employee's immediate supervisor by way of submission of an original receipt. Further, the employee should record the date, time and location of the use of the fuel card, as well as, the odometer reading.



## TELEWORKING POLICY

The County may authorize employees to “telework” or “telecommute” on a temporary basis at its discretion. “Teleworking” or “Telecommuting” is a work flexibility arrangement under which an employee performs their work duties and responsibilities from an approved worksite other than the location from which the employee would otherwise work.

This policy applies to all employees specifically authorized by the Employer to perform teleworking or telecommuting. The authorization to telework or telecommute is subject to the discretion of the County and may be rescinded.

Employees permitted to telework or telecommute must provide the Employer the physical address and telephone number of the location at which they will be teleworking.

- The workspace and entry (in the event it is necessary to deliver materials, supplies and other information) must be safe and free from hazards.
- The workspace must be reasonably free from interruptions and distraction that would affect work performance.
- The workspace must allow for the employee to preserve the confidentiality of sensitive or non-public information. Any Employer provided material or equipment shall not be removed from the workspace while the employee is teleworking.
- For employees who must verbally communicate with others as part of their duties, the workspace must be quiet and allow for professional communications during those times.
- Teleworking employees shall not meet with the public or clients in their home office in any official capacity or connected with the Employer’s business. The Employer is not responsible for any injuries to family members, visitors and others in the employee’s home.
- The Employer is not responsible for any loss to the employee’s property whether caused by physical damage, computer virus attacks or other intrusions via the internet.
- Employees utilizing Employer equipment while teleworking must protect the equipment from damage.

During established working hours, the Employer may conduct a check to confirm that the employee is working at the designated location.

Employees that are not exempt from the overtime provisions of the FLSA (“Non-Exempt Employees”) are subject to hours of work restrictions. Non-Exempt Employees are authorized to engage in teleworking during their normally scheduled workdays and hours, or on days/times pre-approved by their supervisor. Non-Exempt Employees may not work outside of those days and

hours without prior supervisor approval. Non-Exempt Employees are responsible for accurately reporting their time worked each day and submitting their work hours to their supervisor in the manner designated by the Employer.

Employees must communicate with their supervisor when beginning the workday, upon leave for and returning from lunch and when they are done with work at the end of the day. Employees who do not work for all or a portion of a day they are expected to telework are responsible for requesting to use appropriate leave. The Employer is not responsible for paying employees while teleworking if they are unable to perform work due to operational or technological issues such as the availability of an adequate internet connection. Employees will communicate their work hours in a manner established by the Employer.

While teleworking, employees must be available and able to be reached by the employer during their normal working hours, and any other times designated by the employer. If the employee becomes aware of or anticipates any disruption in technological communication during their normal working hours, they are to immediately notify their supervisor. If an employee is not going to be available, the employee shall be expected to use available leave.

While working remotely, employees must take steps to preserve the security and confidentiality of Employer information. Employees must keep confidential documents and materials in secure locations. Employees may be permitted to use County equipment while working remotely. Employees are expected to keep County equipment secure. Employees shall not use County equipment for personal use. Employees must maintain password protection to the same extent as required at the workplace, and keep confidential documents and records securely stored. If working on personal devices, employees must have valid up-to-date anti-virus software and appropriate computer and internet security installed and activated. Any suspected hacks or breaches of security must be reported to the Employer immediately.

This teleworking arrangement does not change the basic terms and conditions of employment, including rate of pay and benefits. Employees are expected to apply with all Employer policies, procedures and performance standards.

The Employer retains the right to investigate alleged abuse of this teleworking policy and may cease or modify an employee's approval for telework at any time.

## **EMPLOYEE INFORMATION AND RECORDS**

### **I. EMPLOYEE INFORMATION:**

The appropriate Appointing Authority shall establish and maintain a personnel file for each employee. The employee is responsible for providing the employer with the following information: the employee's legal name, address, telephone number, social security number, tax exemptions, affiliation with any branch of the armed services, the name and phone number of a person to contact in case of an emergency, loss of licensure or insurability, if applicable, and, any other requested information. In addition to providing this information, the employee is also responsible for promptly reporting any change in the information.

In the event the employer must send correspondence or other documentation to an employee who is on leave, the employer will mail the document to the last known address listed in the employee's personnel file. An employee will be considered to have constructive notice of any correspondence or documentation mailed to his/her last known address.

### **II. RELEASE OF RECORDS:**

With the exception of certain law enforcement entities, the County, as well as its employees, is subject to the mandates of Chapter 1347 of the Ohio Revised Code regarding personal information systems. The County maintains records that are manually stored and records that are stored using electronic data processing equipment. Records maintained by the County include personal information (i.e. employee information required above).

The Auditor's Office is appointed to be directly responsible for the County's personal information systems. The County understands that it creates, receives, and maintains sensitive and private information, and will ensure that it collects, maintains, and uses only personal information that is necessary and relevant to the functions of the County. Personal information maintained by the County shall not be modified, destroyed, or disclosed without the approval of the Auditor's Office. The County will continually monitor the personal information system, and make necessary adjustments to ensure the system's accuracy. Employees will be trained on the use of personal information, including review of this policy. Employees who use personal information in an unauthorized manner shall be subject to the County's disciplinary policy.

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

### **III. REVIEW OF FILE:**

Each employee shall have the right, with reasonable notice, to examine his/her personnel file. Such examination shall be made on non-work time or at some other mutually agreeable time. If an employee disputes the accuracy, timeliness, relevance, or completeness of documents in his/her file, he/she may submit a written request that the appointing authority investigate the current status of the information. The appointing authority will make a reasonable investigation to determine the accuracy, timeliness, relevance, and completeness of the file, and will notify the employee of the results of the investigation and any plans the appointing authority has to take action with respect to the disputed information.

Employees are not permitted to alter, add or remove documents or other information contained in their personnel files absent express authorization from the appropriate appointing authority. An employee who alters, adds or removes documents or information from his/her personnel file without prior approval may be subject to discipline. Employees may submit a statement to be attached to any disputed document.

## PERSONNEL POLICY MANUAL

I acknowledge receipt of this manual and understand and agree that I am responsible for knowing its contents and for keeping it updated. I also understand that this manual is provided as a digital policy found on the county website at [www.morrowcountyohio.gov](http://www.morrowcountyohio.gov).

I further acknowledge and understand that this manual **does not create a contract of employment with the County for any purpose**. I agree and understand that any and all provisions of this manual may be modified or eliminated, without advance notice to me, at any time.

**Issued To:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Date Received:** \_\_\_\_\_