



Board of Commissioners

Sabrina Christian-Bennett, President
Anthony J. Badalamenti, Vice-President
Vicki A. Kline, Board Member

PORTAGE COUNTY BOARD OF COMMISSIONERS

PERSONNEL POLICY MANUAL

Effective December 16, 2021, Resolution 21-0924

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Mission Statement: As the principal executive organization of county government, the Board of Commissioners, along with its departments, is committed both to providing efficient government and to promoting the welfare and strategic development of the Portage County Community.



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GENERAL PROVISIONS

SECTION 1

EFFECTIVE: 12/16/2021
RESOLUTION: 21-0924

A. INTRODUCTION

- 1) The Purpose of this Policy Manual is to set forth personnel policies for the employees of Portage County Board of Commissioners. These policies have been established by the Board of Commissioners. Many of the rights and responsibilities outlined in this Manual are based on provisions contained in the Ohio Revised Code and Ohio Administrative Code. When a direct conflict exists between state or federal law and these policies, state or federal law prevails. When a direct conflict exists between an applicable collective bargaining agreement and these policies, the provisions of the collective bargaining agreement prevail.
- 2) The Board of Commissioners/County Administrator cannot foresee all personnel issues and concerns that may arise. Accordingly, it may be necessary, and the Board of Commissioners/County Administrator reserves the right to revise, modify, amend, or delete any policy, procedure, benefit, or regulation. An amendment affects only the specific policy it modifies and does not affect the enforceability of the remainder of this Policy Manual.
- 3) Ohio law grants the Board of Commissioners the power to hire, compensate, discipline and discharge employees. The Board of Commissioners/County Administrator intends for all departments and personnel to adhere to this Policy Manual in a consistent and uniform manner.
- 4) Departments, subject to the approval by the Board of Commissioners/County Administrator, may recommend a policy supplement with regard to work rules, policies and procedures which do not conflict with the provisions of this Policy Manual and which may be necessary due to the unique nature of the individual office, department or agency.
- 5) Words contained within the Policy Manual, whether in the masculine or feminine gender, shall be construed to include both genders. The use of the masculine or feminine gender is for convenience only and is not to be construed as discriminatory by reason of sex.
- 6) Questions concerning this Policy Manual and/or specific departmental operations should be directed to an employee's immediate supervisor or Department Director.
- 7) The provisions of this Policy Manual are not intended to, and do not operate to, create a contract of employment between the County and its employees.

B. ETHICS IN COUNTY EMPLOYMENT

- 1) 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 Sections 102.03 and 2921.42 prohibit public employees from using their influence to benefit themselves or their family members. All employees of the Board of Commissioners shall abide by the following Code of Ethics:
 - a. No employee shall use his or 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 official duties.
 - b. No employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the County, nor shall the employee use such information to advance the financial or other private interest of the employee 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 which 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 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 in which 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 official duties or would tend to impair independent judgment or action in the performance of 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 assigned job duties.
- 2) Any employee having doubt as to the applicability of these provisions should consult their Department Director or Board of Commissioners/County Administrator.
 - 3) Any employee offered a gift or favor, who is not sure if its acceptance is a violation of the Code of Ethics, should inform his Department Director or supervisor of the gift offer. The Department Director will make a decision or will refer the issue to the Prosecutor's Office with a copy of the referral sent to the Board of Commissioners/County Administrator. No employee will accept from any contractor or supplier doing business with the County, any material or service for the employee's private use.
 - 4) 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 a private attorney.

C. FRAUD REPORTING SYSTEM

- 1) According to Ohio Revised Code Section 117.103, effective May 4, 2012, the Auditor of State shall establish and maintain a system for the reporting of fraud, including misuse and misappropriation of public money, by any public office or public official. The system shall allow Ohio residents and the employees of any public office to make anonymous complaints either through the fraud hot-line at 1-866-FRAUDOH (1-866-372-8364), the Auditor of State's website at www.auditor.state.oh.us, or the U.S. mail at: Ohio Auditor of State's Office, Special Investigations Unit, 88 East Broad St., P.O. Box 1140, Columbus, OH 43215.
- 2) ORC 117.103 amends ORC Section 124.341 - "Violation or Misuse – Whistleblower Protection."
- 3) ORC 117.103 also requires public offices to provide information about the fraud-reporting system to all new employees and make all employees aware of the fraud-reporting system.
- 4) If a classified or unclassified employee becomes aware of a situation and reports it to the Auditor of State's fraud-reporting system, the employee is protected against certain retaliatory or disciplinary actions. If retaliatory or disciplinary action is taken against the employee, the employee has the right to appeal with the State Personnel Board of Review.

D. CLASSIFIED AND UNCLASSIFIED POSITIONS

- 1) Most County employees are in the "classified" service, which is defined as the competitive classified civil service, as defined in ORC §124.11(B). Certain positions are exempt from the classified service and are considered to be in the "unclassified" service. Employees in the unclassified service serve at the pleasure of the Board of Commissioners and do not have the job security protections of Ohio Civil Service laws. Some unclassified positions are set forth in ORC §124.11 and other provisions of the Ohio Revised Code.
- 2) Classified employees who have completed their probationary periods may only be disciplined for the causes, and using the procedures, set forth in ORC §124.34

E. EMPLOYEE RECORDS

- 1) A personnel file shall be established for each employee and will be maintained in the Human Resources Department or in the employee's department. Personnel files are public records as defined by ORC §149.43. Records maintained by the County that are not defined as public records in ORC §149.43 or other applicable provisions of law, shall not be released from an employee's personnel file unless specifically authorized by such employee in writing. Records maintained by the County that are defined as public records shall be released in accordance with law. Pursuant to applicable law, all medical records shall be maintained in a separate file. Such records are not considered to be public records.
- 2) At the time of original appointment, the employee's personnel file shall include the application form and will contain the employee's correct name, address, telephone number, social security number, tax exemptions, current affiliation with any branch of the armed services, and loss of licensure or insurability, if applicable. In addition, the initial record should include the name and phone number of a person to contact in case of an emergency. The employee is responsible for providing this information to the Human Resources Department and for promptly reporting any change in the information.
- 3) Each employee shall have the right, upon request and reasonable notice, to examine his or her personnel file with supervision. The employee should request the examination of his or her personnel file from the department head or designee. Such examination shall be made on non-work time or at some other mutually agreeable time.
- 4) If an employee disputes the accuracy, timeliness, relevance or completeness of documents in the personnel file, the employee may submit a written request that the Board of Commissioners/County Administrator investigate the current status of the information. The Board of Commissioners/County Administrator 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 Board of Commissioners/County Administrator has to take action with respect to the disputed information. The employee may submit a statement to be attached to any disputed documents.
- 5) Employees are not permitted to alter, add or remove documents or other information contained in their personnel files without express written authorization from the Board of Commissioners/County Administrator. An employee who alters, adds or removes documents or information from his or her personnel file without prior approval may be subject to discipline up to and including discharge.

F. EMPLOYMENT REFERENCES

- 1) Portage County adopts the following policy regarding providing references for current or prior employees.
- 2) All requests for job-related information will be channeled through the Portage County Human Resources department. The Department Director or an employee's direct supervisor/manager may be permitted to write a letter of recommendation or act as an employment reference for an employee at their discretion.
- 3) The Human Resources Department will provide only dates of employment and classification without an executed Portage County authorization form on file. Once a signed Portage County authorization form has been executed and is on file, the Human Resources department will respond to valid job-related questions from a prospective employer. The Human Resources department may ask an individual in a supervisory capacity to provide assistance in responding to job performance questions. If the request is in writing, requests must be on the organization's letterhead and signed by an authorized representative of the organization and indicate that the individual has applied for a job and is being considered for a specific position.
- 4) The County will make every effort to respond to valid requests in a timely fashion and will respond by facsimile transmission when requested to do so.
- 5) A copy of the official response along with the executive authorization form will be made a permanent part of the employee's personnel file.

G. SELF-REPORTING OF CONVICTIONS & PENDING CHARGES

- 1) **Purpose:** Open and/or pending charges and/or criminal convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify Portage County of any open and/or pending charges and/or criminal convictions. Refer to Section 13 (D) – Driver Eligibility Standards for any vehicular related offenses.

A post-hire open and/or pending charge and/or criminal conviction will not automatically impact an employee's continued employment. The fact that an arrest or charge has been made does not establish that criminal conduct has occurred, or that there has been a violation of any Portage County work rule or policy. However, because we are a public employer, delivering public services, the County must ensure the safety, health, and welfare of the public is safeguarded at all times.

Upon notification, the Department Director/Designee will consult with the Human Resources Department and the Prosecutor's Office to assess the circumstances surrounding the open and/or pending charge and/or conviction. The individualized assessment will include, but not be limited to:

- a. The nature and gravity of the offense or conduct;
- b. The employee's essential job requirements;
- c. The actual circumstances under which the employee's essential job requirements are performed;
- d. The time frame; and
- e. Relevancy to the employee's job duties,

Based on all relevant factors, Portage County will determine what action needs to be taken, considering both the rights of the employee and the safety, health and welfare of the public and co-workers. The County reserves the right to determine if the conduct serves as a basis for violation of County work rules, policies, and/or collective bargaining agreements.

- 2) **Duty to Disclose Criminal Convictions and Open and/or Pending Charges:** Current employees are required to self-disclose post-hire open and/or pending charges and/or criminal convictions no later than 3 calendar days, or first day back to work, whichever is the lesser time frame from the date of the open and/or pending charges and/or conviction to their Department Department/Designee and/or to the Human Resources Department.

3) **Definitions:**

Definition of Criminal Conviction

If an employee:

- a. Is found guilty of a felony or misdemeanor;
- b. Enters a guilty plea to a felony or misdemeanor;
- c. Pleads no contest to a felony or misdemeanor;
- d. Received deferred adjudication, either through first offender program or otherwise, diversionary program, or other program or arrangement where judgment or conviction has been withheld.

Definition of Open and/or Pending Charges

If an employee is:

- a. Arrested;
- b. Indicted;
- c. Under a civil protection order or restraining order or emergency custody order relating to domestic violence or any other subject.

- 4) **Suspension During Serious Criminal Charges:** Portage County reserves the right to suspend an employee without pay who has been arrested on serious criminal charges until a determination has been made as to whether the employee's presence at work constitutes a threat or danger to the County, our employees' safety or the County's employee or community relations. Application of this policy will be made on a case-by-case basis; and will be decided based upon the circumstances and the nature of the charges brought against the employee. The employee shall be given the option of using accrued unused vacation leave prior to being placed on unpaid administrative leave.

Serious criminal charges are defined as a crime for which the employee could be sentenced to prison and involves dangerous or unethical behavior, drugs or intentional violence and the like.

The Board of Commissioners/County Administrator or its designee shall investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any. Section 15 – Discipline shall be reviewed for the appropriate disciplinary procedures.

If the employee subsequently does not plead guilty to or is not found guilty of serious criminal charges or a felony with which the employee is charged or any other felony, the Board of Commissioners shall pay the employee at the employee's base rate of pay, plus interest, for the period the employee was on leave without pay. Interest will be based on the quarterly interest rate provided by the Internal Revenue Service to compute back pay.

5) **Failure to Disclose:** Failure to disclose may be grounds for disciplinary action, up to and including termination.

DISCRIMINATION & HARASSMENT FREE WORKPLACE

SECTION 2

EFFECTIVE: 3/24/2022
RESOLUTION: 22-0197

A. EQUAL EMPLOYMENT OPPORTUNITY

- 1) The Board of Commissioners' policy is to provide equal opportunity in employment to all employees. No appointing authority, Department Director, manager, supervisor or other employee may discriminate against a person with respect to the terms and conditions of employment on the basis of the person's race, sex (including pregnancy, sexual orientation or gender identity), religion, color, national origin, age (40 or older), ancestry, disability, genetic information (including family medical history), military status or other unlawful bias except when such a factor constitutes a bona fide occupational qualification. 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.
- 2) All County employees shall be treated fairly and equitably based on their respective merit, fitness and bona fide occupational qualifications. The County is committed to working hard to create an environment in which all employees are valued and respected.
- 3) The "Complaint Process," "Retaliation," and "False Complaints" sections of the County's Harassment Free Workplace policy as outlined in Part B below shall apply with equal force and effect to the County's Equal Employment Opportunity Policy. A proven violation of the Equal Employment Opportunity Policy by any County employee shall be considered justification for dismissal.

B. HARASSMENT FREE WORKPLACE

- 1) Purpose: Portage County's policy is to provide its employees with an environment free of employee discrimination, including sexual and other unlawful 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 is inappropriate and illegal and will not be tolerated. Harassment interferes with the well-being and productivity of employees and the efficiency of our organization, negatively affecting morale, motivation and job performance. The County, in the commitment to eliminating this inappropriate behavior, has established the following policy.
- 2) Definition: 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.
- 3) 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:
 - a. Submission to such conduct is made either explicitly or implicitly as a term or condition of employment;
 - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or
 - c. Such conduct has the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile or offensive working 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.

- d. Unlawful discrimination and harassment do not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the workplace. 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.

- 4) Off-Duty Conduct: Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Employee conduct that occurs off duty and off premises may also be subject to this policy and will be taken under administrative review.
- 5) Complaint Process: Employees who feel they experienced unlawful discrimination or harassment by a fellow employee, supervisor, or other individual otherwise affiliated with the County, as outlined in paragraph 9 below, shall immediately report the conduct to their Department Director or the Human Resources Department. The Human Resources Department may report the conduct directly to the County Administrator. Employees who feel that they have witnessed discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, should immediately contact their Department Director or the Human Resources Department. Late reporting of complaints will not, in and of itself, preclude the County from taking remedial 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 elevate to the Department Director or the Human Resources Department on all claims or concerns of unlawful discrimination or harassment that become known to them, whether written, verbal or witnessed.

Although employees are encouraged to inform the alleged harasser of the unwelcome or offensive nature of the conduct, they are required to report any incidents to their Department Director or the Human Resources Department. When the Department Director or the Human Resources Department is notified of the alleged discrimination/harassment, the incident shall be investigated in a timely manner. The investigation may include private interviews of the employee allegedly discriminated against or harassed, the employee committing the alleged discrimination or harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality cannot be guaranteed. All employees are required to cooperate in any investigation of a discrimination or harassment complaint.

When an investigation determines that this policy has been violated, prompt attention and disciplinary action designed to stop the discrimination or harassment and prevent its recurrence will be taken. This may include discipline or discharge of any person whose conduct is in violation of this policy. Any employee who has knowledge of sexual harassing conduct, and who allows that conduct to go unaddressed, may also be subject to discipline.

- 6) 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 employees who feel that they have 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 such conduct to their Department Director or the Human Resources Department. Any person found to have retaliated against an individual for engaging in activity protected by this policy will be subject to discipline.
- 7) False Complaints: Although legitimate complaints made in good faith are strongly encouraged, false complaints or complaints made in bad faith will not be tolerated. Failure to prove a violation of this policy will not constitute a false complaint without further evidence of bad faith. False complaints are considered a violation of this policy and an employee who makes a false complaint will be subject to discipline. Disciplinary action for the filing of a false complaint, however, shall not be considered a retaliatory act.
- 8) 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.

- 9) **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.

C. AMERICIANS WITH DISABILITIES ACT

- 1) The Americans with Disabilities Act (ADA), 42 U.S.C. §12101 et seq., prohibits discrimination in hiring, promotions, transfers, or any other benefit or privilege of employment, of any qualified individual with a disability. An “individual with a disability” is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. 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 the position, with or without a reasonable accommodation. The “Complaint Process,” “Retaliation,” and “False Complaints” sections of the County’s harassment free workplace policy, as outlined in Part B above shall apply with equal force and effect to the County’s ADA policy. The County shall reasonably accommodate a qualified employee with a disability unless the accommodation would pose an undue hardship or the employee poses a direct threat (i.e., a significant risk of substantial harm that cannot be eliminated or reduced by means of a reasonable accommodation). Decisions as to whether an accommodation is reasonable shall be made on a case-by-case basis.
- 2) An employee who wishes to request an accommodation shall direct such request to their Department Director or Human Resources. Requests for accommodation should be in writing to avoid confusion; however, verbal requests shall 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 shall make a complaint. The complaint process is outlined in the Discrimination and Harassment Free Workplace Policy in Section 2.B. of the Personnel Policy Manual.

- 3) **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 Human Resources.

D. RECRUITING AND HIRING

- 1) The County’s identity as an Equal Opportunity Employer shall be imprinted upon letterheads, documents, publications, and advertisements having specific relevance to equal opportunity in employment or used in recruitment of employees.
- 2) The external communications program of the County shall include special efforts to inform the general public, unions, professional associations, and especially the potential sources of recruitment from among women, minorities, disabled, and veterans, about the equal opportunity policy and affirmative action program.
- 3) Records shall be kept, and reports rendered externally, pursuant to laws calling for such records and reports.
- 4) Reports shall include, but not be limited to, annual analysis of the County’s work force and the major job groups, and of the utilization of the available labor force with special reference to women and members of minority groups who are qualified in terms of job-related specifications in the County.

DRUG AND ALCOHOL POLICY

SECTION 3

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. DRUG FREE WORKPLACE/MANDATORY CONDITION OF EMPLOYMENT

1) Definitions:

- a. Controlled Substance: Means any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. §812; or as defined in Ohio Revised Code ("R.C.") §3719.01.
- b. 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.
- c. 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 R.C. §3719.01 *et seq.*

2) Statement of County Policy: The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in a County workplace (including a motor vehicle) is strictly prohibited and will result in criminal prosecution and/or discipline of the employee in accordance with the standards and procedures contained in this Manual. Irrespective of the Ohio Medical Marijuana Control Program (R.C. §3796), the use of medical marijuana in the workplace is prohibited under this policy and the Federal Controlled Substances Act (Chapter 13).

3) As a condition of employment, it is the duty of each employee to abide by the terms of the County's Drug Free Workplace Policy statement, and to notify the County of any criminal drug statute arrest or conviction no later than three (3) calendar days, or first day back to work, whichever is the lesser time frame, after the arrest or conviction.

B. DRUG AND ALCOHOL POLICY

1) Policy: 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.

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.

2) Prohibitions: County workplaces, including land, buildings and vehicles, as well as County employees while on duty, shall be a drug and alcohol-free workplace, in order to eliminate the inherent risks and liability to the County, the affected employee, co-workers and the public. Employees are hereby notified that the

manufacture, distribution, dispensing, possession, use or being under the influence of alcohol, drugs or other controlled substance is strictly prohibited during the employee's working hours, as well as at any location where County employees are conducting County business, regardless of whether the affected employee is on duty. Also prohibited is the illegal use of legal substances, including CBD oils (or like products) resulting in a positive test.

- 3) No County employee shall report for duty or remain on duty while using, or while under the influence of, alcohol or any controlled substance, except a legally prescribed medication. This does not include prescribed medical marijuana. Employees must inform the County if they are taking any medication that may impair their ability to perform their job. Employees on such medications must provide a written full-duty 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 medications must be only for legitimate 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 legal use of the prescription or over-the-counter drugs shall not excuse inadequate job performance or other unsafe or threatening behavior inappropriate for the workplace.

- 4) An employee may be found to be in violation of this policy on the basis of any appropriate evidence including, but not limited to:
 - a. Direct observation;
 - b. Evidence obtained from a workplace arrest or criminal conviction;
 - c. A verified positive test result;
 - d. An employee's voluntary admission; or,
 - e. An employee's refusal to participate in a drug or alcohol test required by this policy.
- 5) An employee found in violation of this policy shall be subject to appropriate discipline, up to and including termination. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.
- 6) Any employee arrested or convicted of a drug or alcohol offense, who fails to timely report the arrest or conviction, may be terminated from employment and/or held civilly liable for any damage caused, including a loss of state or federal funds, resulting from the misconduct.
- 7) The County has a drug free 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 and CBD oil (or like products) resulting in a positive drug test, are still subject to all provisions of this policy and may be subject to discipline including termination for such use.

C. DRUG AND ALCOHOL TESTING REQUIREMENTS

- 1) **Pre-employment:** Every offer of full or part time, including seasonal employment extended by the County to any person shall be conditioned on a negative drug test result. Any conditional offer of employment made shall be revoked upon a verified positive test result, and the applicant will not be considered for employment for a period of one year. Pre-Employment drug and alcohol testing will be coordinated and monitored by the Portage County Human Resources Department.
- 2) **Reasonable Suspicion Testing:** Where there is reasonable suspicion to believe that an employee, when reporting for duty or on the job, is under the influence of, or his/her job performance is impaired by, alcohol or other drugs, the employee may be required to submit a urine or breath specimen for testing for the presence of drugs or alcohol. Such reasonable suspicion must be based upon objective facts or specific circumstances found to exist that present a reasonable basis to believe that an employee is under the

influence of, or is using or abusing, alcohol and/or other drugs. Examples of reasonable suspicion may include, but need not be limited to:

- a. Observable phenomena, such as direct observation of use, possession, or distribution of alcohol or a controlled substance, or of the physical symptoms of being under the influence of alcohol or a controlled substance, such as but not limited to slurred speech, dilated pupils, odor of alcohol or a controlled substance, changes in affect, or dynamic mood swings;
- b. A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents, that appears to be related to the use of alcohol or a controlled substance, and does not appear to be attributable to other factors;
- c. A report of drug use provided by reliable and credible sources and which has been independently corroborated;
- d. Repeated or flagrant violations of the County's safety or work rules that are determined by the employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol or a controlled substance and that do not appear attributable to other factors;
- e. Evidence that an individual has tampered with a drug test during his/her employment with the County;
- f. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of alcohol and/or other drugs while working, or while on the County's premises or operating a County vehicle, machinery, or equipment.

When a determination is made that reasonable suspicion exists based upon objective facts or specific circumstances listed above, the employee's supervisor, manager or director must follow the Portage County Reasonable Suspicion Procedure. The Human Resources Department can be contacted for a copy of the procedure.

- 3) **Post-Accident Testing:** For employees who are required to hold a valid Commercial Driver's License ("CDL") to engage in their work, post-accident testing will be required as provided in 49 CFR §382.303 (Includes accidents involving human fatalities, bodily injury with immediate medical treatment away from the scene as applicable, and disabling damage to any motor vehicle requiring tow away as applicable.)
- 4) **Random Testing:** Employees who are required to hold a valid CDL to engage in their work will be subject to random drug and alcohol testing in accordance with 49 CFR §382.305. In addition, any employee returning to work after a positive drug or alcohol test will be required to submit to random on-duty drug or alcohol testing for two years from date of positive test or in the frequency and for the duration of any time period recommended by the appropriate substance abuse professional, as part of the employee's rehabilitation process, whichever is greater.
- 5) **Return to Work Testing:** Employees who test positive for drugs and/or alcohol must submit to additional testing and test negative in order to return to active duty. 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 or in the frequency and for the duration of any time period recommended by the appropriate substance abuse professional, as part of the employee's rehabilitation process, whichever is greater. If employee tests positive on a return to work random drug test, he/she will be terminated.
- 6) If requested, the employee shall sign a consent form authorizing a clinic retained by the County to withdraw a specimen of breath 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. Employees subject to drug and alcohol testing as set forth in this section that refuse to participate in the testing and/or rehabilitation program, or who continue to test positive for substance abuse, will be subject to discipline, up to and including termination.

DRIVERS WITH CDLS AND THE FMCSA DRUG AND ALCOHOL CLEARINGHOUSE

- 1) 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.
- 2) Additionally, the County will conduct the required queries of the FMCSA 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.

- 3) 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.
- 4) The County will conduct limited queries, at least annually, for all employers required to possess and maintain a CDL. Please see Appendix C for the General Consent for Limited Queries form.
- 5) 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.
- 6) The County will report the following to the FMSCA Clearinghouse:
 - a. Alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
 - b. A negative return to duty test result;
 - c. A refusal to submit to a drug or an alcohol test;
 - d. A refusal to test determination made in accordance with 49 CFR 40.191;
 - e. A report that the driver has successfully completed all follow-up tests;
 - f. Verified positive, adulterated, or substituted drug test result;
 - g. Pre-duty or on-duty alcohol use;
 - h. Drug use as defined in the regulations;
 - i. The County's report of completion of follow-up testing;
 - j. 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.

D. DRUG AND ALCOHOL TESTING PROCEDURES

- 1) Applicants and employees required to hold a valid CDL to engage in their work will be subject to the drug and alcohol testing techniques, methods and standards for test positives promulgated by the U.S. Dept. of Transportation ("DOT") in 49 CFR Parts 40, 382 and 383.
- 2) For all other applicants and employees, the applicable techniques and methods, the identity of controlled substances for which tests shall be made, and the threshold concentration for positive drug tests will be as provided in the Mandatory Guidelines for Federal Workplace Drug Testing Programs Promulgated by the U.S. Dept. of Health and Human Services ("HHS"). The applicable techniques and methods for alcohol testing, and the threshold concentration for positive alcohol tests shall be as provided in 49 CFR Part 40.
- 3) Applicant and employee behavior that indicates a refusal to test, including failure to timely report to the testing clinic, a non-medical failure to provide a test specimen, or an attempt to alter, substitute, contaminate or otherwise tamper with a breath or urine specimen, shall be considered a refusal to participate in the County's drug testing program. The Medical Review Officer associated with the testing clinic is authorized to determine whether an employee has refused to participate in a drug or alcohol test within the meaning of DOT or HHS regulations, as applicable. Where the regulations are silent or indicate this decision is to be made by the Designated Employer Representative, the Director of Human Resources shall make the determination.

E. EMPLOYEE RIGHTS AND RESPONSIBILITIES

- 1) An employee instructed to report for a drug or alcohol test is deemed to be at work and on County time. The employee will be paid for the time necessary (including overtime) to complete the drug test and shall not take any otherwise authorized leave (lunches, breaks) until the test process is completed. The employee will be transported to the appropriate testing site by the employee's supervisor/designee. The supervisor/designee shall follow the Reasonable Suspicion Procedure.
- 2) Upon receipt of a verified negative test for drugs and/or alcohol, the employee will be informed to immediately return to work.
- 3) Upon receipt of a verified positive drug or alcohol test, the employee will be placed on paid administrative leave and may be subject to disciplinary action up to and including termination. A pre-disciplinary hearing will be scheduled with the employee, supervisor/manager, director and union representative, if applicable. All attempts will be made to hold the pre-disciplinary hearing within three (3) working days from receipt of a verified positive drug or alcohol test. Paid administrative leave will terminate upon the pre-disciplinary hearing. Upon the conclusion of the hearing decision, the employee will serve the appropriate disciplinary action determined by the Department Director.
- 4) Non-CDL employees who test positive for drugs and/or alcohol may be offered rehabilitation through the County Employee Assistance Program (EAP). If employee is mandatorily referred to the EAP, the Human Resources Department should be contacted for the appropriate process to follow. An employee who participates in a rehabilitation or detoxification program will be placed on Family and Medical Leave Act leave if applicable. An employee may be required to use sick time, compensatory days, vacation leave, and/or personal days for the period of rehabilitation or detoxification. If no accrued leave is available, the employee may be placed on an unpaid leave of absence for a period of up to six months, as provided for in Section 24.
 - a. Failure to fully participate in or successfully complete a rehabilitation program (including return-to-work and random drug screens during rehabilitation) may be deemed a refusal to participate in the County's drug testing program, and, may result in disciplinary action, up to and including termination.
 - b. Employees are responsible for the costs of any rehabilitation or detoxification program subject to the provisions of any applicable insurance coverage the employee may have. This includes all costs associated with Substance Abuse Professionals.
- 5) Employees who test positive for drugs and/or alcohol must submit to additional testing and test negative in order to return to active duty. 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 or in the frequency and for the duration of any time period recommended by the appropriate substance abuse professional, as part of the employee's rehabilitation process, whichever is greater. If employee tests positive on a return to work random drug test, he/she will be terminated.
- 6) Employees required to hold a valid CDL to engage in their work will be subject to the drug and alcohol testing techniques, methods and standards for test positives promulgated by the U.S. Dept. of Transportation ("DOT") in 49 CFR Parts 40, 382 and 383 and may not be offered rehabilitation through the County Employee Assistance Program.
- 7) Any applicant or employee who tests positive may obtain a retest of the original specimen at his or her own expense.
- 8) Nothing in this policy prohibits the employee from being disciplined or discharged for other violations.

F. EMPLOYEE ASSISTANCE PROGRAM (EAP)

The EAP offers confidential and professional counseling assistance to employees who seek help through the EAP to address many kinds of personal issues including the misuse of alcohol and/or prescription medication and/or the use of illegal drugs. Employees are encouraged to seek assistance if they are concerned that they may have a drug

and/or alcohol problem. EAP will provide each employee up to six (6) sessions per episode of face-to-face counseling.

- 1) Voluntary Admission – Employees are encouraged to voluntarily admit problems with drugs and alcohol prior to violating the County’s Drug and Alcohol policy. If an employee voluntarily discloses a substance abuse problem to a manager/supervisor or the Human Resources Department, the employee will be referred to the County’s EAP for assessment. Employees who are required to hold a CDL will be referred to a Substance Abuse Professional (SAP) for assessment. The referral will be voluntary unless deemed otherwise by the Department Director or Human Resources. The EAP/SAP will determine appropriate counseling and treatment options.
- 2) Participation in the EAP does not relieve the employee from job performance requirements or discipline for violations of the County policy.
- 3) Department Directors should contact the Human Resources Department and follow the EAP process to complete a management referral for an employee.

G. 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.

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WORKPLACE VIOLENCE

SECTION 4

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. ZERO TOLERANCE

- 1) The Board of Commissioners is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. Accordingly, the County enforces a zero-tolerance policy for workplace violence. Threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect County employees, or which occur on County property, will not be tolerated.
- 2) An employee should immediately notify his supervisor if he witnesses any warning sign or risk factor that could lead to violence.
- 3) All full-time and part-time County employees who are found to have committed acts of workplace violence will be disciplined, up to and including discharge, and may be criminally prosecuted.
- 4) All full-time and part-time County employees who are threatened or witnesses an act of workplace violence, including intimidation, harassment, and/or coercion, may be offered counseling services through the County Employee Assistance Program according to the program's contractual terms.

B. PROHIBITED ACTS OF VIOLENCE

- 1) Prohibited acts of workplace violence include, but are not limited to, the following:
 - a. Hitting or shoving an individual.
 - b. Threatening to harm an individual or an individual's family, friends, associates, or property.
 - c. The intentional destruction or threat of destruction of County property.
 - d. Making harassing or threatening telephone calls or sending harassing or threatening letters or other forms of written or electronic communications, including e-mail.
 - e. Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule.
 - f. The 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 own safety.

C. WEAPONS PROHIBITED

- 1) Only commissioned County law enforcement officers are permitted to bring any deadly weapon or dangerous ordnance onto County property or carry any deadly weapon or dangerous ordnance while on County business.
- 2) Except as provided in item C(1), no County employee shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into any building owned or leased by Portage County.
- 3) Except as provided in item C(1), no County employee shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance at any time while conducting County business, whether on County property or traveling on County business.
- 4) Except as provided in item C(1), no County employee shall knowingly convey, or attempt to convey a deadly weapon or dangerous ordnance onto a County owned parking lot, even if it is kept in their own vehicle, except for employees with a valid license to carry a concealed weapon.
 - a. A County employee with a valid license to carry a concealed weapon may bring the weapon onto a County owned parking lot but must leave the weapon in their own locked vehicle, either in a locked glove compartment (or other locked compartment), in the trunk, or locked inside a gun case.
 - b. A County employee with a valid license to carry a concealed weapon who is reporting to work may remove the weapon from their own vehicle parked on County property only for the purpose of transporting it to and from the trunk of that vehicle for storage.
- 5) The County will not defend or indemnify an employee, except as provided in item C(1), who carries or discharges a personal weapon while on County business.

OUTSIDE EMPLOYMENT

SECTION 5

EFFECTIVE: 5/19/2022
RESOLUTION: 22-0318

A. EMPLOYMENT CONFLICTS

- 1) Under no circumstances shall an employee have other employment which conflicts with the policies, objectives and operations of Portage County offices or the employee's specific job description. In addition, employees shall not become indebted to a second Employer whose interest might be in conflict with those of the County office in which they work.
 - a. Any conflict, policy infraction, or other specific offense, which is a direct result of an employee's participation in outside employment, shall be disciplined up to and including discharge.
- 2) Any employee holding a job with another Employer must demonstrate satisfactory performance in his or her job responsibilities with Portage County at all times. All employees will be expected to meet the job performance standards established by Portage County and will be subject to Portage County's work and scheduling demands, regardless of any other outside work requirements. This includes the availability to work overtime when requested by Portage County.
 - a. Should the Department Director determine that an employee's outside employment is adversely affecting the employee's job performance, including refusal to work overtime, the Department Director may recommend that the employee refrain from such activity or be disciplined up to and including discharge.
- 3) If an employee is injured on the job while employed at the County; employee shall not work for second employer. If BWC compensation is awarded, employee shall not receive payment from second employer.
- 4) Employees are prohibited from engaging in secondary employment while on education leave, sick leave for employee's own illness or injury, disability leave, or family medical leave for the employee's own serious health condition, whether paid or unpaid. 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.

B. PRIOR PERMISSION

- 1) Employees who wish to engage in other employment must notify the Department Director and obtain written permission from the Board of Commissioners/County Administrator prior to starting other employment. The Outside Employment Form (see Appendix A) must be completed and given to the Department Director.
- 2) New employees who are indebted to a second employer prior to his/her Portage County employment must notify Human Resources and complete the Outside Employment Form within the first week of employment with Portage County. Human Resources will then forward the form to the Department Director.
- 3) Once the Department Director reviews the information, he/she will forward the form to the Internal Services Director to verify if a conflict of interest exists. The Outside Employment Form will then be forwarded to the Board of Commissioners/County Administrator for review. Upon review of all necessary parties, the form will be returned to the Department Director.

SOLICITATION

SECTION 6

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. GENERAL

- 1) The Board of Commissioners' policy is to prohibit solicitation and distribution of literature on its premises by non-employees and to permit solicitation and distribution of literature by employees subject to the restrictions of this section. This policy does not supersede any provision in an applicable collective bargaining agreement that directly conflicts with this policy.
- 2) The Board of Commissioners limits solicitation and distribution on its premises as those activities can interfere with the County's operations, reduce employee efficiency, annoy customers, and pose a threat to security.

B. NON-EMPLOYEES

- 1) 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 County premises.

C. EMPLOYEES

- 1) The Board of Commissioners/County Administrator 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.
- 2) The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:
 - a. The distribution of literature, solicitation and the sale of merchandise or services are prohibited in work 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.

D. COMMUNICATION SYSTEMS

- 1) The Board of Commissioners maintains various communications systems to communicate County-related information to employees and to disseminate or post notices required by law. These communications systems (including bulletin boards, electronic mail, voice mail, telephones, facsimile machines, and personal computers) are for business use only and may not be used for employee solicitation or distribution of literature.
- 2) Only persons authorized by the Board of Commissioners/County Administrator may place notices on or take down material from bulletin boards.
- 3) The unauthorized use of the communications systems or the distribution or posting of notices, photographs, or other materials on any County property is prohibited.

E. VIOLATIONS

- 1) Employees who violate the provisions of this section are subject to discipline. All 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.

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POLITICAL ACTIVITY

SECTION 7

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. PURPOSE

- 1) Employees in the classified civil service are prohibited by Ohio law from engaging in political activity.
- 2) An employee who has a question regarding permissible and prohibited activity shall contact his immediate supervisor prior to engaging in the activity.

B. SCOPE

- 1) This section does not apply to unclassified employees.

C. PERMISSIBLE ACTIVITIES

- 1) The following is a non-exhaustive list of examples of permissible political activities for employees in the classified civil service:
 - a. Registration and voting;
 - b. Expression of opinions, either oral or written;
 - c. Voluntary financial contributions to political candidates or organizations;
 - d. Circulation of non-partisan petitions or petition stating views on legislation;
 - e. Attendance at political rallies;
 - f. Signing nominating petitions in support of individuals;
 - g. Display of political materials in the employee's home or on the employee's property;
 - h. Wearing political badges or buttons, or the display of political stickers on private vehicles;
 - i. Serving as a precinct election official under ORC §3501.22.

D. PROHIBITED ACTIVITIES

- 1) The following is a non-exhaustive list of examples of prohibited political activities for employees in the classified civil service:
 - a. Candidacy for public office in a partisan election;
 - b. Candidacy for public office in a non-partisan election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party.
 - c. Filing of petitions meeting statutory requirements for partisan candidacy for elected office;
 - d. Circulation of official nominating petitions for any candidate participating in a partisan election;
 - e. Service in an elected or appointed office in any partisan political organization;
 - f. Acceptance of a party-sponsored appointment normally filled by partisan election;
 - g. 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.
 - h. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate.
 - i. Solicitation for the sale, or actual sale, of political party tickets;
 - j. Partisan activities at the election polls, such as solicitation of votes for other than non-partisan candidates and non-partisan issues;
 - k. Service as a witness or challenger for any party or partisan committee;
 - l. Participation in political caucuses of a partisan nature; and
 - m. Participation in a political action committee which supports partisan activity.

E. DISCIPLINE

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

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SOCIAL RELATIONS & NEPOTISM

SECTION 8

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. DATING

- 1) Romantic relationships between an employee and a supervisor within the same County department have the inherent potential to create conflicts of interest. It is the policy of the Board of Commissioners that romantic relationships between an employee and any supervisor or between two supervisors in the same County department are prohibited. This includes, but is not limited to, those relationships in which a supervisor may influence directly or indirectly the work of the subordinate or be in a position to influence any decision concerning the terms and conditions of the subordinate's employment. Should such a relationship develop or be created through promotion or transfer, one of the affected employees must be transferred or discharged.
- 2) Other employees who are involved in a romantic relationship are responsible for upholding all County policies and procedures. A romantic relationship between any two employees is therefore prohibited when the employees' conduct interferes with the workplace, regardless of whether the employees are in different departments and regardless of supervisory status.
- 3) Employees who marry are subject to the provisions of Part E of this section.

B. RELATIVES DEFINED

- 1) For purposes of this section, 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.

C. NEPOTISM GENERAL

- 1) The Board of Commissioners/County Administrator will receive employment applications from relatives of current employees. The following four (4) situations shall prevent the Board of Commissioners/County Administrator from hiring a relative of a current employee:
 - a. If one relative would supervise or have disciplinary authority over another.
 - b. If one relative would audit the work of another.
 - c. If a conflict of interest exists between the relative and the employee or the relative and the County.
 - d. If the hiring of relatives could result in a conflict of interest with clients.

D. RELATIVE IN CHAIN OF COMMAND

- 1) An employee is not permitted to work in a position where his supervisor or any person above him in his established chain of organizational command is a relative.
 - a. If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred or discharged, or an accommodation acceptable to the Board of Commissioners/County Administrator must be established.
 - b. Discharge is a last resort. No employee who meets current standards of performance and behavior shall be discharged if a transfer is practical.

E. MARRIED IN COURSE OF EMPLOYMENT

- 1) If two employees marry, they will be subject to the same rules listed above as other relatives, unless state law or judicial decisions dictate otherwise. No person employed by the Board of Commissioners prior to the adoption of this policy will be retroactively affected by this policy (except in cases of marriages which occur after this policy is adopted).

F. VIOLATIONS

- 1) The provisions of ORC §102.03 and 2921.42 render it unlawful for a public official to use influence to obtain a benefit, including a job for a relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action including discharge.

JOB SAFETY

SECTION 9

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. RESPONSIBILITIES

- 1) Every department is responsible for providing safe working conditions, tools, equipment, and work methods for its employees.
 - a. It is the policy of the County to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free from recognized hazards as feasible.
 - b. The supervisor is responsible for addressing unsafe conditions promptly and for ensuring that employees abide by all safety rules and safe working methods.
 - c. Employees are expected to comply with all safety and health requirements whether established by management or federal, state, or local law.
 - d. Employees have a duty to use the safety equipment provided by the County and to follow all safety rules and safe working methods recommended or required. Violation of safety rules or failure to comply with safety rules will lead to disciplinary action up to and including discharge.
 - e. Employees are responsible for reporting any safety concerns and/or unsafe working conditions to their supervisor immediately upon discovery. Failure to report a known unsafe condition may result in discipline up to and including discharge.

B. PROCEDURES

- 1) If you experience an on-the-job injury use the following procedure: (Also see Part C)
 - a. Report the injury/incident to your supervisor and complete all applicable paperwork (injury packet), immediately, or as soon as practical, but not later than 24 hours. Your supervisor will provide additional instructions as needed.
 - b. If medical treatment is necessary, please seek treatment with a BWC certified medical provider.
 - c. Provide your MCO identification card (injury packet) and MEDCO-14 form (injury packet) to the medical at the time of treatment. Inform your immediate supervisor and the County Administrator (CA) in the Commissioners' Department.

C. WORKERS' COMPENSATION

- 1) State law provides that County employees are eligible for Workers' Compensation for injuries arising out of, or in the course of employment. Guidelines for filing a claim with Ohio Bureau of Workers' Compensation (BWC) are set forth below:
 - a. Should an employee be injured during the course of employment with the County, the employee shall notify the immediate supervisor and complete the applicable paperwork within the injury packet as soon as possible, but not later than 24 hours, regardless of the seriousness of the injury and whether or not treatment is required or sought. The supervisor shall notify the Department Director and the CA in the Commissioners' Department. If the employee chooses to seek medical treatment and file a claim with the BWC, the employee will complete a BWC First Report of an Injury (FROI). FROI forms are available at the medical provider's office, hospital emergency rooms and on the BWC website. The completed FROI form will be forwarded to the County's Managed Care Organization (MCO) by the BWC certified medical provider. In all cases, whether a FROI form has been filed or not, the employee and supervisor must complete all applicable paperwork within the injury packet and forward to the CA in the Commissioners' Department.
 - b. The CA in the Commissioners' Department must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for informing the Department Director and the CA of their expected date of return, or the date of their next medical evaluation.
 - c. Any documents received from injured employees, their physician, hospital, or the State, regarding Workers' Compensation claims must be immediately forwarded to the CA.
- 2) Employees who are injured in the course and scope of employment and who must leave work before completing their work period shall receive the regular rate of pay for the balance of the scheduled work shift.

- 3) An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments for Workers' Compensation. An injured employee is prohibited, however, from receiving payment for sick leave while simultaneously receiving payment for Workers' Compensation. The decision to use accrued sick leave or vacation leave in lieu of receiving payments via the Ohio Bureau of Workers' Compensation must be provided to the CA in writing via email.
- 4) The County retains the right to require an employee who is receiving Workers' Compensation benefits to report for work and perform such duties as can be accomplished given the physical limitations of the employee. An employee who refuses may lose the right to Workers' Compensation benefits and may be disciplined up to and including discharge.
- 5) Employees who are off work due to a Workers' Compensation injury for more than three days may be placed on FMLA (Family and Medical Leave Act) leave that will run concurrently with a Workers' Compensation absence(s). After the allowed 12 weeks of FMLA leave have been used, the employee's healthcare benefits will be terminated, and the employee and any dependents will be offered COBRA coverage as detailed in Section 24.

D. TRANSITIONAL WORK PROGRAM

1) TWP Program Mission Statement

It is Portage County's mission to make every reasonable effort to provide suitable alternate work options, or make reasonable accommodations, for an employee who is unable to perform his/her normal job duties as a result of a work-related injury or occupational disease. Through early intervention, structured rehabilitation activities, job accommodations, and a gradual transition back to work, employment throughout the recovery process is possible.

- 2) The Ohio Bureau of Workers' Compensation (BWC) defines transitional work as: "A progressive and individualized program. It is an interim step in the recovery of an employee with restrictions. The goal is to return the injured worker to his/her original job. Transitional work helps the employer protect the employability of the worker with restrictions, while reducing the employer's and employee's financial liability associated with time lost from work."
- 3) Transitional work allows an employee to resume work functions and lifestyles sooner with minimal time off from his/her job. It allows the worker with restrictions to remain and or return to work quickly and safely in an environment that permits the worker to gradually transition back to performing an expanded range of work tasks. The program assists the worker until he/she fully recovers from the workplace injury and or occupational disease.
- 4) A transitional work program may include:
 - a. Progressive conditioning and on-site work activities;
 - b. Education for safe work practices;
 - c. Work re-adjustments or changes in work tasks;
 - d. Job Modifications.
- 5) Transitional work can be offered as:
 - a. Remain-at-work (RAW) services;
 - b. A vocational rehabilitation plan for lost time claims where aggressive case management is required.
- 6) The injured worker is encouraged to discuss concerns and questions openly with the CA. All medical information will remain as confidential as possible.
- 7) Transitional work is part of BWC's remain-at-work services. The program goal is to assist injured workers to remain at work after an injury and provide needed rehabilitation services. The services are designed to assist workers who have returned to work but are experiencing difficulties and are in jeopardy of going off work again. The program helps injured workers stay on their jobs and keeps medical-only claims from becoming lost-time claims.
- 8) Other remain-at-work services could include, but are not limited to:
 - a. Ergonomics study;
 - b. Job analyses;

- c. Job modifications;
- d. Injured workers' tools and equipment.

9) TWP goals:

- a. Return injured employees to work as quickly and efficiently as possible;
- b. Reduce the incidence of re-injury/re-aggravation in "newly returned" employees by ensuring a safe and supportive work environment;
- c. Contribute to stabilization of the workforce by allowing the occupationally disabled employees to work throughout the recovery process and by utilizing their available productivity/work abilities;
- d. Minimize the duration of work restrictions;
- e. Optimize the injured employee's functional abilities (work productivity);
- f. Maintain high satisfaction with the program by all stakeholders, including participants, and management.

10) This Transitional Work Program (TWP) will benefit County employees by providing an opportunity to build strength and stamina to return to their regular job duties.

11) The program is an interdisciplinary and highly integrated return to work process. The program is built upon the cooperation of the injured employee, physician of record, physical and occupational therapists, MCO nurse case managers, and management.

12) The TWP is designed for employees with work related injuries or occupational disease that temporarily limit their ability to perform job duties (essential job functions). The program seeks to maintain, and enhance if possible, the maximum productivity of these employees, while ensuring a safe and supportive work environment.

13) Roles and Responsibilities

- a. The Employee (injured worker) will be responsible for the following:
 - i. Maintaining regular, consistent attendance during the program including all therapy and physician appointments. (If you are not able to schedule follow-up appointments outside of the work shift, please contact the MCO and/or CA for assistance)
 - ii. Notifying the coordinator, supervisor, physician, or therapist when experiencing acute pain or discomfort so appropriate modifications or accommodations can be made;
 - iii. Performing only those work tasks identified by the therapist and/or physician as part of the TWP, and within physician restrictions;
 - iv. Observing safe work practices both on and off the job;
 - v. Attempting to minimize requests for vacations and other non-emergency days off.
- b. The CA will be accountable for the overall administration of the program and will be responsible for delegating the following responsibilities:
 - i. Serving as a liaison with the physician, coordinator, supervisor, therapist, case manager, MCO, BWC, and all persons directly, or indirectly involved in the TWP's administration;
 - ii. Monitoring employees' performance performing work tasks in terms of the appropriateness of the work assignments, the need for additional training, safety, and changes in productivity;
 - iii. Monitoring services provided by the therapist that should include date and duration of services provided and the injured worker's progress;
 - iv. Scheduling a weekly staffing with the worker and all appropriate persons as applicable;
 - v. Educating the co-workers about the reasons for work assignments and how these accommodations may impact their jobs as applicable;
 - vi. Approve recommendations regarding program extensions, modifications, or leaving the program;
 - vii. Assist in identifying transitional job tasks and non-traditional work options;
 - viii. Informing the departmental director/liaison of the program's progress as well as potential obstacles to the program's successful operation.
- c. The Departmental TWP Coordinator will be responsible for:
 - i. Providing a written TWP offer to the injured worker;
 - ii. Taking an active role by identifying transitional job tasks and non-traditional work options;
 - iii. Informing the departmental director and the CA of the program's progress as well as potential obstacles to the program's successful operation;
 - iv. Monitoring the safe work practices of program participants;
 - v. Ensuring the injured worker is utilizing safe work practices and is performing only those tasks allowed in the program;

- vi. Providing a written TWP exit notification.
- d. The Physician of Record (POR) will be responsible for:
 - i. Approving all TWP participants in accordance with the policies governing workers who return to work following injury or occupational disease;
 - ii. Indicating whether the employee can realistically expect to return to his/her original job within 8-12 weeks;
 - iii. Consulting with the worker regarding medical-management issues;
 - iv. Consulting with the CA, MCO and therapist regarding the assignment of appropriate accommodated work tasks;
 - v. Identifying work restrictions/limitations;
 - vi. Providing recommendations regarding program extensions, terminations and/or interruptions.
- e. The Managed Care Organization (MCO) will be responsible for:
 - i. Helping to identify and determine the need for Remain-at-Work services;
 - ii. Managing the claims medical portion that includes vocational rehabilitation's case management services, medical costs and the time frames;
 - iii. Assist in obtaining prescriptions and restrictions from physicians;
 - iv. Receive confirmation/First Report of Injury (FROI) regarding injury/illness;
 - v. Make contact with the injured employee, employer and physician to explore return to work/remain at work options (per BWC protocol);
 - vi. Authorize appropriate C9 Treatment Plan (physician request for treatment) requests;
 - vii. Determining the feasibility for vocational-rehabilitation services.
- f. The Workers' Compensation Third Party Administrator (TPA) will:
 - i. Assist in the evaluation and recommendation of the compensability of work-related claims. (The Ohio BWC maintains jurisdiction over the final determination of all claims filed with the BWC);
 - ii. File appeals and motions attend hearings and negotiate settlements on behalf of the employer.
- g. The BWC Client Service Specialist will be responsible for:
 - i. Designating important contact persons for risk management and injury management;
 - ii. Educating the employer in workers' compensation strategies to reduce claims severity and premium costs;
 - iii. Determining the allowance of the initial claim, processing claims and making referrals to the Industrial Commission;
 - iv. Staffing the claim after the worker has received 45 days of Remain-at-Work services to assure appropriateness of case direction;
 - v. Verifying vocational-rehabilitation services eligibility;
 - vi. Determining and issuing workers' compensation payments, such as living maintenance, temporary total compensation and living maintenance wage loss;
- h. The Vocational Rehabilitation Professional will be responsible for:
 - i. Writing vocational rehabilitation plans to be submitted to the MCO for services approval;
 - ii. Establishing communication among key participants, including the injured worker, the CA, the physician, MCO, and the BWC;
 - iii. Assisting in obtaining prescriptions and restrictions/limitations from the physician;
 - iv. Meeting with the injured worker to explain program activities and to help identify work tasks;
 - v. Monitoring the injured worker's progress;
 - vi. Coordinating the injured worker's discharge from the program;
 - vii. Providing follow-up on the injured worker's adjustment to his/her original job or a non-traditional job and coordinating additional interventions as needed.

14) Eligibility Criteria

- a. Transitional work program participation is voluntary; however, refusal to participate in the TWP may jeopardize workers' compensation benefits. Benefits of active participation in the program are available to any County employee who sustains a work-related injury, occupational disease and is having difficulty performing his/her work tasks. Should an injury be deemed non-work related – participation will be terminated.
- b. Injuries/illnesses that are eligible for a TWP will be classified as either medical-only claims or lost-time claims. Each of these classifications will require different program entrance criteria and varying levels of service to ensure a successful transition of the injured worker to full-duty employment.
- c. If an injured worker is deemed eligible and feasible for transitional work and refuses to participate in the program, the CA will schedule a meeting with the worker as follows:
 - a. Explain that the injured worker's physician has approved the injured worker's outlined job duties as medically appropriate within the worker's limitations.
 - b. The CA should obtain the injured worker's input and reason

- for not wanting to participate in the program.
- c. If appropriate, the CA will share the injured worker's concerns with the worker's physician. If the physician continues to approve the plan, the injured worker is advised by registered mail that refusal of return to work may jeopardize the injured worker's BWC compensation benefits and other employment benefits.
- d. The injured worker is then referred to a BWC claims service specialist. The CA will submit the written plan with the physician's approval to the claims. Services specialist and advise the BWC that the injured worker has refused to participate in the approved TWP. The claims service specialist will take the necessary action.

15) Referral Process

- a. If the employee should have a work-related injury or occupational disease, the employee must immediately inform their supervisor who will then inform the CA. If medical attention is required, the employee is encouraged to immediately go to the most convenient hospital or urgent care facility. Follow up visits should be provided by one of the County's preferred workers' compensation providers; however, the injured worker may seek treatment from a certified BWC provider of the worker's choice.
- b. As soon as practical, but not later than twenty-four hours, the injured worker should refer to the "Injury Reporting Kit", complete the applicable forms by the employee, the employee's supervisor and any witnesses.
- c. The CA will confirm claim status and investigate and facilitate claim filing with the MCO.
- d. The employer or the worker's physician will initiate referrals into the TWP at any time, provided there is reasonable expectation the worker will return to the job or another job the employer may identify.
- e. The worker who is released to return to work by their physician with restrictions/limitations may be directly referred into the TWP. The coordinator will review the physician's restrictions/limitations and identify work activities that are compatible with these restrictions.
- f. The worker, who has missed more than seven days of work for a lost-time claim, may be referred to a vocational case manager to help develop a formal rehabilitation plan. This plan may include a functional capacity evaluation, transitional work and on-site therapy services.

16) Entrance Requirements

- a. Workers referred to a TWP will be evaluated to determine readiness to safely and productively participate in the program.
- b. All program participants must have the consent and approval of their physician(s).
- c. When appropriate, workers will participate in a functional capacity evaluation under the physician's prescription that is conducted by a licensed physical therapist/occupational therapist, to determine the worker's physical restrictions, work capacities and readiness to enter the program

17) Time Frames

- a. Employees who are expected to have a temporary period of job performance limitation (a limitation that is not expected to last more than 8-12 weeks) will be considered for participation in the program. Under extenuating circumstances, the program may be extended pending review with the physician. In considering a program extension, the physician and CA may consider information obtained from the Coordinator, MCO, therapist, work supervisor, and case manager. Criteria for extension beyond 12 weeks may include the following:
 - i. The worker has demonstrated significant progress and is expected to make a successful transition to work within a reasonable timeframe;
 - ii. Due to an aggravation of the worker's impairment, the worker's program participation is temporarily disrupted, limited or modified;
 - iii. Workers must be able to participate in the program a minimum of 12 hours weekly, but not less than three hours daily.

18) Wages and Salary Continuation

- a. All workers who participate in a TWP will be compensated for all hours worked at the rate of their primary job prior to injury and will accrue full benefits to which they are entitled.
- b. Salary continuation occurs when the employer continues an employees' regular wages at the onset of a work-related injury. The injured worker has the option to elect workers' compensation benefits if he or she so chooses unless a collective bargaining contract exists. Salary continuation will continue until the injured worker or employer terminates it. At that time, workers' compensation benefits may take effect if appropriate.

- c. If BWC discovers at any time that the injured worker is not receiving his/her regular full wages as part of the salary continuation agreement, BWC will begin paying temporary total compensation and begin reserving the claim as applicable.

19) Exit Requirements

- a. The TWP should be based on operational need and allow the employee to build strength and stamina for return to work in his/her original job. The TWP is not a permanent reassignment of job duties. An employee would not be eligible for the TWP if:
 - i. The nature and severity of the injured worker's injury indicates that the employee will never be able to return to regular job duties and the County is unable to accommodate permanent restrictions;
 - ii. Due to an aggravation of the employee's impairment, the County determines continued involvement in the TWP is not feasible;
 - iii. The injured worker no longer has any restrictions/limitations and is able to perform full time job duties;
 - iv. The injured worker is not complying with the County's transitional work policies;
 - v. Lack of medical progress;
 - vi. Inability of the County to accommodate restrictions;
 - vii. The injured worker is no longer progressing toward regular job duties.
 - viii. It is determined the injury is not work related.
- b. In the above circumstances, the worker will be discharged from the TWP.

20) Assigning Work

- a. Assigning work can be accomplished in a variety of ways:
 - i. Return the worker to his/her job with no restrictions for the worker's particular job. (The restrictions don't limit the worker's ability to perform his/her job);
 - ii. Return the worker in his/her job with restrictions as specified by the physician. (This may involve assistance from another employee such as when the employee is lifting objects);
 - iii. Modify the worksite in a manner that reduces the impairment's impact. This may involve purchasing equipment or modifying the work area. Modification may also include more frequent changes of position, or reducing the amount of walking, lifting or bending;
 - iv. Establish the work tasks that are within the workers' functional capacities. The job demands and the worker's capacities can be reviewed to determine the elements of the job that can be performed during the program period. Regular job duties can be intermixed with transitional work duties. Increases in work tasks occur as the worker's restrictions/limitations decrease. These decreases may include doing a task more often or for a longer period, increasing work intensity or adding work tasks.

USE OF COUNTY PROPERTY

SECTION 10

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. INTRODUCTION

- 1) Portage County's policy is to provide its employees with the materials and services necessary to promote an efficient and productive workplace. Use of County-owned property by employees shall be limited to uses that effectively and appropriately utilize the resources provided for the furtherance of County business. Any unauthorized or improper use of County property by an employee may be considered theft and may result in disciplinary measures. In addition, the County may refer instances of employee theft or destruction of County property, or other acts in violation of applicable local, state or federal law, to the County Prosecutor's Office and/or to the appropriate legal authorities.
- 2) The County owns the furniture, fixtures, supplies, lockers, files cabinets, computer equipment, and other materials and equipment used and/or located in County offices. County employees are permitted to use County property only to promote the efficient conduct of County business. As owners of the property, the County reserves the right to replace, repair, or remove such property as it deems necessary. In addition, the County may conduct searches of any portion of County-owned property including, but not limited to, desks, file cabinets, offices, lockers, communications systems and computer systems. Employees shall have no expectation of privacy in relation to their use of County property. This includes the County email system, as indicated in Section 11 Communication Systems. Emails are subject to disclosure and discovery and are public records. Employees shall be responsible for conferring with their supervisor as to the proper maintenance of their public records.
- 3) Employees shall not use County property for personal or private reasons unless otherwise allowed by County policy.
- 4) Upon separation from employment, employees shall return all County property, including but not limited to, keys, passwords, pager, cellular telephone, ID badge, tools and uniforms.

B. DEPARTMENT EQUIPMENT

- 1) Employees are responsible for all keys and other County equipment assigned to them. Employees may be required to pay for lost or damaged equipment according to the department's policies and procedures.
- 2) Lost or damaged County property must be reported immediately to the employee's immediate supervisor/manager. The supervisor/manager will follow the department's protocol in assessing the situation, including determining if the employee will be responsible for paying for the lost or damaged equipment, and when necessary, notify the employee of the dollar amount(s) owed to the County for the lost or damaged equipment.
- 3) Employees will receive an ID badge upon his/her employment with Portage County. One replacement badge will be provided at no cost to the employee if the badge is lost for the first time. For additional replacement badges, employees will be charged for the current replacement cost.
- 4) The use of County equipment, machines and property for purposes other than County business is strictly prohibited unless otherwise allowed by County policy. This includes, but is not limited to, the use of computers, typewriters, duplication or copying machines, bulletin boards, facsimile machines and telephones.
- 5) Equipment or supplies removed from County offices or its premises must be recorded by the supervisor, noting when it is removed, when it will be returned, and the individual responsible for its return.
- 6) Employees are required to maintain the security of their work area by locking drawers and files. Employees are expected to secure confidential files in the appropriate areas, put supplies and equipment away, lock doors, and automobiles, and set security systems on a routine basis.

- 7) Office adjustments involving ergonomic equipment must be pre-approved by Risk Management. Input from Human Resources will be sought when necessary. Purchases of equipment must be made by Portage County; employees are not permitted to bring outside items to the workplace.

C. COUNTY VEHICLES

- 1) Any County employee who is required to operate a County-owned vehicle in the course of employment must be at least eighteen (18) years of age, possess a current valid driver's license that covers the type of vehicle to be operated, follow all applicable motor vehicle laws and regulations, and shall be subject to the following conditions and restrictions:
 - a. Periodic (at least annual) record checks from the Bureau of Motor Vehicles;
 - b. Use of seat belts by all drivers and passengers;
 - c. Immediate notification to the employee's supervisor of any moving violations; and
 - d. Reassignment or other appropriate personnel action in the event of a license revocation, suspension or traffic offense conviction.
- 2) When beneficial to efficient delivery of County services, the Board of Commissioners/County Administrator may assign a County car or truck to the exclusive use of an employee or a department ("assigned vehicle"). Employees who are "on call" during paid or unpaid lunches or breaks may be permitted to use an assigned vehicle during such times. When the employee is off duty but "on call," the employee may drive the assigned vehicle to and from the employee's residence and store it there in case of a call to duty. Employees shall use assigned vehicles only for official business. The Director of Internal Services will install a GPS tracking device on assigned vehicles or will supply each assigned vehicle with a vehicle log book or form upon which the driver will record information about each trip taken, including destination, purpose, time, mileage, and such other information required by the Director. Completed forms will be retained by the department or supplied to the Director of Internal Services, as the Director requires. The use of an assigned vehicle for official business within Portage County or any contiguous county will require no advance approval. Use of an assigned vehicle outside either Portage County or a contiguous county requires a travel authorization (Section 14). No passengers will be permitted in County vehicles unless required for County business. Reimbursement for necessary emergency road service and repairs, parking and highway-related tolls require appropriate receipts for reimbursement. Employees will be responsible for promptly paying any parking tickets or fines related to the operation of a County vehicle.
- 3) Employees who use County vehicles are required to report any unsafe conditions and are responsible for submitting their vehicle for regularly scheduled and/or necessary maintenance as per the vehicle policy.
- 4) County employees involved in an accident while driving or riding in a County vehicle shall report the accident to their supervisor immediately and shall complete and forward to the County Administrator (CA) a County accident/incident report within twenty-four (24) hours, barring extraordinary circumstances.
- 5) An assigned vehicle stored at an employee's residence in case of a call to duty shall not be used for any purpose other than responding to a call to duty or commuting to the employee's workplace.
- 6) All County Appointing Authorities will maintain a current list of all employees authorized to drive County vehicles and provide that list upon request to the CA. Not less often than annually, the CA will obtain a Driver's License status report on each employee so identified, to ensure that the employee remains eligible to operate a county vehicle in accordance with Section 13.
- 7) County employees who use an assigned vehicle to commute to and from work may be subject to income tax on the value of the benefit provided. The employee will cooperate with any County authority as necessary to establish a value for income tax reporting purposes.
- 8) Employees whose job descriptions require that they possess a valid commercial driver license (CDL) are subject to State and Federal regulations and requirements concerning CDL license-holders. The CDL requirements are in addition to, not in lieu of, the above-listed requirements for the use of County vehicles.

D. PARKING CONTROL

- 1) County employees assigned to the County Administration Building, Annex, Riddle Block Building or Prosecutor's Office must utilize the employee parking areas provided by the Board of Commissioners. Visitor parking is reserved for public use. Employee parking spaces are assigned.
- 2) Any employee assigned to park at the Administration Building, Annex, Riddle Block Building or the Prosecutor's Office who is unable to park in the assigned space should notify the Security Office, Internal Services Office or Human Resources immediately.
- 3) A limited number of parking spaces are reserved for employees with physical disabilities. Employees who require accommodation for a physical disability should contact their appointing authority, Department Director, or supervisor as soon as possible so that alternative parking arrangements may be made, as appropriate. Eligible employees may be granted a temporary alternative parking assignment. An employee with a disabling condition who meets the criteria in ORC §4503.44 must obtain a temporary or permanent disability placard from the Ohio Bureau of Motor Vehicles. Upon expiration of the placard, the employee will be reassigned to an employee parking space.
- 4) Any employee who violates the parking policy will receive a parking reminder notice. Violations of this policy may also result in disciplinary action by the appropriate appointing authority.
- 5) A copy of each parking reminder will be sent to the employee and the employee's appointing authority or Department Director, specifying the number of infractions that have occurred to date.

COMMUNICATION SYSTEMS

SECTION 11

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. GENERAL

- 1) Portage County provides computer equipment, software, electronic mail services and internet access to its employees for governmental purposes. The County's policy is to provide or contract for communications services and for the equipment necessary to promote the efficient conduct of County business. Communication equipment and services include, but are not limited to, mail, electronic mail ("e-mail"), courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet systems, computer files, telex systems, video equipment, tape recorders and recordings, pagers, cellular phones, and bulletin boards.
- 2) Supervisors are responsible for instructing employees on the proper use of communications services and equipment used by the County for both internal and external business-related communications. Every employee has a responsibility to maintain and enhance the County's public image and to use County equipment and services in an appropriate manner. Accordingly, users of equipment must adhere to strict guidelines as outlined below.
- 3) All County communication services and equipment, including the messages transmitted or stored by County communication services, are the sole property of the County. The County may access and monitor employee communications and files as it deems appropriate, reserves the right to monitor all activity on County owned computers and reserves the right to immediately terminate the account of a user who misuses the system. The County may modify these regulations at any time and will provide proper notification of modifications to all users. Employees shall have no expectation of privacy in relation to their use of County communication services and equipment.
- 4) Employees shall not use County communication services and equipment for personal purposes unless otherwise allowed by County policy. All outgoing messages, whether by mail, facsimile, e-mail, Internet transmission, or any other means, are public records and must be accurate, appropriate, and work-related. Public record content transmitted to or from private accounts or personal devices is also subject to disclosure. Employees may not use the County's address for receiving personal mail (including packages from delivery service companies such as Fedex, UPS, etc.) or use County stationery or postage for sending personal mail. Personalized County stationery and business cards may be issued only by the County. No employee shall tamper with, alter or sabotage any County computer hardware or the information maintained on it.

B. TELEPHONES AND VOICEMAIL

- 1) Employees may make and receive a limited number of purely personal calls during duty hours (purely personal calls are those determined not to be necessary in the interest of the County) from County telephones when those calls do not incur additional charges to the County. In making purely personal calls, employees shall ensure that:
 - a. All long-distance calls are made at their own expense, e.g., charged to personal calling or credit cards, home telephones, or other non-County telephone numbers;
 - b. The calls do not adversely affect the performance of official duties or the organization's work performance; and
 - c. The calls are of reasonable duration and frequency.

Supervisors and managers determine whether brief personal telephone calls are of reasonable length, and in the interest of the County, based on employees' work schedule, co-worker needs, office work demands, length of workday, etc. Personal calls in excess of three times a day and longer than 10 minutes each are normally to be considered unreasonable.

- 2) The voice mail system is maintained for the benefit of the County and it may be monitored by the County at any time without prior notice. The system is a County asset and all entries are County property. Improper use of the voice mail system or its use for personal or non-business purposes may lead to disciplinary action.

C. CELLULAR PHONES

1) Personal Cellular Phones

- a. While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of County phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. The County has established a reasonable standard that limits personal calls during work (See Part B(1)(c)). Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the County's policy. Flexibility will be provided in circumstances demanding immediate attention.
- b. The County will not be liable for the loss of or damage to personal cellular phones brought into the workplace.

2) Use of County-Provided Cellular Phones

- a. Where job or business needs demand immediate access to an employee, the County may issue a business cellular phone to an employee for work-related communications. Elected officials and Department Directors will maintain a list of employees to whom cell phones have been assigned and provide that list annually to the Board of Commissioners/County Administrator. Elected officials and Department Directors are responsible for an annual review of employee business-related cell-phone use, to determine if existing cell phone plan minutes should be continued as-is, changed, or discontinued, and to determine if any new calling plans should be established.
- b. In order to protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Phone logs will be audited monthly by the elected official or Department Director to ensure no unauthorized use has occurred.
- c. If an employee experiences a severe personal emergency that results in the need to use the County's cellular phone, he or she is required to report this use to the Department Director or designee within 48 hours. Failure to report such use may result in disciplinary action. The employee will be asked to sign a form specifying the number called and the reason for the call and will directly reimburse the County when the bill is received. Reimbursement will be made using procedures established by the Internal Services Director. Failure to reimburse the County will result in the employee having the entire monthly cost of cellular phone service added to his/her taxable income for that year.
- d. Employees in possession of County equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within 24 hours may be expected to bear the cost of a replacement.
- e. Employees who separate from employment with outstanding debts for equipment loss or damage or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

3) Safety Issues for Cellular Phone Use

- a. Employees whose job responsibilities include regular or occasional driving are expected to refrain from using their personal or County issued cellular phone while driving County vehicles or while driving their personal vehicle on County business. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic or inclement weather or where the employee is driving in an unfamiliar area.
- b. In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided for County issued cellular phones to facilitate the provisions of this policy.
- c. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cellular phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees to place themselves at risk to fulfill business needs.
- d. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

D. COUNTY E-MAIL SYSTEMS

- 1) Computers and the software installed on them are owned by the County, including the words written with them and time spent using them. All messages composed, sent, or received on the e-mail system are and remain the property of Portage County. They are not the private property of any employee.
- 2) The use of the e-mail system is reserved solely for the conduct of business at Portage County. It may not be used for personal business nor may it be used to solicit or recruit for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
- 3) E-mail transmissions that contain disruptive, offensive, harassing or defaming messages are not permitted. Transmissions considered offensive are any messages which contain sexual implications, racial slurs, or otherwise violate the Harassment Free Workplace Policy, Section 2.B. Also prohibited is the downloading, displaying, or transmitting of sexually explicit material. Distribution of non-work-related e-mail (jokes, recipes, chain letters, forwarded "mass mailings," etc.) is an inappropriate use of County e-mail accounts.
- 4) The e-mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization from the Board of Commissioners/County Administrator or designee.
- 5) The County reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the e-mail system for any purpose. The contents of e-mail properly obtained for legitimate business purposes may be disclosed within Portage County without the permission of the employee.
- 6) The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.
- 7) Notwithstanding the County's right to retrieve and read any e-mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval by the appropriate County authority.
- 8) Employees shall not use a code, access a file, or retrieve any stored information unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission.
- 9) E-mail is subject to disclosure and discovery. Any public record is subject to discovery requests as part of a legal proceeding. Discovery can include all data in e-mail that may pertain to a particular court case or proceeding.
- 10) County e-mail is an official form of communication to be used for County business and is subject to public records laws. The contents of all e-mail sent through the County e-mail system shall be appropriate and business-related. Employees should not send any communication via e-mail that they would not be willing to communicate in writing. If an employee receives an open records request for information contained in e-mail sent or received by the employee, the employee must respond to the request for such e-mail in the same way they would respond to a request for paper records. The Prosecutor's Office should be consulted before responding to an open records request for e-mail. Employees shall be responsible for conferring with their supervisor as to the proper maintenance of their public records.

E. PERSONAL E-MAIL ACCOUNTS

- 1) Reasonable and limited use of personal internet e-mail accounts is permitted subject to the conditions stated below. In addition, use of personal internet e-mail accounts is subject to the following conditions:
 - a. Employees do not have an expectation of privacy in any e-mail message sent or received using County computing equipment and/or County internet connections, whether or not such e-mail is sent from a personal internet account.
 - b. E-mail that pertains to County business may be a public record and/or subject to discovery and disclosure even if sent using a personal internet account.

F. ON-LINE CONDUCT / INTERNET USE

1) On-Duty Conduct/Internet Use

- a. Internet access is for County business use only, except as provided for in Part b. below. Employees are granted permission to utilize the County's internet account only on County-owned equipment. Employees responsible for social media account management for BOC department websites per Section I – County Department Website: Social Media Guidelines are permitted to utilize County-owned equipment as necessary to carry out job responsibilities.
- b. The County permits reasonable and limited personal Internet use of County computers subject to the following conditions:
 - i. Personal use will be on an employee's personal time (before or after regularly scheduled work time with prior written approval from department management, during breaks or lunch).
 - ii. Personal use of computers will not interfere with any work-related activity and will be considerate of coworkers' time.
 - iii. The Internet should not be used to solicit or recruit others for commercial ventures, religious or political causes, outside organizations, or other non-work-related solicitations. Employees may not use County computing resources in any business or profit-making venture.
 - iv. Participation in social chat channels, instant messaging, bulletin boards, and Internet gaming is not permitted using County computing resources at any time.
 - v. Downloading of non-work-related files from the Internet, or loading of software, is not permitted without the specific consent of the Board of Commissioners/County Administrator /designee.
 - vi. The use of computer games is not permitted.
 - vii. Use of Internet access using County equipment is subject to the provisions of Section 2.B., Harassment Free Workplace Policy. Accordingly, employees may not access any Internet site, download any information, view any document or graphic, or send/receive any e-mail that contains material of an abusive, profane, sexual, pornographic, or defamatory nature. The County explicitly reserves the right to monitor the use of Internet services, including Internet e-mail accounts.
 - viii. Personal use of social media on worktime should only occur during breaks, lunch or after hours and on the employee's personal device.
 - ix. Employees shall not claim or imply that they are speaking on behalf of Portage County, unless they are designated by the Department Director to manage the department's social media sites and communicate with the general public via the social media platform.
 - x. Employees may not engage in conduct that reflects negatively on their employer or impacts their ability to perform their job duties.
 - xi. Accessing personals services including personals ads, online dating services, matchmaking services, companions finding services, or escort services is prohibited.
- c. If any employee accidentally accesses an inappropriate web site in the normal course of business, the employee should notify his supervisor immediately.
- d. Social media websites are in the public domain. Inappropriate actions on-duty or engaging in the above-mentioned prohibited activity may result in disciplinary action, up to and including termination.

2) Off-Duty Conduct Internet Use

- a. Principles, guidelines and standards of conduct that apply to Portage County employees in their official duties may also apply to employee participation in social media, even in their personal usage. Employees must understand that non-public information (i.e. personal privacy information, private health information, confidential client/customer information, etc.) may not be conveyed via social media.
- b. Employees should not discuss specific county business with any customers/clients who they happen to be associated with on social media.
- c. Employees should not represent themselves either by statement or inference as presenting the official position of Portage County. Employees should be mindful that their off-duty conduct in social media is not represented as their capacity as a County employee.
- d. Employees should not use their county email addresses to establish personal social media accounts or as an identifier during participation in or otherwise unofficial social media activities.

- e. All employees should understand that any posts related to their work or for Portage County that are posted on personal social media accounts are the posters responsibility. Portage County does not take liability or responsibility for these postings.
- f. Employees should refrain from posting anything written, video, graphic or photographic that are derogatory in nature towards Portage County.

3) On and Off Duty Prohibitions

The following uses of social media are strictly prohibited whether on duty and stringently discouraged off duty:

- a. 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 race, religion, sex, ethnicity, nationality, disability military status or other protected class, status or characteristic.
- b. 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.
- c. 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.
- d. 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.
- e. Comments or displays which impact employees' abilities to perform their job duties or the County's ability to maintain an efficient workplace.

G. ELECTRONIC SURVEILLANCE

- 1) Unauthorized electronic surveillance of employees is disruptive to employee morale and inconsistent with the respectful treatment required of our employees. For this reason, no employee may record the conversation of another employee without his or her full knowledge and consent.
- 2) Employees shall not use any form of an audio or video recording device or electronic device to record, attempt to record, or intercept conversations of co-workers, supervisors or any other official of the County unless such action is protected according to the National Labor Relations Act.
- 3) If a conversation is to be recorded, the following criteria must be met:
 - a. There is a legitimate purpose for the recording.
 - b. The recording device is in plain view to all parties involved in the conversation.
 - c. Written authorization is obtained from the supervisor of the employee who wishes to record the conversation.
- 4) If there is a need for employees to record conversations at work due to unlawful activity, they shall report the activity through their Department Director, the Human Resources Department or a member of the Board of Commissioners.
- 5) A violation of the County policy prohibiting the recording of conversations may result in disciplinary action, up to and including termination.

H. MEDIA RELATIONS POLICY

- 1) Media relations is the term to describe the best practices to communicate effectively to the public through the local news media. Typically, this means working directly and cooperatively with the reporters, columnists, editors, broadcasters and independent bloggers who produce news stories and features in the local media.
- 2) Effective communications with the media are critical to the Portage County Board of Commissioners' (BOC) departmental ability to carry out its mission and promote continued support for the county. This

administrative policy establishes guidelines for responding to media inquiries. All county employees are required to comply with all provisions of this policy.

- 3) The BOC shall designate the Department Director/designee to be the official spokesperson on issues or situations for his/her own department or area of expertise, as requested by the BOC or another department.
- 4) Any employee contacted by the news media for comments such as an on-camera interview, interview by a newspaper, radio interview, and/or blog or website interview shall be immediately referred to the Department Director/designee or the BOC/designee.
- 5) No designated spokesperson is obligated to comment on matters outside their respective duties and may deny answering questions and refer inquiries to other designated spokespersons as appropriate. In cases of critical significance to the County as a whole, the BOC will work with other county officials to develop a written statement outlining the known facts of the situation and summarize the county's position.
- 6) In the event of a catastrophic emergency situation that involves a substantial and imminent threat to life and/or property, the Portage County Office of Homeland Security and Emergency Management (PC OHS/EM) will handle all contacts with the media and will coordinate the information flow from the BOC to the public as outlined in the PC OHS/EM Joint Information Center Standard Operating Guidelines (SOG) The SOGs are located on the PC OHS/EM shared drive with a printed copy available in the Joint Information Center within the PC OHS.EM office. In such situations, all departments should coordinate information with PC OHS/EM and may refer calls from the media to the PC OHS/EM.
- 7) Media Relations Procedures:
 - a. Public Records Requests
 - i. All public records requests made by the news media related to a specific department should be forwarded immediately to the Department Director/designee who will follow established procedures for handling public records according to Section 30 – Public Records Policy of the BOC Personnel Policy Manual. The Department Director shall determine if the public records request made by the news media should be referred to the BOC/designee.
 - b. Media Requests
 - i. All media requests, such as an on-camera interview, interview by a newspaper, radio interview, and/or blog or website interview, related to a specific department should be forwarded to the Department Director/designee. The Department Director/designee shall determine if the news media request should be referred to the BOC/designee.
- 8) Legal, Personnel, Medical or Other Protected Information
 - c. Information that is privileged or protected by law may not be discussed with reporters. This includes, but is not limited to, pending or imminent litigation, potential exposure to litigation, personnel matters, and medical/healthcare information.
- 9) Media Relations in a Crisis
 - a. During a crisis event (as referenced in item #6 above), the Portage County Office of Homeland Security and Emergency Management (PC OHS/EM) will develop media releases and provide media briefings as outlined in SOG's. If a significant incident occurs, the PC OHS/EM should be contacted immediately, regardless of the hour. The PC OHS/EM will notify the BOC.
 - b. The PC OHS/EM is responsible for the development and dissemination of all county communications in the event of an emergency. This includes internal communications with directors and staff, as well as communications with the media. The priority will be on maintaining timely and open communications with the media, providing complete and accurate information that has been confirmed about the emergency situation and the county's response to the crisis at hand.
 - c. Communications with the media will be as frequent as practical throughout the duration of the emergency situation. The Portage County website as well as the telephone and email emergency notification systems will be utilized as a key medium for updating the employees, the community, the public on the details of the emergency situation and actions we are taking to address the related issues.

- 10) Freedom of Information
 - a. No portion of this media relations policy should be interpreted as to infringe upon the provisions of applicable freedom of information and Ohio public records statutes. Portage County adheres to all freedom of information and public records statutes and encourages the prompt and responsive dissemination of accurate information to both the public and the news media.
- 11) 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.
- 12) Disciplinary Action
 - a. Portage County employees who fail to comply with this policy will be subject to discipline, up to and including termination of employment with the County.

I. COUNTY DEPARTMENT WEBSITE: SOCIAL MEDIA GUIDELINES

- 1) **Purpose:** This policy establishes guidelines for the use of social media sites, for official business, by Portage County offices/departments, under the purview of the Portage County Board of Commissioners (BOC). The intended purpose behind establishing official Portage County social media sites is to disseminate the office/department's message and information to the general public.

Portage County social media sites and "blogs" are authorized solely for the office/department to communicate as an organization and provide information in nature and focus intended to provide the public with notices of office operations, services, events, and other content consistent with the office's statutory purpose and the public good, and not to create a public forum.

- 2) All Portage County websites, webpages, and social media sites posted by the BOC departments will be subject to approval by the BOC (as approved by Journal Entry). Each department seeking approval by the BOC shall propose a "Plan for Social Media Engagement" for consideration. The plan for the website, webpage or social media site shall be presented to the BOC and detail the purpose, vision, content management, employee use and accountability, public use, account creation/deactivation and records maintenance.

- 3) **Definitions**

- a. Social Media – Primarily internet and mobile-based tools for disseminating information. This term most often refers to activities that integrate technology and/or telecommunications with social interaction, utilizing words, pictures, video and audio. Social media includes, but not limited to: weblogs, wikis, web fora, social bookmarking tools, social communication sites, podcasts, photo sharing sites, video sharing services, real-time web communications and other services designed to facilitate person-to-person, remote communication.
- b. Social Media Venue – A website or application that leverages social media and communication tools for visitors.

- 4) **Content Management**

- a. Social Media Account Management
 - i. Each BOC department utilizing a social media venue shall designate an individual or group of individuals to carry out all aspects of this policy on the behalf of Portage County and the department including but not limited to:
 1. Overseeing online media management including records retention.
 2. Governing the appropriateness and removal of internally and externally generated content on our online platforms.
 3. Maintaining reports concerning removed social media postings.
 4. Coordinating communication across multiple social media outlets.
- b. Monitoring and Review
 - i. All published content will be documented on a regular basis and captured consistent with the department's records retention policy.
- c. All original content posted on social media will be treated as an "official record copy". Non-original content posted via social media or websites that are considered "secondary copy" shall be disposed of using a "copies" records series. Public contributions to social media venues will also be

treated as an “official record copy”. Records that are “official record copy” shall be maintained based on content according to the department’s record retention policy. BOC departmental social media accounts will be updated as frequently as deemed necessary by the Department Director/designee to develop and maintain community networks.

5) General Policy

- a. Wherever appropriate, all BOC departmental websites, webpages, social media sites shall comply with all appropriate Portage County policies and standards included in the BOC Personnel Policy Manual.
- b. All BOC departmental websites, webpages and social media sites must display the Portage County and department logo.
- c. All BOC departmental websites, webpages and social media sites must post a link to the Social Media Policy and Online Content Terms of Use Statement (Appendix B).
- d. No pictures of individuals under the legal age of consent will be posted or permitted without written permission from a parent or legal guardian.
- e. If the BOC departmental website, webpage or social media site serves as a mechanism for communication between the public and the department the following guidance shall be followed:
 - i. The department will remove any postings containing confidential personal information or infringing on copyrights, trademarks or other intellectual property where permission for use has not been granted by the property holder.
 - ii. The department reserves the right to remove any material appearing to be spam, malware or other material potentially harmful to County property.
 - iii. The department reserves the right to remove content that includes vulgarity, personal attacks and content that discriminates or harasses on the basis of race, color, religion, sex, age, national origin, disability, military status, genetic testing, sexual orientation, gender identity or expression or other intrinsic personal characteristics.
 - iv. Statements advocating illegal activity or advertising commercial products, or services will not be tolerated and are also subject to removal.
 - v. The department reserves the right to remove content that is inflammatory in nature or creates a personal attack against another member of the public or a member of the department.
- f. The list of potentially prohibited items contained in this policy is not exclusive. The department may remove any content that defames or disseminates false information. Repeated postings of content that violates the standards established in this policy may lead to the blocking or banning of offending parties.

6) Public Records & Retention

- a. The department maintaining the site shall determine if the information placed on the social media site constitutes a public record according to O.R.C. 149.43. If deemed to be a public record, the department must determine if the information is the primary “official” record or secondary copy. If the information is duplicated elsewhere, it is a secondary copy. If the information is the primary record, the information must be kept in accordance with the department’s records retention and disposition policy.
- b. The department maintaining the site shall establish or modify an existing retention schedule to identify social media records (primary and secondary copies) and the retention thereof.
- c. Records in social media sites must be copied or otherwise captured and maintained with related records, unless the site has a record management application that can manage the records throughout its lifecycle. Non-record content consisting of duplicate information which is maintained as original copies in other department recordkeeping systems and transitory records do not need to be archived and may be deleted when no longer needed.
 - i. The Department Director shall determine how frequently information is captured and how the information will be captured. When necessary, the Department Director should work with Portage County Information Technology Services to determine the best format to capture the department’s social media content.
- d. Departmental needs may affect which social media capture method is used. Once the department determines the capture method, they must provide training to applicable staff on how and when to use capture tools for social media.
- e. The department maintaining a site shall preserve records in an organized and accessible manner for the duration of the relevant records retention period.
- f. All public records requests in relation to the social media site, and all questions related to such public records, must be forwarded to the BOC or BOC departmental director/designee. Records

requests made through social media will be handled and managed according to the Portage County Board of Commissioners' Public Records Policy (Section 30) and the Ohio Sunshine Laws.

- g. Since everyone may not be familiar with the Public Records Law it is required to include a disclosure statement on the department's site/profile page indicating that all communications via social media may be monitored and can be requested. The statement should read "Representatives of Portage County [insert department] communicate via this social media platform, consequently any communication, whether by government employee or member of the general public, may be subject to Ohio's Public Records Law.
- h. In the event information must be deleted, the department will capture a screen shot or PDF of the content and save it electronically. The department will also maintain an electronic document with a description of why the content was removed and the individual that authorized its removal. The deleted content file will be maintained with related records consistent with the department's records retention policies, both for primary and secondary copies.

7) Account Wind Down and Closure

- a. The BOC shall have the discretion to temporarily or permanently disable or terminate a county or department website, webpage, or social media forum or account within their realm of authority at any time.
- b. Prior to temporarily or permanently disabling or terminating an account, the department must post a message/statement on the account or profile stating the reason for disablement/deletion at least five (5) business days prior to completing the disablement/deletion. The message/statement should include instructions on how individuals can request previously posted information via a public records request.
- c. All content posted as of the scheduled disablement/deletion date must be documented and maintained in accordance with the department's records retention policy. Content should be maintained in an accessible format so that it can be produced in response to a public records request.
- d. Public records requests after the site is disabled/deleted should be forwarded to the BOC or Department Director.
- e. In the event of a declared emergency the BOC may suspend this rule and have a website, webpage or social media forum or account removed from service, however, every attempt shall be made to retain all information posted.

J. VIOLATIONS

- 1) Portage County reserves the right to use content management tools to monitor, review or block content that violates this policy and other County policies and procedures.
- 2) Any unauthorized or improper use of County computer equipment, software, e-mail services or the Internet is not acceptable and will not be permitted. Improper use of County communication systems and equipment will result in discipline, up to and including discharge. Improper use includes any misuse as described in this policy as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, or sexually suggestive uses of written, recorded, or electronically transmitted messages.
- 3) Employees who discover a violation of this policy shall immediately notify their supervisor or the Human Resources Department.
- 4) The County also reserves the right to advise appropriate officials of any illegal activities.
- 5) This policy does not apply to communications protected by the U.S. or Ohio Constitutions.

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COMPUTER SAFETY AND SECURITY

SECTION 12

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. COMPUTER SYSTEM

- 1) Employees are not to publish on or over the system, any information that violates or infringes upon the rights of any other person, or any information which would be abusive, profane or sexually offensive to an average person or one who the sender knows has a predisposition to respond.
 - a. The system shall not be used to harass or disparage management or others.
 - b. Employees are not to publish any advertising or solicitation of other employees to use goods or services.
 - c. Employees are not to use the facilities and capabilities of the system to conduct any business, or to solicit the performance of any activity that is prohibited by law.
 - d. Employees will not seek to benefit personally or permit others to benefit personally, or to reveal any confidential information that has come to them by virtue of their position in the County.
 - e. The County does not condone the use of objectionable materials. Employees, therefore, specifically must not submit, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal materials. Use of the system is subject to the provisions of the Harassment Free Workplace Policy.
 - f. Employees will not encourage the use, sale, or distribution of controlled substances via the computer. Transmission of material, information, or software in violation of any local, state or federal laws is also prohibited.
 - g. Each employee is responsible for the content of all text, audio or images that he places on or sends over the County's e-mail or Internet system.
 - h. Employees may not hide their identities or represent that any e-mail or other electronic communications were sent from someone else or someone from another organization or entity. Employees must include their name in all messages communicated on the County's e-mail or Internet system.
 - i. Employees agree to indemnify the County of any losses, costs, or damages, including attorney fees incurred relating to or arising out of any violation of this policy by the employee.

B. COMPUTER HARDWARE / SOFTWARE AND DATA

- 1) It is the responsibility of each employee to ensure that software and hardware computer resources owned, leased by or licensed to the County are properly secured and controlled.
- 2) No employee may misuse their authority over any such computer resources.
- 3) No employee may reproduce or make personal use of proprietary software purchased by and licensed to the County.
- 4) No employee may use the County's computer resources for private purposes except as provided in Section 11 – Online Conduct/Internet Use.
- 5) No software, data or information may be removed from the County premises in the form of tape, diskette, print or other media, unless the removal is related to County business.
- 6) All computer software, data and information relating to the conduct and operation of the County are considered proprietary information belonging to the County and cannot be appropriated, altered, sublicensed, copied or used for other than County business.
- 7) No employee shall disclose County information to others without written permission from the Board of Commissioners/County Administrator.

- 8) Personal account passwords are regarded as confidential and may not be given to others. Providing access to another individual, either deliberately or through failure to secure its access, is prohibited. Any suspected loss or misuse of passwords is to be reported immediately to the Board of Commissioners/County Administrator or the appropriate system administrator.

C. LICENSED SOFTWARE / COPYRIGHTED MATERIAL

- 1) No employee shall install, upload or download any software on County equipment without the expressed written consent of the Automatic Data Processing Board and Board of Commissioners.
- 2) Copyrighted and trademarked materials that do not belong to the County must not be placed on any system. Employees may not copy, retrieve, modify or forward copyrighted and trademarked materials except with permission. All copyright laws must be observed.

D. VIOLATIONS

- 1) Any unauthorized or improper use of County computer equipment, software, data, or passwords is not acceptable and will not be permitted. Improper use will result in discipline, up to and including discharge.

DRIVER ELIGIBILITY STANDARDS

SECTION 13

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. NEW HIRES

- 1) The HR Generalist shall verify the validity of an applicant's driver's license and compliance with Sections E-1 and E-2 of this policy before an offer of employment is made for a position that requires, as a condition of employment, the possession of a valid driver's license.

B. CURRENT EMPLOYEES

- 1) The HR Generalist shall verify the validity of the driver's license of any county employee required to drive in the course of employment by reviewing the State's Motor Vehicle Registration Records, as well as compliance with Section E-1 of this policy. The County's insurance carrier (CORSAs) provides ongoing monitoring of all driving records entered in the system. At any time, a driving record may be reviewed and this policy will be applied.

C. SUPERVISOR'S VERIFICATION REQUIREMENTS

- 1) Employees may not drive vehicles for county business without the prior approval of their supervisor or Department Director. Before approving a driver, each supervisor must check with the HR Generalist to ensure that the employee has been pre-approved to drive on county business.

D. EMPLOYEE'S NOTIFICATION AND REPORTING REQUIREMENTS

- 1) An employee approved to drive on county business is required to inform the supervisor or Department Director and the HR Generalist of changes that may affect either the employee's legal or physical ability to drive, or continued insurability under the County's insurance policy.
 - a. Employees must report any accident, whether at fault or not and all traffic citations for moving violations or DUI/OVI related offenses on the County Incident Report Form as soon as possible, but no later than the end of the employee's next scheduled working day. This requirement applies to both on-the-job and off-the-job occurrences. (See part F(1) of this section.)
 - b. Failure to do so could result in denial of coverage under the County's insurance policy and could affect any employee immunity provided under ORC §2744.
 - c. Failure to do so may result in discipline up to and including discharge.

E. INELIGIBLE EMPLOYEES

- 1) An employee who has been convicted of, pled guilty to or pled no contest to a moving violation due to a violation of Ohio Revised Code 4511.19 [Operating vehicle under the influence of alcohol or drugs (OVI)], its equivalent or a substantially similar law of this State or any other State within the last three years is prohibited from driving a county vehicle.
- 2) An employee who has been convicted of three or more moving violations within the last three years is prohibited from driving a county vehicle.
- 3) An employee who is ineligible to drive a county vehicle will not be permitted to use a personal vehicle to perform job duties. *Court appointed driving privileges does not qualify an employee to operate a County vehicle.*
- 4) Any employee who is an ineligible driver and chooses to operate either a County vehicle or a personal vehicle for county purposes may be discharged.

F. CONDITIONAL REINSTATEMENT OF DRIVING PRIVILEGES

- 1) If an employee is ineligible because of moving violations only, an employee may have their driving privileges restored on a conditional basis by successful completion of a county approved driver (re)training program.

- a. This provision only applies for drivers who are ineligible due to moving violations. Ineligibility due to DUI, suspension or any other reason does not qualify for conditional reinstatement. Court appointed driving privileges does not qualify an employee to operate a county vehicle.
 - b. The (re)training program may consist of the CORSA online Defensive Driving program or must be a professionally administered program and must be approved by the County's HR Generalist prior to the starting date.
 - c. Written proof of successful completion by the professional training organization or Certificate of completion from the online course must be provided timely.
 - d. Associated costs for the (re)training program, including attendance, are at the expense of the employee.
 - e. The County reserves the right to deny conditional reinstatement even upon completion of the (re)training program.
- 2) Administration of Item F of this section is through the Human Resources Department, by the HR Generalist.
 - 3) Conditional reinstatement is only available to an employee once in any three-year period. The reinstatement period is concurrent with the training completion date.
 - 4) Any reinstatement of driving privileges under part F of this section is conditional in nature and may be withdrawn at any time.
 - a. Any new conviction for a moving violation will immediately terminate the conditional reinstatement regardless of the current number of moving violations.

G. MINIMUM INSURANCE REQUIREMENTS FOR PERSONAL VEHICLES

- 1) Any employee utilizing a personal vehicle for county purposes must provide the County with a current proof of insurance that meets the minimum requirements of Ohio law. Proof of financial responsibility must be maintained continuously throughout the registration period with respect to that vehicle, or, in the case of a driver who is not the owner, with respect to that driver's operation of that vehicle.

Ohio law currently requires:

- a. \$ 25,000/50,000 Bodily Injury Liability
 - b. \$ 25,000 Property Damage
- 2) Failure to provide such proof will result in the denial of reimbursement and the suspension of the employee's right to utilize a personal vehicle for county purposes.

TRAVEL AND EXPENSE REIMBURSEMENT

SECTION 14

EFFECTIVE: 12/16/2021
RESOLUTION: 21-0924

A. GENERAL

- 1) County employees may be entitled to reasonable reimbursement for expenses incurred while traveling on official County business. In order to seek reimbursement, all expenses must be approved in advance by the employee's Department Director or designee and/or the Board of Commissioners by completing the Request for Authorization Expense form. For meetings and conferences, request forms must be completed and submitted to the Board of Commissioners/County Administrator in advance of the meeting/conference date with a copy of the meeting/conference details attached and the names of all County personnel attending. This provision applies equally to elected officials, Department Directors, employees, and board members.
- 2) Department Directors' travel is at the discretion of the Director and reimbursement is at the justification of the Board of Commissioners/County Administrator.
- 3) The Request for Authorization Expense form can be found in the employee's department or by contacting Portage County Internal Services Department.

B. TRAVEL

- 1) Mileage, Parking and Tolls:
 - a. A County car (if assigned to a specific department), rental car or an employee's personal car may be used for approved county travel.
 - b. IN-COUNTY TRAVEL: For all in-county travel, an employee must use their own personal car for travel, unless the department has an assigned county car and it is available for travel.
 - i. If an employee's personal car is used, actual total mileage should be reported and will be reimbursed at the prevailing Internal Revenue Service's Standard Mileage Rate (AAA mileage will be used to verify questionable mileage reimbursement requests). This rate will be reviewed each year and adjusted at that time to match the Internal Revenue Service's Standard Mileage Rate established for the year ahead.
 - ii. Any change in rate will take effect January 1 of each year. Such payment is considered to be a total reimbursement for all vehicle related expenses (e.g. gas, oil depreciation, etc.).
 - iii. Mileage reimbursement is payable only to one (1) employee if two (2) or more employees are traveling on the same trip and in the same automobile.
 - iv. Employees required to operate a personal car on authorized County business must ensure that such vehicle is properly insured, and proof of insurance is provided according to Section 13(G).
 - c. OUT-OF-COUNTY TRAVEL: For out-of-county travel, the type of vehicle used for travel will be at the discretion of the Department Director and employee. Reimbursement may be authorized for a car rental if the car rental is more economical than any other mode of transportation and/or mileage reimbursement, or if the destination is not easily accessible by any other available mode of transportation.
 - d. Charges incurred for parking at the destination, and any highway tolls are reimbursable at the actual amount. Receipts for parking costs and highway tolls are required.
 - e. No expense reimbursements are paid for travel between home and office.
 - f. Mileage reimbursement for approved travel will be based on the actual total mileage from the lesser of the mileage from a) employee's residence or b) the employee's place of business to the place of interest. Special circumstances to this rule shall be discussed with and approved by the Board of Commissioners/County Administrator prior to travel.
- 2) Common Carrier:
 - a. Reimbursement for travel by air, rail, bus, or other common carrier shall not exceed the cost of coach fare or the economy rate in the chosen method of travel.
 - b. The employee shall be personally liable for any charges assessed due to his/her failure to cancel reservations within the time limit specified by carriers, unless the failure is due to circumstances beyond his/her control.

- c. Expenses claimed under this section must be supported by an original receipt.
- d. Frequent flyer credits earned by County employees for travel on County business cannot be used for personal travel. These credits must be applied towards future County travel or must be forfeited.

C. MEALS

- 1) Each expense voucher submitted will be reviewed for accuracy and completeness of documentation before payment is made. Expense vouchers are to be submitted within one month of the last date of travel for each trip out of the County.
- 2) If an employee attends a conference, workshop, or seminar where a meal is being served as a part of the cost of attending the event, and he or she chooses to forgo the pre-paid meal and eat elsewhere, the employee will be responsible personally for all costs incurred, including the cost of the substituted meal, related travel expense, and gratuities.
- 3) Before traveling, the employee should review the maximum per diem rates schedule located on the U.S. General Services Administration (GSA) website at <https://www.gsa.gov/> to determine the maximum reimbursements allowed for the primary destination .
- 4) The cost of meals, including tax and gratuity, will be reimbursed up to the daily total amount listed on the GSA website for the primary destination. The “daily total amount” for meal reimbursement is defined as the dollar amount listed as the “M&IE Total” column minus \$5.00 for incidental expenses. Incidental expenses are not included in reimbursements.
- 5) An employee must be away at least 4 hours for any meal costs to be reimbursed.
- 6) Reimbursement for meals is only for meals not included in the registration and/or lodging accommodations. If breakfast, lunch or dinner is included in the cost of the conference, workshop, or seminar, the amount(s) designated for meal reimbursement(s) according to GSA are not reimbursable and will be deducted from the allowed daily total amount.
- 7) The total reimbursement for the meal plus gratuity (not to exceed 20% of the total cost of the meal) and tax should not exceed the daily allowable reimbursement.

D. OVERNIGHT EXPENSES

- 1) Hotel/motel bills for approved travel will be paid as submitted on an original invoice or receipt. Travel requests should be approved by the Appointing Authority prior to the date of travel. The Board of Commissioners/County Administrator reserves the right to authorize additional employee reimbursement due to inclement weather or another emergency.
- 2) When at all possible, employees should use a warrant for paying the hotel directly and include a tax exemption form, so as to save the County the cost of state sales tax.
- 3) No reimbursement will be made for lodging:
 - a. Within the county wherein the employee’s headquarters is located;
 - b. Within the employee’s county of residence;
 - c. For the night prior to the meeting or conference unless the meeting or conference is greater than one hundred (100) miles from the locations listed in (a) and (b) and the meeting or conference is scheduled to start prior to 10:00 am.

E. RECEIPTS

- 1) Original, itemized receipts, including method of payment, are required for all reimbursable authorized expenses.

F. NON-REIMBURSEABLE EXPENSES

- 1) Non-reimbursable expenses include:
 - a. Alcoholic beverages
 - b. Laundry
 - c. Entertainment/Movies
 - d. Tips, other than for meal service, or tips greater than 20% of the total cost of the meal

- e. Personal telephone calls, except for calls that:
 - i. Announce to the employee's family his or her safe arrival at the destination;
 - ii. Pertain to family emergencies;
 - iii. Report to the employee's family any uncontrollable changes in travel plans, or delays to the traveler caused by weather or other unforeseen circumstances.
- f. Any other incidental expenses.

G. EXCEPTIONS

- 1) The Board of Commissioners/County Administrator recognizes that there may be times when an employee will not be able to adhere to the dollar limit set in this policy. In such cases, the Board of Commissioners/ County Administrator will review the circumstances surrounding the excess requested for approval and make a decision as to whether some or all of the excess will be approved.

H. CONFERENCES

- 1) An employee attending a conference and seeking reimbursement for expenses will be required to submit a copy of the full agenda with the request for reimbursement.

DISCIPLINE

SECTION 15

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. TENURE IN SERVICE

- 1) No employee in the classified civil service, upon completion of his probationary period, shall be disciplined other than for just cause.
 - a. Classified employees may be reduced in pay or position, fined, suspended, or removed from their job or have the employee's longevity reduced or eliminated for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any workplace policy of the appointing authority, work rules, any other failure of good behavior including a violation of the Ethics of County Employment Policy, any other acts of misfeasance, malfeasance, nonfeasance in his job, or conviction of a felony.
 - b. The denial of a one-time pay supplement or bonus is not a reduction in pay for purposes of this section.
 - c. Employees in the unclassified service serve at the pleasure of their appointing authorities and may be removed at any time for any reason not inconsistent with law.

B. RECOMMENDED MEANS OF CORRECTIVE ACTION OR DISCIPLINARY ACTION

1) Coaching

Informal feedback on issues as they arise. Coaching clarifies expectations of performance, addresses discrepancies between the expected and actual performance and increases the opportunities for success with employees.

2) Performance Improvement Plan (PIP)

A PIP is a tool to give an employee with performance deficiencies the opportunity to succeed. It may be used to address failures to meet specific job goals or to amend behavior-related concerns.

3) Counseling and Verbal Warning

A supervisor/manager verbally counsels an employee about an issue of concern and a written record of the discussion in the form of a memo or a department approved disciplinary document are placed in the employee's personnel file for future reference.

4) Written Warning

Written warnings are used for violations that a supervisor/manager considers serious in nature, or in situations when a verbal warning has not corrected the unacceptable behavior. Written warnings, in the form of a memo, or department supplied document, are placed in the employee's personnel file for future reference.

5) Suspension

a. Without Pay:

i. Employment is suspended for a period of time without pay. The employee does not report to work. Dates of suspension are decided by employee's management.

b. With Pay:

i. Employment is suspended for a period of time with pay. The employee still reports to work. Dates of suspension are decided by employee's management.

6) Final Warning and Last Chance Agreement (LCA)

An employee may be given a final warning and presented with a Last Chance Agreement. The LCA will detail the necessary improvements, as determined by the employee's immediate supervisor, which need to be made by the employee. The LCA will last for a predetermined amount of time. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct, attendance and/or work requirements as specified in the LCA. At the end of the conclusion of the time period, if the established goals are not met, it may be determined that the employee has failed to meet the terms of the LCA and termination may occur.

7) Recommendation for Termination

Management reserves the right to combine and skip disciplinary steps depending on the circumstances of each situation and the nature of the offense and recommend termination without prior disciplinary action.

C. PRE-DISCIPLINARY HEARING PROCEDURES

- 1) The Board of Commissioners/County Administrator or their designee shall impose disciplinary action as appropriate. Before imposing a reduction in pay, reduction in position, fine, suspension, or removal on a classified civil service employee, the Board of Commissioners/County Administrator or their designee shall consult with the Human Resources Director regarding a pre-disciplinary meeting with the employee. The purpose of the pre-disciplinary meeting is to explain the charges against the employee and to permit the employee the opportunity to respond to the charges
- 2) Prior to the pre-disciplinary meeting, the Board of Commissioners/County Administrator or their designee shall provide the employee with a brief summary of the allegedly improper conduct that is the subject of the disciplinary charges. Generally, this information will be provided to the employee at least twenty-four (24) hours before the pre-disciplinary meeting.
- 3) The employee has the right to be accompanied at the pre-disciplinary meeting by one chosen representative. At the pre-disciplinary meeting, the employee has the right to:
 - a. Appear at the conference and present an oral or written statement in response to the charges;
 - b. Appear at the conference and have a chosen representative present an oral or written statement in response to the charges; or,
 - c. Elect to waive the opportunity to have a pre-disciplinary meeting. Failure to attend a scheduled pre-disciplinary meeting will be considered a waiver of the opportunity to have a pre-disciplinary meeting.
- 4) The pre-disciplinary meeting will be scheduled as promptly as possible by the Board of Commissioners/County Administrator or their designee. The Human Resources Director or designee will serve as the Hearing Officer for the pre-disciplinary hearing. The Hearing Officer may impose reasonable rules as to the length of the pre-disciplinary meeting and the conduct of the participants. The Hearing Officer, Board of Commissioners/County Administrator or their designee and/or the employee or his representative may tape-record the pre-disciplinary meeting. The employee does not have the right to call, confront, or cross-examine witnesses. The Hearing Officer may prepare a written report after the pre-disciplinary meeting concluding whether the alleged conduct occurred. If such a report is prepared, it will be provided to the employee and Department Director/designee.
- 5) If the Board of Commissioners/County Administrator or their designee determines that the employee's continued employment prior to the meeting poses a danger to persons or property or a threat of disrupting operations, the Employer may place the employee on administrative leave with pay pending the conclusion of the disciplinary procedure.
- 6) Upon completion of the pre-disciplinary meeting, the Board of Commissioners/County Administrator or its designee shall determine the appropriate discipline, if any. The employee will be notified of the disciplinary action in accordance with law. The County adheres to the principles of progressive discipline with respect to classified employees. However, certain offenses are serious enough to warrant immediate suspension or removal without regard to previous reprimands or discipline.
- 7) When imposing a reduction in pay or position; a suspension of more than twenty-four or more work hours, in the case of an employee who is non-exempt for purposes of the Fair Labor Standards Act (FLSA), or forty or more work hours, in the case of an exempt employee; a fine in excess of twenty-four or more hours' pay, in the case of a non-exempt employee or forty or more hours' pay, in the case of an exempt employee; or removal, on a classified employee, the Board of Commissioners or its designee shall sign a written order of reduction, suspension or removal.
 - a. The order shall state the reasons for the disciplinary action or removal.
 - b. The Board of Commissioners or its designee shall furnish a copy of the order to the employee and shall file a copy of the order in accordance with law.

D. ALLEGED CRIMINAL ACTIVITY

- 1) The filing, prosecution, or disposition of criminal charges against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action, if any, under this policy. The Board of Commissioners/County Administrator or its designee shall investigate the employee's alleged

misconduct or activities and determine the appropriate discipline, if any, without regard to whether criminal charges are pending. The disposition of criminal charges shall be independent of the disciplinary investigation and shall not affect either the decision to take disciplinary action or the appropriateness of the action taken.

- 2) The Board of Commissioners/County Administrator may, in its discretion, place an employee on administrative leave without pay for a period not to exceed two months, if the employee has been charged with a violation of law that is punishable as a felony. The employee shall be given the option of using accrued unused vacation leave prior to being placed on unpaid administrative leave. If the employee subsequently does not plead guilty to or is not found guilty of a felony with which the employee is charged or any other felony, the Board of Commissioners/County Administrator shall pay the employee at the employee's base rate of pay, plus interest, for the period the employee was on the unpaid administrative leave. Interest will be based on the quarterly interest rate provided by the Internal Revenue Service to compute back pay.

E. APPEALS PROCESS

- 1) For non-exempt employees, an order of suspension of more than twenty-four (24) hours or dismissal may be appealed to the State Personnel Board of Review according to its rules and regulations. For exempt employees, an order of suspension of more than forty (40) hours or dismissal may be appealed to the State Personnel Board of Review according to its rules and regulations. Members of a certified bargaining unit may access the grievance procedure provided in the applicable collective bargaining agreement.

F. RIGHTS AND RESPONSIBILITIES

- 1) The Board of Commissioners/County Administrator or its designee has the right to investigate alleged disciplinary violations.
 - a. All employees are required to cooperate during investigations.
 - b. Failure to cooperate in an investigation will result in discipline up to and including discharge.

DRESS CODE

SECTION 16

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. GENERAL

- 1) All employees of Portage County shall project a professional appearance and maintain proper personal hygiene. Generally, attire should be neat and clean. Supervisors shall be responsible for the uniform and consistent application of the dress code policy. Decisions of inappropriateness are at the discretion of the Department Director and/or Board of Commissioners/County Administrator.
- 2) Employees may wear county inspired clothing with the approved Portage County logo at the discretion of the Department Director and/or Board of Commissioners/County Administrator.

B. VIOLATIONS OF POLICY

- 1) In cases involving a minor disregard of this policy, the employee will be verbally advised of the problem with the expectation of no further reoccurrences.
- 2) In cases of flagrant violations of this policy, the employee may be required to leave the worksite, change to proper dress and return to the office in a timely manner. Employees will not be paid for the time they are away from work changing clothes.
- 3) Continued disregard of this policy will result in disciplinary action.

HOURS OF WORK

SECTION 17

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. DEFINITIONS

- 1) "Compensatory Time" means accrued paid leave that is earned and recorded in lieu of receiving compensation for overtime work.
- 2) "Compensatory Time Off" means paid leave compensated by use of accrued Compensatory Time.
- 3) "Exempt" or "exempt employee" means an employee exempt from the overtime compensation requirements of the Fair Labor Standards Act ("FLSA"), 29 USC §201 *et seq.*
- 4) "Full-time employee" means an employee having a regular schedule of 40 hours of work per week.
- 5) "Part-time employee" means an employee having a regular schedule less than 40 hours of work per week, or whose work hours are variable.
- 6) "Part-time benefits-eligible employee" means an employee having a regular schedule of at least 30 but less than 40 hours of work per week, or a part-time employee with variable hours that averages, or likely will average at least 30 hours of service per week or 130 hours of service per month during the applicable measurement period chosen by the County pursuant to 26 CFR §54.4980H-3.

B. REGULAR WORK HOURS

- 1) The Board of Commissioners/County Administrator will establish the scheduled work hours for each department or office, according to the nature of the work, work practices and any applicable collective bargaining agreement.
- 2) The Board of Commissioners/County Administrator, when acting as the appointing authority or co-appointing authority, will designate each position and incumbent employee as full-time, part-time, or part-time benefits-eligible, and exempt or non-exempt.
- 3) Non-exempt employees shall not work outside of their regularly scheduled hours unless authorized to do so in advance by their supervisor or in emergency situations.
- 4) Employees shall receive reasonable notice of any change in regular work hours when practicable.
- 5) Employees may be entitled to a paid or unpaid lunch period as determined by the Board of Commissioners/County Administrator.
 - a. Non-exempt employees who receive an unpaid lunch period shall not work during their lunch period except with the approval of their supervisor or in emergency situations.
 - b. Employees may also be entitled to paid breaks during their workday as determined by the Board of Commissioners/County Administrator. Breaks may only be taken if the workload permits.

C. ABSENTEEISM AND TARDINESS

- 1) Employees are expected to be present and ready to work at their scheduled starting times. Supervisors will document instances of employees arriving late. Tardiness shall be grounds for discipline, up to and including discharge.
- 2) An employee who is absent for a scheduled workday without approved leave may be subject to discipline, up to and including discharge.
- 3) Non-exempt employees shall not receive pay for any period of an unauthorized absence.

- 4) Employees who fail to report to work for three or more consecutive workdays without notifying their Department Director or supervisor shall be considered to have abandoned their positions and shall be subject to discipline, up to and including discharge.

D. OVERTIME

- 1) Overtime may be necessary and required.
 - a. Supervisors shall attempt to distribute overtime as equally as practicable among qualified employees within those classifications for which overtime is required.
 - b. An employee who refuses to work a mandatory overtime assignment may be considered insubordinate and be disciplined accordingly.
- 2) Non-exempt employees shall be considered to be working overtime for all hours actually worked in excess of forty (40) in any one work week, unless otherwise provided for in FLSA.
 - a. Only hours the employee actually performs work shall be considered "hours worked" for purposes of overtime compensation. Sick leave, vacation leave, personal days, compensatory time off, paid and unpaid meal breaks, and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation.
 - b. Holidays shall be considered hours worked for purposes of calculating eligibility for overtime.
- 3) Overtime shall be compensated at a rate of one and one-half times the employee's regular rate of pay for actual overtime worked.
- 4) Non-exempt employees may earn compensatory time in lieu of cash overtime pay.
 - a. Compensatory time will be awarded in lieu of overtime payment only upon request and consent of the employee before the overtime work is performed.
 - b. Compensatory time is accrued at the rate of 1½ hours of time per hour of overtime worked.
 - c. No employee shall accrue and have on the books more than two hundred forty (240) hours of accrued compensatory time. If a request to earn compensatory time in lieu of overtime would exceed this limit, the excess will be paid as overtime compensation.
 - d. Compensatory time earned in any pay period must be used within one hundred eighty (180) days of that pay period. A request to use compensatory time off shall be granted by the employee's supervisor subject to the operational needs of the department.
 - e. Compensatory time is to be used prior to taking vacation leave. Use of compensatory time-off shall be deducted from the oldest time accrued on the record.
 - f. Compensatory time not used within one hundred eighty (180) days of its accrual will be cashed out at the employee's then-current rate of pay.

E. FLEXTIME

- 1) Flextime is an authorized absence from work during normal work hours that is redeemed by work outside of the employee's normal work hours. Alternatively, flextime may be extra work on a given day or days, outside the employee's normal work hours, that is compensated by an authorized absence from work of equal duration during the normal work hours. Extra hours worked beyond a regularly scheduled workday must be flexed out within the timeframe according to the employee's classification below.
- 2) The purpose of flextime is to provide flexibility to an employee's regular work schedule due to the needs of the employee and/or the department. A flextime event requires advance approval of management and consent of the employee. An employee may choose flextime to compensate the employee for work that would otherwise be paid at the employee's overtime rate. However, under all circumstances, flextime shall be compensated only hour-for-hour. No non-exempt employee will be required to accept flextime in lieu of overtime.
- 3) Prior to approving flextime, the supervisor must determine that the flextime will not interfere with the normal operation of the department and will not result in the need to authorize overtime for another employee. The supervisor and the employee shall mutually agree to the time that the employee will flex out. Flextime does not reduce the number of work hours required in a given week by an employee.

- 4) Flextime is intended to be used for occasional situations. No Department Director or supervisor shall approve flextime as a standing work schedule (as determined by the Board of Commissioners/County Administrator in Part B of this section), or for multiple work weeks beyond the next following work week; provided, however, that the Board of Commissioners/County Administrator may consider a long-term flextime schedule for employees with particular hardships if the flextime schedule will not negatively affect departmental operations.
- 5) Hours working from home outside of regular schedule are not eligible for flex time, unless said hours are required to respond to a county-related incident.

NON-EXEMPT CLASSIFIED EMPLOYEES

- 1) Extra hours worked beyond a regularly scheduled workday must be flexed out within the same workweek for non-exempt, classified employees. The workweek is defined by the applicable collective bargaining agreement or personnel policy. No flextime schedule will be approved requiring more than 40 hours of actual work in a work week for non-exempt employees. Scheduling of time off will be subject to departmental staffing needs.
- 2) All requests for the utilization of flextime must be approved by the Department Director or employee's immediate manager/supervisor prior to the commencement of an absence from work or extra work outside normal work hours. Should non-exempt employees choose not to flex their schedule, Section 17(D) – Overtime will be followed.

EXEMPT CLASSIFIED EMPLOYEES

- 1) Exempt employees who work in excess of a scheduled work day, is called back to work after departing for the day or is called in on weekend or holiday, may take flex time to compensate the employee for the time spent at work outside of normal business hours. The dates and times of such events for exempt employees will be flexed out within two (2) weeks of the flex event. Scheduling of time off will be subject to departmental staffing needs.
- 2) All requests for the utilization of flextime must be approved by the Department Director prior to the commencement of an absence from work. When possible, extra work outside the normal work hours shall be approved by the Department Director prior to the commencement of the work. The time spent on such after-hours assignments will be kept and reported to the director/designee the next business day. The Department Director has the discretion to request a work log showing the hours worked and work accomplished from exempt classified employees prior to approving flextime.
- 3) Flex events for exempt employees that are not reported to the Department Director the next business day will be waived.
- 4) Exempt classified employees are to work the extra hours to make up the authorized absence in the office, unless otherwise determined or approved by the Department Director.

EXEMPT UNCLASSIFIED EMPLOYEES

- 1) Department Directors are an example of exempt unclassified employees. Directors are expected to work the hours necessary to complete the job duties assigned by his/her job description.
- 2) Directors are permitted to take time off during a regular shift in an amount equal to the excess hours worked in the office on a previous shift as a result of completing the assigned job duties, at their reasonable discretion. Flex hours are not to be banked.
- 3) Department Directors report directly to the County Administrator. As such, a courtesy notification of flex time usage shall be provided to the County Administrator.

F. LACTATION BREAKS

- 1) Upon request, employees who are nursing will be provided with a reasonable amount of unpaid break time for purposes of expressing breast milk for up to one year after the birth of a child. The employee will be provided an appropriate space (such as an office or private area but not a bathroom) that is shielded from view and free from intrusion from co-workers and members of the public.

- 2) Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee, and as long as providing such break time does not unduly disrupt operations. To the extent additional time is needed, such additional time shall be unpaid. Employees will not be retaliated against for exercising their rights under this policy. Employees should make arrangements with their supervisor.

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PAYROLL DEDUCTIONS

SECTION 18

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. GENERAL

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

B. OPERS

- 1) Membership in the Ohio Public Employees Retirement System (OPERS) is compulsory upon being employed, with the exception of those employees specifically exempted under the provisions of ORC §145.03. State law requires that employees contribute to OPERS, rather than Social Security.
- 2) The current rate of deduction for OPERS is at the discretion and control of OPERS.
- 3) Some deductions may be eligible for tax deferral. Employees should speak with their Department Director or the Human Resources Department for more information.

C. INCOME TAX

- 1) Federal and state laws, and some local ordinances, require that taxes be withheld from wages. Employees are required to complete withholding tax certificates (W-4) upon initial employment and to inform the payroll office of any exemption changes whenever they occur.

D. MISCELLANEOUS

- 1) Other deductions may include the cafeteria plan, deferred compensation, garnishments, child support, credit union, and other approved deductions.
- 2) All requests for voluntary payroll deductions must be presented to the Board of Commissioners for authorization. The Portage County Auditor may refuse to make deductions, not required by law, which are below certain prescribed minimum amounts, or at irregular intervals, or for other cause, which the Portage County Auditor deems not in the best interests of the County.

INSURANCE BENEFITS

SECTION 19

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. ELIGIBILITY

County employees who are considered full-time may be eligible for County health insurance benefits. Employees should refer to the health insurance booklet or current addendum for health benefit information. The County reserves the right to modify the health insurance coverage currently in effect and/or to modify employee premium contributions at any time.

An employee is considered benefits-eligible if he or she is full-time or part-time and has a regular schedule of at least 30 but less than 40 hours of work per week, or variable hours that average at least 30 hours of service per week or 130 hours of service per month during the applicable measurement period chosen by the County pursuant to 26 CFR §54.4980H-3.

Health benefits are only for eligible employees in a paid status unless covered by a qualifying FMLA.

EMPLOYEE PERFORMANCE

SECTION 20

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. PERFORMANCE EVALUATIONS

- 1) The Board of Commissioners shall assure that all probationary employees are evaluated at least once during their probationary period. A probationary evaluation is required to be completed in order for the employee to receive a probationary increase, if warranted, according to the Compensation Plan Structure and Administration Manual.
- 2) Annual performance evaluations are required to be completed on all employees in order to receive any step increase according to Compensation Plan Structure and Administration Manual. If an employee receives an Unsatisfactory rating, or the lowest rating, on the performance evaluation, he/she will not be eligible to receive a step increase on their anniversary date. A review of the employee's performance will be required via a Performance Improvement Plan (PIP). Upon review of the PIP and if an employee successfully completes a PIP, the step increase will be considered 3-6 months after the employee's anniversary date.
- 3) Each supervisor shall complete a written performance evaluation on probationary and non-probationary employees. Each supervisor shall review and discuss the performance evaluation with the employee. The employee shall sign a copy of the performance evaluation, acknowledging that a review was conducted. The employee shall receive a copy of the performance evaluation and may submit a written response which will be attached to the evaluation
- 4) Daily, informal exchanges between all probationary and non-probationary employees and their supervisors regarding job performance are encouraged. Immediate feedback discussions provide feedback to an employee, either to reinforce a positive behavior or prevent undesirable behaviors.
- 5) Immediate feedback discussions are to be documented on a department-approved form or a form provided by the Human Resources Department. The employee shall sign the document, acknowledging the discussion occurred, and signed by the supervisor. The employee shall receive a copy of the discussion form. The documentation shall be placed in the employee's personnel file.

B. PERFORMANCE EVALUATION AND FEEDBACK TEMPLATES

- 1) Performance evaluation templates and feedback discussion templates shall be made available by the Human Resources Department, unless departments choose to develop their own templates.

VACANCIES AND PROMOTIONS

SECTION 21

EFFECTIVE: 5/5/2022
RESOLUTION: 22-0296

A. VACANCIES

- 1) The Board of Commissioners/County Administrator has sole discretion to determine when a vacancy exists. Vacant positions will be filled in accordance with state and federal law. When the Board of Commissioners/County Administrator determines that a vacancy should be posted, it will comply with the following procedures:
 - a. The Board of Commissioners/County Administrator may publicly announce the vacancy, by any appropriate means, for the purpose of recruiting qualified applicants. The opening will be posted on the bulletin board on the first floor of the Administration Building and in various locations throughout the County until the closing date as indicated on the job announcement.
 - b. Each announcement, insofar as practicable, shall specify the classification, title, summary of duties, minimum qualifications required, wage rate and the deadline for and method of application.
 - c. All applicants, including current employees, must complete and submit the required application form in the appropriate time frame before they will be considered for the position.
 - d. To be eligible for a promotion, an employee must have successfully completed the applicable probationary period.

B. PROBATIONARY PERIODS

- 1) Original Appointments:
 - a. All original appointments in the classified service shall be for a probationary period of one hundred and twenty (120) calendar days at a minimum, or up to one (1) year at the discretion of the employer, established for a specific job classification upon agreement by the Board of Commissioners/County Administrator.
 - b. No appointment is final until the probationary appointee has satisfactorily completed the probationary period. If the service of a probationary employee is unsatisfactory, the employee may be removed or demoted at any time during the probationary period without recourse.
- 2) Promotional Appointments:
 - a. All promotional appointments to the classified service shall have a probationary period equal to that of an original appointment within that classification. If the service of the promotional probationary employee is unsatisfactory, the employee may be demoted to the original position or to a similar position at any time during the promotional probationary period.

C. REHIRING RETIRED OPERS MEMBERS

- 1) County employees who take OPERS retirement may be rehired subject to the following:
 - a. Sixty days prior to rehire in the same job from which the employee retired, the Board of Commissioners must give public notice of the intent to rehire and then hold a public meeting on the issue between 15 and 30 days prior to the rehire beginning the job in accordance with ORC §145.381.
 - b. 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 as provided in Section 23.C, Vacation Leave. Per ORC §9.44, an employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state, any political subdivision of the state, or a regional council of government established in accordance with Chapter 167, of the Revised Code counted for the purpose of computing vacation leave.
 - c. If the employee requests payment of a portion of accrued sick leave in accordance with Section 23.A.14, Sick Leave Conversion, upon rehire he/she 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, excluding the Annual Sick Leave Cash Incentive program in Section 23(J).
 - d. If the employee does not elect sick leave conversion at the time of retirement, then he/she may retain the sick leave balance for use when rehired and continue to accrue and use sick leave as provided in

Section 23.A, Sick Leave, provided the employee is rehired within ten years of the date the employee retired. The employee will not be eligible for any payment of unused sick leave upon separation from the post-retirement employment, excluding the Annual Sick Leave Cash Incentive program in Section 23(J).

- e. Classified employees who are rehired subsequent to taking OPERS retirement will receive no credit for prior service, i.e., they 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 in the classified service.
- f. Employees rehired to the same job will be paid at the minimum of the applicable pay range. The Board of Commissioners/County Administrator reserves the right to start a rehired employee at a negotiated rate of pay.

TRANSFERS AND JOB ASSIGNMENTS

SECTION 22

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. JOB ASSIGNMENTS

- 1) Employees are expected to perform the specific duties set forth in their job descriptions as well as any other duties assigned by their Department Director or supervisor. All employees shall be required to perform any and all temporarily assigned duties of which they are capable regardless of their usual or customary duties or job assignments.

B. TEMPORARY TRANSFERS AND ASSIGNMENTS

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

C. PERMANENT TRANSFERS

- 1) A permanent transfer is any transfer in excess of thirty (30) working days unless the employee agrees to a longer period not exceeding ninety (90) working days. An employee shall be eligible for a permanent transfer only after successfully completing the probationary period for the current position that the employee holds immediately prior to the permanent transfer.
- 2) No permanent transfer to a vacancy may occur until the Board of Commissioners/County Administrator has satisfied its obligation to post a notice of the vacancy and to consider applicants in accordance with law and/or policy on vacancies and promotions.
- 3) A classified employee may be transferred to a position of a similar classification and having similar qualifications in another state or county agency with approval of the appointing authorities involved, with consent of the employee.
- 4) An employee and the Board of Commissioners/County Administrator may agree to a transfer from one classification to another similar classification that has similar qualifications.
- 5) A classified employee may be transferred when the positions involved have the same classification title.
- 6) Any employee who voluntarily requests, and is granted, a transfer to a vacancy in a lower classification will be reclassified and must accept the duties, responsibilities, and wages of the lower classification for a minimum of six (6) months before requesting or applying for a transfer or promotion to a higher classification.

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PAID LEAVES OF ABSENCE

SECTION 23

EFFECTIVE: 5/5/2022
RESOLUTION: 22-0296

A. SICK LEAVE

- 1) Each County employee shall be entitled to four and six-tenths (4.6) hours of paid sick leave upon completion of each eighty hours of service with a maximum accumulation of 120 hours per year. This accrual rate will be prorated for employees who are otherwise eligible for sick leave and who work less than eighty (80) hours in a bi-weekly pay period. Employees absent on paid sick leave will be paid at their regular rate of pay. Unused sick leave shall be cumulative without limit.
- 2) Employees are expected to be in attendance daily and sick leave is to be used only for those reasons set forth below. Employee may not be in a Leave Without Pay status or face disciplinary action as set in Section A8 below. An employee may submit a request for sick leave for the following reasons:
 - a. Illness, injury, or pregnancy-related condition of the employee.
 - b. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
 - c. Examination of the employee, including medical, psychological, dental, or optical examination by an appropriate licensed healthcare practitioner.
 - d. Death of a member of the employee's immediate family, in accordance with Part B, Funeral Leave, of this section.
 - e. Illness, injury, or pregnancy-related 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.
 - f. Examination, including medical, psychological, dental, or optical examination of a member of the employee's immediate family by an appropriate licensed practitioner where the employee's presence is reasonably necessary.
- 3) "Immediate family" for purposes of this section includes: spouse, siblings of the employee, children, step children, foster children, grandchildren, parents, grandparents, step parents, step siblings of the employee, children's spouse, spouse's parent, spouse's grandparent, spouse's sibling, sibling's spouse and a legal guardian or other person who stands in the place of a parent to the employee.
- 4) A satisfactory certificate from a licensed healthcare practitioner will be required in each case when an employee has been absent more than three (3) consecutive days. The certificate must be signed personally by the treating practitioner and must verify the specific reason that the employee was unable to work during the period in question and that the employee is able to perform all essential functions of the position with or without an accommodation. If an employee needs an accommodation in order to return to work, the employee should request the accommodation in advance of the return date. The accommodation request process is outlined in Section 2.C. of the Personnel Policy Manual. The practitioner's certificate must be submitted to the supervisor upon the employee's return to work. Absences of more than 3 days may qualify an employee for leave under FMLA. (See Section 25).
- 5) The Board of Commissioners/County Administrator, Department Director, or supervisor shall have the right to require a satisfactory practitioner's certificate for absences fewer than three (3) consecutive days to verify the proper use of sick leave. 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. When a licensed medical practitioner's certificate is required, it must be submitted to the supervisor 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 Board of Commissioners/County Administrator, Department Director, or supervisor may request the employee to submit a written statement to the Director or supervisor explaining the nature of the illness. Portage County may also require an employee to be examined by a physician selected by the County in order to verify the proper use of sick leave. The County will pay for such an examination.
- 6) An employee requesting sick leave shall inform the supervisor of the request and the reason for the request as soon as possible, but not later than one-half (1/2) hour after the scheduled starting time on each day of the

absence. This requirement of calling the supervisor each day may be waived if the employee is hospitalized; however, the supervisor should receive an update from the hospitalized employee within three working days. Employees approved for a prolonged illness or absence should provide periodic updates to their supervisor throughout their absence, not to exceed 30-day intervals.

- a. Except for an emergency, the employee may not have family members or friends make the call for the employee or leave voice mail messages, messages with co-workers or text messages in lieu of speaking with the supervisor or designee.
 - b. If the supervisor or designee is not available at the time of the call, the employee may telephone another supervisor or the Department Director.
 - c. Failure to comply with these notification procedures may result in denial of sick leave for the period of absence and such disciplinary action up to termination as determined appropriate.
 - d. An employee requesting the use of sick leave shall complete the Request for Leave Form prior to the start of the employee's day upon return to duty.
 - e. Employees who fail to report to work for three or more consecutive workdays without notifying their Department Director or supervisor shall be considered to have abandoned their positions and shall be subject to discipline, up to and including discharge.
- 7) Vacation leave and compensatory time may be used for sick leave purposes, at the employee's request and with the approval of the Department Director, after sick leave is exhausted.
- a. Employees who have exhausted all paid sick leave, vacation leave and compensatory time may, at the sole discretion of the Board of Commissioners/County Administrator, be granted a personal leave of absence without pay for a period not to exceed six (6) months as provided in Section 24 Unpaid Leaves of Absence.
- 8) All employees play an important role in providing quality service to our valued customers, the residents of Portage County. To ensure our superior performance, it is important that employees are consistently on the job. It is also important that each person be at his/her work area at his/her designated start time and returns at his/her designated time from meal periods and remain at work until the end of the scheduled workday. Excessive absenteeism disrupts work schedules that affect the County's ability to provide services, causes unnecessary overtime and places a burden on other employees and supervisors. Effective immediately, excessive unexcused absences will be cause for disciplinary action up to and including termination.

Definition of Terms

For purposes of this policy, the term *unexcused absence* shall be defined as any absence from work that exceeds a full- or part-time employee's available balance of sick leave, vacation time, compensatory time or personal time in a given pay period. Those hours not covered by sick leave, vacation time, compensatory time or personal time are hours for which the full-time employee will not be paid. The term *leave without pay* occurs when the employee has exhausted all of their paid time off available to them and continues to report off from work. The term *excessive* shall be based on the occurrence of an unexcused absence. It is the employee's responsibility to track his/her leave balances and to request/take only that time which is available.

Attendance Tracking

Employees will be permitted to incur three unexcused absences during any twelve-month period. This twelve-month period will be calculated as a rolling twelve-month period measured backward from the date the employee incurs an unexcused absence. If the employee incurs a fourth unexcused absence during any rolling twelve- month period, his/her employment will be terminated.

Disciplinary Action

Disciplinary action shall be administered as follows:

First occurrence of an unexcused absence in a rolling twelve-month period	Verbal Warning reduced to Writing
Second occurrence	Written warning, with employee being advised that the next offense will result in a suspension
Third occurrence	Three-day suspension without pay

Fourth occurrence	Termination
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The Director reserves the right in all cases to determine if disciplinary action is appropriate.

- 9) Any employee in a Leave Without Pay status will lose health benefits unless protected by FMLA. Any employee working less than 40 hours per week and in unpaid status may be reduced to part-time status losing health benefits and vacation accruals.
- 10) An employee who fraudulently uses sick leave, who falsifies sick leave requests, documentation, or records, who misrepresents the grounds for a sick leave request, or who uses sick leave for improper purposes shall be subject to disciplinary action up to and including discharge. Further, an employee may be disciplined for excessive leave use, whether or not the employee has exhausted all available paid sick leave, based on indications of inappropriate use of the leave or the inability of the employee to perform the essential functions of his position. Employees are expressly prohibited from engaging in either of the following during a paid or unpaid sick leave:
 - a. paid employment of any kind, or
 - b. other activities, whether or not paid, that are inconsistent with the claimed inability to work or the claimed need to care for a seriously ill member of the immediate family.
- 11) The Board of Commissioners/County Administrator may investigate any use of sick leave when it has reason to believe that an employee may be abusing sick leave and/or not using sick leave for its intended purposes. Intentional misuse of sick leave will be considered theft of public funds and just cause for discharge.
- 11) Altering a practitioner’s certificate or falsification of a written, signed leave statement shall be cause for immediate discharge.
- 12) Employees who transfer between County departments or agencies, or from another public agency, or who are reappointed or reinstated, will be credited with the unused balance of accumulated sick leave provided the time between separation, reappointment, or transfer does not exceed ten (10) years. The words “public agency” as used above include the State, counties, municipalities, all boards of education, libraries, townships, and other public appointing authorities within the State of Ohio.
- 13) Sick leave shall be charged in increments of one-quarter (1/4) hour.
 - a. When sick leave is used it shall be deducted from the employee’s accumulated balance on the basis of one hour of sick leave for every one hour of absence from previously scheduled work.
 - b. 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.
- 14) Sick Leave Conversion
 - a. An employee, at the time of retirement from active service with the County, or upon the death of an employee while in active service, shall be paid one-fourth (1/4) of the value of earned but unused sick leave credit. The value of earned but unused sick leave credit includes sick leave credit transferred from another public entity. The maximum of such payment, however, shall be as follows:

Years of Service	Maximum payment
1-5	30 days
6-10	45 days
11-15	60 days
16 and greater	90 days

- Retirement is defined as disability or service retirement from active County service, under any state or municipal retirement system in Ohio.
- b. Payment shall be based on the employee’s hourly rate of pay at the time of retirement or as of the date of death.
- c. Payment shall eliminate all sick leave credit accrued by the employee at Portage County and any sick leave credit transferred from another public entity. Employees who are subsequently rehired will receive no prior sick leave credit and are not eligible for any future payment of unused sick leave under this policy, excluding the Annual Sick Leave Cash Incentive program in Section 23(J).
- d. Eligible County employees, retiring from active service shall request such payment in writing in order to initiate the payment process.

- e. Employees shall be considered to have terminated their employment as of the date of their death, and payment shall be made in accordance with ORC §2113.04, or paid to the employee's estate.

B. FUNERAL LEAVE

- 1) Any eligible employee may be granted usage of sick leave, upon approval of the Board of Commissioners/County Administrator, for a maximum of five (5) consecutive working days in the event of a death of an immediate family member. For purposes of this section, the "immediate family" is defined as only an employee's: parent, sibling, child, spouse, grandparent, spouse's grandparent, grandchild, spouse's parent, children's spouse, sibling's spouse, spouse's sibling, step parents, step children, step siblings, foster children, legal guardian or other person who stands in the place of the employee's parent. For a maximum of two (2) consecutive working days in the event of the death of employee's aunt, uncle, niece or nephew.

C. VACATION LEAVE

- 1) Full-time employees shall earn and accrue vacation leave pro rata over Twenty-six (26) bi-weekly pays at the following rates:

40-hour per week employees	Yearly accrual	Bi-weekly accrual
0-7 years of service	80 hours of vacation	3.1 hours
8-14 years of service	120 hours of vacation	4.6 hours
15-24 years of service	160 hours of vacation	6.2 hours
25 or more years of service	200 hours of vacation	7.7 hours

- 2) An employee who is not in active pay status for a portion of bi-weekly pay period shall earn a pro-rated amount of vacation leave for that period.
- 3) Prior Service Credit: Any service with the State of Ohio or its political subdivisions counts toward the number of years of service in determining the amount of vacation to which an employee is entitled.
 - a. Time spent on previous authorized leaves of absence (including military leave) also counts.
 - b. No vacation leave is earned while an employee is on leave without pay.
 - c. Any person removed from public employment due to conviction of a felony who is subsequently re-employed in the public sector shall not be credited with prior public service for the purpose of receiving vacation leave.
 - d. Per ORC §9.44, an employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state, any political subdivision of the state, or a regional council of government established in accordance with Chapter 167, of the Revised Code counted for the purpose of computing vacation leave.
- 4) Full-time employees who transfer between the Board of Commissioners' departments, as shown on the current Board of Commissioner Table of Organization, will be credited with the unused balance of accumulated vacation leave and shall be entitled to use accrued/unused vacation leave immediately upon hire into the new department.
- 5) Vacation schedules are subject to the approval of the Board of Commissioners/County Administrator and Department Director.
 - a. Vacations are scheduled in accordance with workload requirements and/or training requirements of the individual department or office.
 - b. Vacation requests for three days or less should be made at least one week in advance of proposed starting dates.
 - c. Vacation requests for one week or more should be made at least thirty (30) days in advance of the proposed starting date.
- 6) Vacation leave is granted in minimum units of one-quarter (1/4) hour.
- 7) Employees are expected to use accrued vacation leave in the year in which it accrues and prior to the employee's next anniversary date. An employee may carry over earned vacation leave for a period not to exceed three years from the employee's anniversary date with the approval of the Board of Commissioners/County Administrator. Vacation credit in excess of three years of accrual will be eliminated.

- 8) Subject to subsection C(7) above, an employee, upon separation from active service with the County, shall be paid earned but unused vacation leave at the employee's current rate of pay. In the case of an employee's death, earned but unused vacation leave shall be paid to the employee's estate.
- 9) Part-time, seasonal, temporary and intermittent employees are not entitled to vacation leave.
- 10) The Board of Commissioners/County Administrator retains the right to negotiate vacation leave for all Department Director and other fiduciary positions.

D. HOLIDAYS

- 1) Full-time employees shall receive eight (8) hours of holiday pay for:
 - a. NEW YEAR'S DAY (January 1st)
 - b. MARTIN LUTHER KING DAY (third Monday in January)
 - c. PRESIDENTS' DAY (third Monday in February)
 - d. MEMORIAL DAY (last Monday in May)
 - e. JUNETEENTH (June 19th)
 - f. INDEPENDENCE DAY (July 4th)
 - g. LABOR DAY (first Monday in September)
 - h. COLUMBUS DAY (second Monday in October)
 - i. VETERANS' DAY (November 11th)
 - j. THANKSGIVING DAY (fourth Thursday in November)
 - k. DAY AFTER THANKSGIVING (fourth Friday in November)
 - l. CHRISTMAS DAY (December 25th)
- 2) Employees who work less than a full-time schedule are entitled to holiday pay only for those days and hours on which they are scheduled to work.
- 3) If the holiday falls on Saturday, the Friday immediately preceding shall be observed as the holiday; if the holiday falls on Sunday, the Monday immediately succeeding shall be observed.
- 4) Employees who are required to work on a holiday, shall receive holiday pay plus pay for time actually worked on the holiday. The employee's pay for the time worked shall be one and one-half times the regular straight-time rate. However, time worked on a holiday and compensated at one and one-half times the employees' regular rate shall not be considered time worked for purposes of calculating overtime.
- 5) In order to be eligible for the above-paid holidays, the employee must report to work and actually work his or her scheduled workday immediately prior to and after the holiday, and the holiday, if the employee is scheduled to work such holiday, unless the employee is on pre-approved paid leave. If prior to the employee's starting time on the day after the holiday, the employee requests sick leave, which is medically verifiable, sick leave will be accepted for purposes of this section.
- 6) At the discretion of the Director or Designee and subject to a verifiable emergency, an employee may be paid for the above holiday(s) even though the employee did not work the required day(s). Failure to provide adequate verification will result in loss of holiday pay.
- 7) Patterned unapproved sick leave immediately before and after a holiday shall be cause for disciplinary action up to and including termination.

E. MILITARY LEAVE

- 1) Paid Leave:
 - a. Any permanent County employee who is a member of the Ohio organized militia or another reserve component of the armed forces of the United States, including the Ohio National Guard, is entitled to leave of absence without loss of pay for service in the uniformed services for periods of up to one month, for each calendar year in which service in the uniformed services is performed. During this

period, the employee remains eligible for health insurance coverage according to the terms of the employee benefit plan.

- b. For purposes of this policy, one month means twenty-two (22) eight-hour working days or 176 hours within one calendar year.

2) Extended Leave:

- a. Any permanent County employee who is a member of the Ohio organized militia or another reserve component of the armed forces of the United States, including the Ohio National Guard and who is called or ordered to the uniformed services for longer than one month during each calendar year because of an executive order of the President of the United States or an Act of Congress, is entitled to a leave of absence during the period designated in the order or act.
- b. During the leave of absence, the employee shall be paid the difference between the employee's gross monthly wage as a County employee and the sum of the employee's gross uniformed pay and allowances received or five hundred dollars, whichever is less.
- c. No employee shall receive this payment if the sum of the employee's gross uniformed pay and allowances exceeds the employee's gross county wage.

3) An employee on extended military leave may opt to continue County health insurance for up to eighteen months at the employee's expense.

- a. Employees who elect to continue County health insurance must pay one hundred two percent (102%) of the applicable premium costs.
- b. Deductions for cafeteria plan selections, when applicable, will be taken from the employee's compensation.
- c. If the employee's compensation is insufficient to cover cafeteria plan deductions, the employee must pay the difference directly. Employees should contact the Human Resources Department for more information.

4) Unpaid Leave:

- a. Employees whose service in the uniformed services requires absence from work, but who do not qualify for extended military leave as described above, will be granted unpaid military leave.
- b. Unpaid leave will be granted for the performance of a duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, absence from examination to determine fitness for duty, and funeral honors duty.

5) Notice:

- a. To be eligible for compensation under this policy, employees who anticipate the need for military leave must submit the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing service to their Department Director or supervisor in advance.
- b. To be eligible for unpaid leave, employees must provide their Department Director or supervisor with advance notice of military service, either written or oral, unless military necessity prevents the giving of notice or the giving of notice is otherwise impossible or unreasonable.

6) Reemployment and Reinstatement Rights:

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

F. WEATHER EMERGENCY LEAVE

- 1) In the event a weather emergency is declared by the Governor, or the Board of Commissioners, or if the Sheriff declares a Level 3 Snow Emergency, employees shall be compensated for the number of hours which they were scheduled to work during the emergency period but did not work by reason of such weather emergency. Exempt employees will be paid for absences of less than a full week if a facility is shut down because of the weather. If the agency remains open, however, and employees choose not to report to work, they will not be paid although employees may request the use of vacation leave or compensatory time.
- 2) In the event a weather emergency is declared, essential employees who are required to work during the weather emergency shall receive compensatory time at straight time for all hours worked in addition to their compensation for their regular shift or shall be paid in accordance with the hours of work and overtime

provisions of this policy manual or the applicable labor agreement. Each Department Director is responsible for identifying essential employees.

- 3) During weather emergencies, those agencies required to maintain twenty-four hour service may continue to use available personnel beyond regularly scheduled hours. Time spent in non-duty status, such as sleep or recreation, is not compensable.
- 4) With the exception of a Level 3 snow emergency declared by the Sheriff, the Board of Commissioners determines whether a weather emergency exists and whether employees must report to work. Emergency and other essential personnel may be required to report to work even when a weather emergency or Level 3 snow emergency has been declared. There may be situations in which certain departments will determine the appropriate action to take based on the type of service provided by the department.
- 5) Employees not scheduled to work during a weather emergency because of scheduled vacation, compensatory time, or sick leave will be charged for leave regardless of the declared emergency. If, however, the vacation, compensatory time off, or sick leave ends prior to the end of the declared emergency, no leave shall be charged for the remainder of the emergency period.
- 6) Employees shall not charge sick leave for absences due to inclement weather.
- 7) An employee who is absent, tardy, or who leaves work early with the Employer's approval on days when severe weather conditions interfere with travel but when no weather emergency has been declared shall be in unpaid status.
 - a. With the approval of the Department Director, the employee may account for the time absent because of inclement weather by working an equivalent time in addition to their regular schedule or by charging such time to vacation leave or compensatory time; otherwise, leave without pay will be charged.
 - b. Nothing in this policy shall be construed to require the Employer to keep the work facility open beyond normally scheduled hours or to otherwise permit the employee to work make-up hours where not reasonably consistent with the Employer's normal business operations.
- 8) Non-exempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting time for purposes of making up time lost because of inclement weather if the result will be that the employee works more than forty (40) hours during the regular work period, unless specific overtime assignments are needed as determined by the Employer.

Portage County Emergency Operations Center

- 1) It is understood that Portage County may be impacted by a natural, human-caused or technological disaster/emergency, in which higher level of coordination may be needed.
- 2) Essential personnel identified by the Portage County Office of Homeland Security and Emergency Management (PC OHS/EM) may be requested to work within the Portage County Emergency Operations Center (EOC) as identified in standard operating procedures and the Portage County Emergency Operations Plan (EOP) for time exceeding typical work periods and days.
- 3) To ensure the continuity of Portage County services and the most efficient and effective response and recovery from such emergency, personnel shall be expected to outfit the EOC as deemed necessary by PC OHS/EM Director or designee.
- 4) Due to the expected potential impact to essential employees, family and personal property; employees and departments identified for EOC staffing shall appoint a primary, secondary and if possible, a tertiary representative. These representatives shall have decision making authority for each respective department; including financial decisions.
- 5) Exempt essential employees who are required to work within the EOC during the disaster/weather emergency shall receive compensatory time at straight time for all hours worked in addition to their compensation for their regular shift. Non-exempt essential employees shall be paid in accordance with the hours of work and overtime provisions of this policy manual or the applicable collective bargaining agreement.

G. PERSONAL DAYS

- 1) After completion of six (6) months of continuous employment with the County, all full-time non-probationary employees of the Board of Commissioners are entitled to personal days. Each full-time employee will receive 24 hours (3 days) of personal time each fiscal year.
- 2) Employees who complete six (6) months of service in the middle of a calendar year will be entitled to the proportionate amount of personal days (e.g. an employee reaching their six (6) month anniversary on June 30th, would be entitled to 1.5 personal days). All calculations will be rounded to the nearest ½ day.
- 3) Personal time must be used by last pay end date in December of each year and cannot be carried over.
- 4) Personal time carries no cash value upon termination (or at the end of a fiscal year) and cannot be used toward the notice period for separation.
- 5) Employees may request to use personal time in increments of one-quarter (1/4) hour. Use of personal time is subject to the scheduling needs of the department. Except in the case of an emergency, personal time must be scheduled and approved in advance.

H. COURT LEAVE

- 1) An employee called for court jury duty or subpoenaed to testify in a court of law during any portion of the employee's regularly scheduled working day may choose to be compensated for such time in one (1) of the manners that follow:
 - a. The employee may choose to receive from the County his/her regular salary or wage in full for such time. In such case, all monies received as compensation for court service for a scheduled workday shall be turned over to the County Treasurer in full.
 - b. The employee may choose to retain all monies received as compensation for court service and waive his/her regular salary or wage in full from the County for such time.
- 2) An employee released from jury or court duty before Noon or with at least four (4) hours remaining in the scheduled workday must report to work for the remaining scheduled work hours
- 3) An employee who must appear in court on his/her own behalf for a non-work-related hearing must use personal days, vacation, or compensatory time or may request an unpaid leave of absence.

I. LEAVE DONATION PROGRAM

The purpose of the Leave Donation Program is to provide a mechanism for employees to remain in active pay status during catastrophic illnesses of themselves or immediate family members. Portage County is interested in providing this benefit in order to aid the continuation, as long as possible, of medical insurance benefits and life necessities to employees who are already encountering emotional and physical stress.

Department Heads and Elected Officials have the opportunity to actively select to opt-in and participate in the Leave Donation Program on an annual basis prior to the first of the year.

- 1) The intent of the Leave Donation Program is to allow employees to voluntarily provide assistance to their co-workers who are in need of leave due to the critical illness or critical injury (must meet the definition of a critical illness or injury ¹) of the employee or member of the employee's immediate family. For purposes of this policy, immediate family is defined as: spouse, child, parent, grandparent, grandchild, stepchild, foster child and legal guardian or another person who stands in the place of a parent to the employee. To the extent that the definitions of any of the terms in this policy are different from such definitions as may be included in a collective bargaining agreement of the County, the definition within the collective bargaining agreement will prevail. Full time employees may participate in the Program by donating sick leave (including personal hours) or vacation hours (not compensatory time) to a fellow employee who is otherwise eligible to accrue and use sick leave. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled any benefits that they would otherwise be entitled.

- a. An employee may receive donated leave, up to the number of hours the employee is normally scheduled to work in each pay period, if the employee, or a member of the employee's immediate family, has proven medical documentation of a critical illness or critical injury and:
- i. Has exhausted all accrued leave and has not been approved to receive other state or federal government paid benefits; and
 - ii. Has applied for all paid leave, workers' compensation, or benefits program for which the employee is eligible; and
 - iii. Make their request as soon as the need is recognized, or no less than two (2) weeks prior to the date the employee intends to begin using the donated leave. For employees on the County's medical plan, an employee must be covered by the County's medical insurance at the time the request for distribution is made in order for such medical insurance to continue; and
 - iv. Donated leave will be considered as sick leave for the recipient and shall never be converted into a cash benefit.

An employee shall request no less than forty (40) hours and no more than four hundred and eighty (480) hours in connection with a single incident or occurrence. The leave can only be credited up to the number of hours donated and approved. An employee cannot make more than one request in a rolling calendar year.

Portage County makes no representations as to the effect of the distribution on already existing plans, such as disability separation, long-term disability leave or other benefits that may be in existence.

- b. Employees may donate leave if the donating employee:
- i. Voluntarily elects to donate leave and does so with the understanding that unused donated leave will be returned to all donors on a prorated basis;
 - ii. Donates a minimum of eight (8) hours in eight (8) hour increments, up to a maximum of forty (40) hours per calendar year, per qualifying employee; and
 - iii. Retains a combined leave balance of at least one hundred and twenty (120) hours after their donation is made.
 - iv. Understands that the donated time is considered "used sick leave" and will affect the employee's annual balance of sick leave under the Annual Sick Leave Cash Incentive in Section 23(J).
- c. The Leave Donation Program shall be administered on a pay period by pay period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received. Donated leave shall not count toward the probationary period of an employee who receives donated leave during his or her probationary period of employment.

Employees who are away from work on donated leave shall continue to be paid as they would be if they were using their own accumulated sick leave, until such time as the donated leave is exhausted. Such employees shall not receive more than the amount of their regular bi-weekly earnings, less any regular payroll deductions (i.e., PERS, taxes, health insurance or other voluntary program(s) elected by the employee). The employee will receive sick leave hours and the rate of pay of the employee at the time the application is made.

The Appointing Authority of the employee receiving the donated leave hours is responsible for paying the benefit.

- d. Donated leave will not affect the effective date of the qualifying event for purposes of offering continuation of the County's health insurance program. Family and Medical Leave will run concurrently with donated leave.
- e. This Program will not be available for work related injuries. Those injuries are covered under the Ohio Workers' Compensation Program (ORC 4121).

f. Once an employee returns to work from sick leave sharing, sick leave sharing stops. Sick leave sharing cannot be used intermittently.

- 2) The responsibility to oversee this program will be the responsibility of the County Human Resources Director. The Director will verify the medical condition or critical need, assure non-discriminatory practices and review attendance and benefits eligibility records, which may factor into the approval decision.
 - a. The Human Resources Department may contact the physician directly to seek clarification or verify the information provided in the medical certification. They may also seek clarification through the employee or family member making the request. Certifications must be detailed with information for decision making.
 - b. The employee seeking leave donation must submit a "Leave Donation Request and Authorization Form" to the Portage County Human Resources Director. The Director will verify that the employee making the request meets the above-mentioned criteria.
 - c. Incomplete applications will be returned to the employee for completion prior to consideration.
 - d. The recipient employee may be required to provide updated certification from the health care provider as requested while on donated leave time.
 - e. After a decision is reached, the Human Resources Director will notify the employee making the request and will also inform the employee's Appointing Authority/Elected Official.
 - f. All contributions and distribution requests (medical documentation redacted) will be sent to the Auditor's office for processing.

The Human Resources Department shall make the final approval of all donations of leave. Decisions affecting the donor and recipient's eligibility rest exclusively at the Human Resources Director and are not subject to appeal.

- 3) The Appointing Authority and/or Elected Official shall ensure that employees are not coerced or forced to donate leave. The Appointing Authority and/or Elected Official shall respect an employee's right to privacy and HIPPA regulations. However, the Appointing Authority/Elected Official may, with the written permission of the employee who is in need of leave or a member of the employee's immediate family as stipulated above, inform employees of their co-worker's critical need for leave. The Appointing Authority, department head, supervisor, the employee requesting leave and any other employee of the County shall not directly solicit leave donations from employees. The leave donation program is confidential with regard to who has chosen to donate, and the amounts donated.

At the discretion of the Human Resources Director and subsequent Department Heads or Elected Officials, sick leave sharing may be opened to other departments for the employee in need.

- a. Employees who wish to request donated leave shall certify to the Human Resources Director, through the use of the "Leave Donation Request and Authorization Form":
 - i. The name of the employee requesting the leave donation;
 - ii. The number of hours requested;
 - iii. Dates in which the donated leave is needed;
 - iv. The level of confidentiality requested, i.e., whether the employee wishes to disclose the medical condition as part of the solicitation request for leave donation; and
 - v. Substantiating medical documentation, including a physician's certification confirming diagnosis, the anticipated duration and the medical necessity. If the request is being made for an immediate family member, there must be sufficient information and physician verification on the application to show that the employee is needed to attend to the family member during hours of work.
 - vi. The employee should retain a copy of the Leave Donation Request form and documents submitted.

In the case where an employee is in a condition due to a critical or life-threatening illness or critical injury which does not permit the employee to apply for benefits, the next of kin or an individual having legal authority to handle the employee's matters may apply. Evidence of the legal authority or status of next of kin must be submitted with the Form. The individual holding legal authority or next of kin status must sign the Form for the employee who is not able to sign.

- b. Employees who wish to donate leave shall certify to the Human Resources Director, through the use of the "Donation of Sick/Vacation Time Authorization Form":

- i. The name of the donating employee;
 - ii. The name of the employee for who the donated leave is intended;
 - iii. The type of leave (sick or vacation) and the number of hours to be donated (in 8-hour increments only);
 - iv. Affirm that the donor will retain a minimum combined leave balance of at least one hundred and twenty (120) hours after donating; and
 - v. That the leave is donated voluntarily, and the employee understands that the donated leave may not be returned.
 - vi. That the donating employee understands that the donated time is considered “used sick leave” and will affect the employee’s annual balance of sick leave under the Annual Sick Leave Cash Incentive in Section 23(J).
- c. In no event shall an employee be credited with more donated leave time than leave time actually consumed in connection with the absence for which leave was donated.

In the event that several donors submit pledges on behalf of a single recipient, donated time will be withdrawn from each of the donors in eight (8) hour increments in the order which received to satisfy the recipient’s regular earnings for that pay period. Unused donations will be returned to all donors on a prorated basis.

In the event that the employee is separated from employment with Portage County, any remaining unused sick leave hours from a distribution will be forfeited and will be returned to donors on a prorated basis. It shall not be converted into a cash benefit or transferred to the employee’s credit with the next employer.

- 4) It is understood that the donation of paid leave is a personal, voluntary and individual choice of the donor. Employees who terminate their employment with Portage County, either voluntarily or involuntarily, are unable to donate their unused time at the end of their employment.

¹ “Critical illness or critical injury is defined as a critical, terminal illness or critical injury involving substantial amounts of hospitalization and/or medical treatments and the subsequent recuperative and rehabilitative period such as major organ transplant, internal cancer defined as stage 3 or higher requiring in office chemotherapy or radiation treatments, coma, heart attack or stroke resulting in loss of major life functions, end stage renal failure, paralysis, third degree burns or other illness or injury that requires 10 or more days with hospital admission or inpatient rehabilitation center.

J. ANNUAL SICK LEAVE CASH INCENTIVE

- 1) For the purposes of this subsection, the “measurement year” means the 26 bi-weekly pay periods ending closest to but not later than October 31. The “annual balance of sick leave” means the sick leave earned by the employee and accrued on the books during the measurement year, less any sick leave used during that measurement year. The “total accrued sick leave balance” means the employee’s sick leave accrued from the date of original appointment, from work and non-work sources (e.g., transfer from another public agency, transfer from another appointing authority, etc.), less sick leave used or redeemed since the date of original appointment.
- 2) Annually, full-time Portage County employees in active pay status on the first payday in November and still in full-time, active status as a Portage County employee on the date of payment shall have the option to redeem, for cash, the annual balance of sick leave remaining from the previous measurement year, or some lesser amount selected by the employee, but not to exceed 80 hours. The sick leave cash incentive payment will occur no later than the first pay in December. Part-time and seasonal employees are not eligible for this incentive. Part-time includes any part-time status throughout the year (e.g. conversion of full-time status to part-time status or part-time status to full-time status during the year.)
- 3) Sick leave cashed-out pursuant to this incentive will be paid at
 - a) Sixty percent (60%) of the employee’s hourly rate on the date of payment, if the annual balance of sick leave is 80 hours or more,
 - b) Fifty percent (50%) of the employee’s hourly rate on the date of payment, if the annual balance of sick

- c) Forty percent (40%) of the employee's hourly rate on the date of payment, if the annual balance of sick leave is less than 70 hours, but not less than 60 hours,
 - d) Thirty percent (30%) of the employee's hourly rate on the date of payment, if the annual balance of sick leave is less than 60 hours, but not less than 50 hours,
 - e) Twenty percent (20%) of the employee's hourly rate on the date of payment, if the annual balance of sick leave is less than 50 hours, but not less than 40 hours.
- 4) No incentive payment will be made if the employee's annual balance of sick leave is less than 40 hours. Sick leave hours redeemed by the employee pursuant to this incentive will be permanently deducted from the employee's total accrued sick leave balance.
 - 5) This incentive is available only to the extent the employee will have, after the cash-out is made, a total accrued sick leave balance of two-hundred forty (240) hours or more.
 - 6) Sick leave accrued by donation, transfer from another public agency, transfer from another appointing authority, or other non-work basis is not eligible for redemption under this policy. The employee's use of personal days earned under a collective bargaining agreement during the measurement year shall be deemed a use of sick leave for the purposes of this policy. The employee's donation of sick leave under the Section 23(l) during the measurement year shall be deemed a use of sick leave for the purposes of this policy.

K. ELECTION DAY LEAVE

- 1) Any full-time employee of the Board of Commissioners may be permitted to use available Personal Days, Vacation Leave, or Compensatory Time in order to perform paid work as a precinct elections official for the Portage County Board of Elections on any Election Day. Employees obtaining such employment may retain the compensation paid by the Board of Elections for that work.
- 2) Use of paid Election Day Leave is subject to the operational needs of the department and must be scheduled and approved in advance in accordance with departmental policy for the use of Personal Days, Vacation Leave, and Compensatory Time.

L. VACATION CONVERSION / CASH-OUT

1) Program Overview

At the discretion of the Board of Commissioners, one time per year, eligible non-bargaining, full-time employees may be afforded the opportunity to convert either forty (40) or eighty (80) hours of vacation for cash payment at the employee's current rate of pay.

2) Eligibility

Non-bargaining, full-time employees, in active pay status, under the hiring authority of the Board of Commissioners, or whose Appointing Authority has adopted this policy, with a minimum of one hundred twenty (120) hours of accumulated vacation leave at the time of conversion request are eligible. Employees who convert vacation hours must have at least forty (40) hours of vacation remaining after requested hours are deducted. Only eligible employees may elect this conversion.

3) Procedure

The Commissioners will notify employees by June 1 of each year if this benefit will be made available. Eligible employees who wish to convert vacation time for cash payout must complete a Vacation Leave Payout Form and submit it to their Department Director/Designee or Appointing Authority for approval no later than July 1 of each year. The payment for such vacation will be in the final payroll of July.

Any leave taken from the time of the request to the time of conversion shall be considered in determining leave time accrued but not used. Conversion of vacation leave for cash payout will result in a permanent deduction from the employee's vacation leave balance at the time of conversion. This includes being permanently deducted for any future payout of vacation leave upon separation of active employment from the County.

4) Converted hours will not count as "hours worked" in the week paid out for the purpose of calculating overtime.

5) Board Discretion

a. Individual Departments

The Board of Commissioners may extend or restrict the Vacation Conversion/Cash-Out Policy to any or all departments under its hiring authority, based upon the individual Department Director's request and recommendation, and the department's budget capacity to support the Vacation Conversion expense.

b. Termination of Vacation Leave Payout Policy

The Board of Commissioners may cease to offer this program at its sole discretion.

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UNPAID LEAVES OF ABSENCE

SECTION 24

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. GENERAL

- 1) Employees may request an unpaid leave of absence of up to six (6) months for personal reasons including maternity leave, disability, and educational pursuits that are not in the course of and required as part of the job.
 - a. The Board of Commissioners/County Administrator has sole discretion whether to grant the leave.
 - b. Employees on unpaid leave must keep the Board of Commissioners/County Administrator and the Department Director informed of the status of their leave and provide advance written notice of their intent to return to work.
 - c. Failure to return to work following an unpaid leave of absence will be cause for discharge.
 - d. An employee on unpaid leave status shall not accumulate sick leave or vacation leave and shall not receive holiday pay. Except as provided in Section 25, FMLA, unpaid leave shall not count for seniority purposes and an employee on unpaid leave may elect to continue health insurance coverage (COBRA) and related benefits by paying all applicable premiums and processing fees.
 - e. The Board of Commissioners/County Administrator may revoke the unpaid leave of absence for business reasons upon one week's written notice to the employee that the employee must return to work. An employee on an unpaid leave of absence who is determined to be using the leave for purposes other than the purpose for which the leave was granted may be ordered to return to work immediately. Failure to return to work as instructed in accordance with these policies may result in discipline, up to and including discharge.

B. EDUCATIONAL LEAVE

- 1) Educational leave may be granted for up to two (2) years for purposes of education, training or specialized experience which would benefit the County. Employees must present the Board of Commissioners/County Administrator with a written request for educational leave that describes the program and explains why the education, training or specialized experience would benefit the County.
 - a. The Board of Commissioners/County Administrator will determine whether to grant educational leave.
 - b. Upon completion of an educational leave, the employee will return to the former position or a similar position within the same classification.

C. POLITICAL LEAVE

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

D. NOTIFICATION

- 1) All requests for Unpaid Leaves of Absence must be consulted with the Human Resources Director prior to notifying the Board of Commissioners/County Administrator.

FAMILY AND MEDICAL LEAVE ACT

SECTION 25

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. STATEMENT OF POLICY

- 1) It is the policy of the Board of Commissioners to grant up to twelve weeks of family and medical leave during any twelve-month period to eligible employees, in accordance with the Family And Medical Leave Act of 1993 (FMLA), and up to twenty-six weeks of leave in any twelve month period for Injury or illness of the Service members spouse, son, daughter, parent or next of kin for military caregiver leave. This leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. Leaves of Absence covered under FMLA will be administered by the Human Resources Department.

B. ELIGIBILITY

- 1) To be eligible for leave under this policy, an employee must meet all of the following conditions:
 - a. The employee must have worked for the County for at least twelve months, or fifty-two weeks. The twelve months, or fifty-two weeks, need not have been consecutive; and
 - b. The employee must have worked at least 1250 hours during the twelve-month period immediately prior to the date when the FMLA leave is scheduled to begin.
 - c. The employee must not have used all twelve weeks of FMLA leave in the preceding twelve months.

C. QUALIFYING LEAVE

- 1) To qualify for FMLA leave under this policy, an employee must require leave for one of the reasons listed below:
 - a. The birth of a child and in order to care for that child.
 - b. The placement of a child for adoption or foster care, and to care for the newly placed child, leave must be taken within twelve months of the placement of the child.
 - c. To care for a spouse, child, or parent with a serious health condition; or
 - d. A serious health condition of the employee that makes the employee unable to perform the functions of the employee's position.
 - e. Because of any qualifying exigency (as the Secretary of U.S. Department of Labor shall, by resolution, determine) arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces; or
 - f. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the covered service member.
- 2) A serious health condition is defined as any illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care or subsequent treatment in connection with such inpatient care;
 - b. Continuing treatment by a health care provider, which includes a period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes treatment two (2) or more times by or under the supervision of a health care provider or one treatment by a health care provider with a continuing regimen of treatment;
 - c. Any period of incapacity due to pregnancy or for prenatal care;
 - d. Any period of incapacity or treatment for a chronic serious health condition, which continues over an extended period of time, requires periodic visits (at least twice per year) to a health care provider, and may involve occasional episodes of incapacity;
 - e. Any period of incapacity which is permanent or long term and for which treatment may not be effective; or
 - f. Any absence to receive multiple treatments for restorative surgery or for a condition that would likely result in an absence of more than three (3) consecutive full calendar days at a later date without medical intervention at the present time.

- 3) Employees with questions about what circumstances are covered under this FMLA policy are encouraged to consult with their supervisor, Department Director or the H. R. Department.

D. DURATION OF LEAVE

- 1) An eligible employee can take up to twelve weeks (or up to twenty-six weeks of leave to care for an injured or ill service member) of leave under this policy during any twelve-month period, as defined below:
 - a. Human Resources will measure the twelve-month period as a “rolling twelve-month period” measured backward from the date an employee uses any leave under this policy.
 - b. Each time an employee takes FMLA leave, Human Resources will compute the amount of leave the employee has taken under this policy and subtract it from the twelve weeks of available leave and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee used four weeks of FMLA leave beginning February 5, 2016, four weeks beginning June 1, 2016, and four weeks beginning December 1, 2016, the employee would not be entitled to any additional FMLA leave until February 5, 2017.
- 2) Spouses who are both employed by the County are entitled to a combined total of twelve weeks of FMLA leave (rather than twelve weeks each) for the birth of a child, the placement of a child with the employee for adoption or foster care, or the care of certain family members with serious health conditions. Each employee is entitled to 12 weeks for each of their own serious health conditions.

E. USE OF PAID LEAVE AND UNPAID LEAVE

- 1) All employees eligible for FMLA leave will be required to use all available accrued paid leave and then unpaid leave concurrently with the twelve (12) weeks of FMLA leave as described below.
 - a. When FMLA leave is due to an employee’s own serious health condition or the serious health condition of an eligible family member, the employee must first use all available accrued paid leave for the duration of the FMLA period. Once all accrued paid leave is exhausted, unpaid FMLA will continue throughout the remainder of the approved FMLA period.
 - b. When FMLA leave is due to the birth of the employee’s child, or health issues resulting from the birth of that child, the employee must first use all available accrued paid leave for the duration of the FMLA period. Once all accrued paid leave is exhausted, unpaid FMLA will continue throughout the remainder of the approved FMLA period.
 - c. When FMLA leave is due to the placement of a child with the employee for adoption or foster care, the employee must first use all available accrued paid sick leave for the duration of the FMLA period. Once all accrued paid leave is exhausted, unpaid FMLA will continue throughout the remainder of the approved FMLA period.
- 2) Human Resources will designate any absence due to workers’ compensation or disability leave as FMLA leave for eligible employees and count it toward the twelve-week FMLA entitlement if the employee’s illness or injury qualifies as a serious health condition. While an employee is receiving compensation related to a workers’ compensation absence, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee).
- 3) Employees will be responsible for any payroll deductions that may be missed as a result of unpaid FMLA leave.

F. INTERMITTENT / REDUCED SCHEDULED LEAVE

- 1) An employee of the Board of Commissioners may take FMLA leave on an intermittent or reduced work schedule basis when medically necessary due to a serious health condition of the employee or a serious health condition of a family member. Following the FMLA laws, an employee may take leave on an intermittent or reduced schedule basis for a qualifying illness or treatment, but intermittent leave does not qualify for either the birth of the employee’s child or upon the placement of a child for adoption or foster care with the employee. Leave for this purpose shall only be granted continuously. In all cases, the FMLA leave granted to any employee shall not exceed a total of twelve weeks per 12-month period. 12 weeks combined for married employees.
- 2) Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty days prior to taking leave or, if this is not possible, as soon as practicable.
 - a. An employee must consult with his supervisor and with Human Resources in advance to determine a mutually agreeable schedule for reduced schedule or intermittent leave.

- b. If agreement is not possible, the employee must submit additional certification that establishes the medical necessity for intermittent or reduced schedule leave, including the dates and the duration of treatment, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts which support the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis.
- 3) An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent classification, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule.
- 4) An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment and notify the supervisor so as not to unduly disrupt departmental operations.

G. EMPLOYEE BENEFITS

- 1) The County will continue to provide health care coverage to an employee on FMLA leave at the same level and under the same conditions as if the employee had continued to work.
- 2) The County will continue to pay the Employer portion of premiums for any health benefits that the employee receives through the County during FMLA leave, under the same conditions as if the employee had continued to work.
 - a. During any portion of FMLA leave that is paid, as described above, the County will continue to make payroll deductions to collect the employee's share of the premium.
 - b. During any portion of FMLA leave that is unpaid, the employee must continue to make this payment either in person or by mail. The employee must contact the employee benefits representative to procure payment. Notice of instructions and of benefit payment and or termination will be mailed to the employee. The payment must be received on the pay date in which the benefit deduction was missed. If payment is not received on the pay date in which the benefit deduction was missed, coverage will terminate the first day of that same missed pay period. Coverage will remain terminated until the employee is released to return to work.
 - c. The County will provide notice prior to termination of coverage.
- 3) During any portion of FMLA leave that is paid, as described above, the County will continue to make payroll deductions for pre-tax contributions to an employee's flexible spending account when applicable. Contributions to such account will cease for the duration of FMLA leave once an employee's paid leave has been exhausted.
- 4) 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 County may seek reimbursement from the employee for any amounts paid by the County for insurance benefits which the employee received through the County during any period of unpaid FMLA leave.
- 5) FMLA leave, whether paid or unpaid, does not constitute a break in service.
 - a. Service credit shall continue to accrue during periods of paid FMLA leave.
 - b. Upon reinstatement following FMLA leave, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of unpaid FMLA leave.
 - c. FMLA leave will be treated as continuous service for the purpose of calculating the rate of accrual for benefits which are based on length of service. However, an employee will not accrue vacation, personal, or sick leave hours 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.

H. STATUS FOLLOWING FMLA LEAVE

- 1) Employees on FMLA leave must give at least two business days' notice of their intent to return to work, regardless of the anticipated date of return. Prior to reinstatement, an employee who takes FMLA leave based on his own serious health condition shall provide certification from the employee's health care provider that the employee is able to resume work without restrictions.
- 2) Employees who take leave under this policy will generally be reinstated to the same or an equivalent position upon return from leave.

- a. The determination of whether a position is equivalent will be made by the Board of Commissioners/County Administrator or Human Resources and will be based on the relative levels of skill, effort, responsibility, authority, status, pay, benefits, and other terms and conditions of employment of the positions.
 - b. Certain highly compensated key employees, as designated by the Board of Commissioners/County Administrator, may be exempt from the required reinstatement.
 - c. An employee will be notified in writing of his status as a key employee, if applicable, when leave is requested.
- 3) An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. An employee of the Board of Commissioners will not be laid off as a result of exercising the right to FMLA leave. However, the Board of Commissioners will not reinstate an employee who has taken FMLA leave if, as a result of a layoff, the employee would not otherwise be employed at the time reinstatement is requested.

I. PROCEDURE FOR REQUESTING FMLA LEAVE

- 1) Requests for FMLA leave should be submitted by email when possible, phone is acceptable, or notification by supervisor or family member. Request should be made to the Human Resources Department when there is a possible need for FMLA. Department Director
- a. When the need for FMLA leave is anticipated, a request must be submitted at least thirty days prior to taking leave.
 - b. If it is not possible to provide thirty days advance notice, a request must be made as soon as practicable.
 - c. If the employee fails to provide thirty days' notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty days from the date Human Resources receives notice.
- 2) When a request is made for a foreseeable FMLA leave due to a serious health condition of either the employee or a member of the employee's family which involves planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with departmental operations, subject to the approval of the health care provider of the employee or the employee's family member.
- 3) When an employee requests FMLA leave, or when the Board of Commissioners/County Administrator, supervisor, Department Director or Human Resources Department becomes aware that an employee's use of other leave may qualify as FMLA leave, the FMLA Designation Notice of eligibility or ineligibility will be generated.

J. CERTIFICATION OF NEED FOR FMLA LEAVE

- 1) An employee who requests FMLA leave due to a serious health condition of the employee or a family member must provide certification from a health care provider of the serious health condition within fifteen (15) calendar days from the date of the request by Human Resources.
- 2) Certification of the serious health condition shall include the date when the condition began, its expected duration, and a brief statement of treatment.
- a. When the need for FMLA leave is due to the employee's own serious medical condition, the health care provider must confirm in the certification whether the employee is unable to perform work of any kind or that the employee is unable to perform the essential functions of the employee's position.
 - b. When the need for FMLA leave is due to the serious medical condition of a family member, the health care provider must complete the certification that indicates the family member requires assistance and that the employee's presence would be beneficial or desirable.
 - c. The employee must also include a statement that indicates the type of care that will be provided and a schedule, including intermittent or a reduced schedule, of the time required for care of the family member.
- 3) An employee requesting service member FMLA leave must provide documentation of the family member or next-of-kin's injury, recovery or need for care. This documentation may be a copy of the military medical information, orders for treatment, or other Armed Forces communication pertaining to the service member's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

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

K. SECOND OPINION

- 1) The Board of Commissioners/County Administrator may require a second medical opinion prior to granting FMLA leave.
 - a. The second opinion will be rendered by a health care provider designated by the Board, and the cost above and beyond what the county health benefit pays, will be paid by the Board of Commissioners.
 - b. If the first and second opinions differ, the Board will require the opinion of a third health care provider, mutually selected by the Board and the employee.
 - c. The third opinion will be considered final.
 - d. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, will result in the denial of the FMLA leave request.

L. PERIODIC REPORTS

- 1) Employees who request and are granted FMLA leave due to a serious health condition of the employee or a family member may be required to submit periodic written reports from the health care provider to the Human Resources Department in order to assess the continued qualification for FMLA leave.
- 2) Human Resources may also request additional reports if the circumstances described in the previous certification, including the duration or frequency of absences, the severity of the condition, or the presence of complications, have changed significantly, or if Human Resources receives information that casts doubt on the employee's stated reason for the absence.
- 3) Any costs associated with the additional reports requested by Human Resources shall be at the employee's expense.

M. RECORDS

- 1) All records related to FMLA leave will be maintained as required by law. Any medical records accompanying FMLA requests will be kept separate from an employee's personnel file and in accordance with HIPPA.

To the extent permitted by law, medical records related to FMLA leave shall be kept confidential.

**MEDICAL EXAMINATIONS AND DISABILITY
SEPARATIONS**

SECTION 26

EFFECTIVE: 12/16/2021
RESOLUTION: 21-0924

A. MEDICAL EXAMINATIONS

- 1) Human Resources may require an employee to submit to a medical examination, when job-related and consistent with business necessity, for the purpose of determining whether the employee is able to perform the essential functions of the employee's position. The examination will be conducted by a Licensed Medical Practitioner selected by Human Resources, and the cost of the examination will be borne by the Employer. Prior to the examination, Human Resources will furnish the Licensed Medical Practitioner with all relevant requirements of the employee's position.
- 2) The Medical Practitioner shall limit the report to the issue of whether the employee can perform the essential functions of the position without restrictions, as defined by Human Resources. An employee who refuses to submit to an examination, to appear, or to release the results of an examination shall not return to work and will be considered insubordinate and subject to discipline, up to and including discharge, until such documentation is received.
- 3) An employee who disagrees with the result of a medical examination conducted according to this policy may request a second examination, to be conducted by a licensed medical practitioner chosen by the employee at the employee's expense. If the results of the medical examinations conflict, a third opinion shall be rendered by a licensed medical practitioner chosen and paid for by the Board of Commissioners. The third medical opinion will be the final medical opinion.

B. VOLUNTARY SEPARATION

- 1) A classified employee who does not dispute the inability to perform the essential functions of the position due to disabling illness, injury, or condition may request a voluntary disability separation. The Board of Commissioners/County Administrator may require an independent medical examination, conducted according to this policy, prior to granting a request for voluntary disability separation.

C. INVOLUNTARY SEPARATION

- 1) When the Board of Commissioners/designee makes the initial determination that a classified employee is unable to perform the essential functions of the employee's position, the Board/designee will institute pre-separation proceedings. A pre-separation hearing will be scheduled, and advance notice provided to the employee. If, after the hearing, the Board of Commissioners/designee determines that the employee is unable to perform the essential functions of the position with or without reasonable accommodation, the Board of Commissioners/designee will issue an involuntary disability separation order to be given to the employee and filed with the State Personnel Board of Review. The effective date of separation shall be based on the date in which the employee was no longer in active work status due to the disabling illness, injury, or condition.
- 2) An employee who has been separated from employment due to disability, either voluntarily or involuntarily, may request reinstatement in writing within two years. The request shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the essential functions of the employee's position. The Board of Commissioners/designee shall have the right to have the employee examined at the Board's expense prior to reinstatement.

REDUCTIONS IN FORCE

SECTION 27

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. LAYOFF AND ABOLISHMENT POLICY

- 1) In implementing layoffs, the Portage County Board of Commissioners ("Board") adopts the following procedures. In adopting these procedures, the Board intends to follow the civil service laws but does not intend to impose upon itself any restrictions that are not required by the civil service laws; the Board reserves the right to substantially comply with these procedures where permitted:
 - a. employees may be laid off as a result of lack of funds (as determined by the Board), lack of work (as determined by the Board), or job abolishment (the need for which will be determined by the Board);
 - b. positions ("jobs") may be abolished as a result of reorganization for the efficient operation of the Board, for reasons of economy (determined at the time the Board proposes to abolish the position), or for lack of work;
 - c. the Board shall decide in which classification or classifications the layoff or layoffs will occur and the number of employees to be laid off within each affected classification;
 - d. in the case of a layoff or an abolishment that results in a reduction of the workforce, the Board shall follow the order of layoff, displacement (bumping), recall, etc. that the Board is required to follow under RC 124.321-124.327.
- 2) Furthermore, the Board will follow the current procedures established by the Ohio State Personnel Board of Review and the administrative rules of the Ohio Director of Administrative Services (ODAS) (as they are amended from time to time) regarding:
 - a. order of layoff and displacement (except any laid off or displaced employee shall have the right to fill an available vacancy or displace into an immediately prior-held position if he or she meets the criteria set forth in RC 124.324[A] [3] and held the position within the last three years and meets the minimum qualifications);
 - b. content and service of notices to employees on layoff or displacement (e.g., mailed seventeen [17] days in advance if served by certified mail, or fourteen [14] days in advance if hand-delivered);
 - c. the calculation of retention points;
 - d. other aspects of abolishment, layoff, and recall;

except that the Board will not file retention point calculations, statements of rationale, or other layoff documents with the Director, nor require verification of same, nor does the Board adopt the SPBR or ODAS procedures that are not expressly or logically applicable to the Board or its/their employees or that would require more of the Board than applicable civil service law.
- 3) The Board reserves the right to amend this policy from time to time in accordance with applicable law.

B. REINSTATEMENT

- 1) Employees who are laid off may be eligible for reinstatement within one (1) year provided they remain qualified to perform the duties of their positions.

UNEMPLOYMENT COMPENSATION

SECTION 28

EFFECTIVE: 12/16/2021
RESOLUTION: 21-0924

A. ELIGIBILITY

- 1) All Portage County employees are eligible for unemployment compensation in accordance with the laws and regulations of the State of Ohio.

SMOKE/ TOBACCO/ VAPOR FREE WORKPLACE

SECTION 29

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

A. STATEMENT OF POLICY

- 1) Pursuant to Ohio Revised Code Chapter 3794, smoking is absolutely prohibited in all facilities owned or operated by Portage County. The County prohibits smoking and use of tobacco or vaporizing products in all worksites and in all outdoor areas adjacent to doors, windows, and other access points that may permit smoke to enter the ventilation system. Smoking or use of tobacco or vaporizing products are also prohibited in all vehicles owned by the County.
 - a. Smoking or use of tobacco or vaporizing products are prohibited within 25' of windows, doorways, and ventilation systems of all County facilities.
 - b. "No Smoking" signs will be posted at the entrance of each County facility.
 - c. Ashtrays and smoking receptacles will be moved to a point 25' from any window, doorway, or ventilation system. This will allow those approaching a County facility to extinguish cigarettes and/or cigars.

B. DEFINITIONS

- 1) For the purposes of this policy, "use of tobacco or vaporizing" includes, but is not limited to, any tobacco product such as cigarettes, cigars, pipe tobacco, and chewing tobacco, as well as any device intended to simulate smoking, such as electronic cigarettes or personal vaporizers.
- 2) For the purposes of this policy "smoking" includes, but is not limited to, inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe or other lighted smoking device for burning tobacco or any other plant.

C. VIOLATIONS

- 1) Violation of the smoke/tobacco/vapor free workplace policy will result in discipline and may result in the assessment of a monetary penalty by the Ohio Department of Health. An employee who has violated this policy will be held financially responsible for fines assessed against the County due to the violation, and the County reserves the right to deduct the amount of such fines from the employee's pay.

PUBLIC RECORDS POLICY

SECTION 30

EFFECTIVE: 12/16/2021

RESOLUTION: 21-0924

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

I. Purpose:

The Portage County Board of Commissioners acknowledges that it maintains many records that are used in the administration and operation of its Departments. In accordance with state law and the Portage County Records Commission, the Portage County Board of Commissioners has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the Portage County Board of Commissioners and document the organization, functions, policies, decisions, procedures, operations, or other activities of the Commissioners' office. (R.C. 149.011(G); R.C. 149.43(A)(1)). The records maintained by the Commissioners' office and the ability to access them are a means to provide trust between the public and the Commissioners' Departments.

II. Scope:

- A. Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
 - 1. Each record custodian has a copy of the Board of Commissioners' public records policy. (R.C. 149.43(E)(2)).
- B. The Board of Commissioners' public record policy, as well as, the Portage County Schedule of Records Retention and Disposition (RC-2) (Board of Commissioners and General Records of the Board of Commissioners) are located at every location in which the public may access the Board of Commissioners' records.
- C. The Board of Commissioners' public records policy is located in the Board of Commissioners' policies and procedures manual.
- D. The Commissioners' Departments will display a poster which generally describes the Board of Commissioners' public records policy at every location in which the public may access the Commissioners' Departmental records.

III. Fees:

- A. The Portage County Board of Commissioners, in accordance with Section 149.43 of the Revised Code, has established the following fees for provided copies or reproductions of public records maintained by the Commissioners' Departments.
 - 1. For photocopies of either letter or legal-size documents, the fees shall be five cents (5 cents) per photocopy, with the first five (5) copies free of charge. Advance payment is not required before any copies are prepared. Two sided photocopies shall be charged at a rate of five cents (5 cents) per side.
 - 2. For video tapes, CD's, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.

3. Established costs/fees under this policy shall be clearly posted and visible for the public at all locations authorized to provide copies of public records.

IV. Availability

Inspection

- A. All public records maintained by the Board of Commissioners' Departments shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the Portage County current records retention schedule(s). (R.C. 149.43(B)(1)). (Promptness is to be determined by the facts and circumstances of each public records request). Regular business hours for the Commissioners' Office are Monday through Friday (except holidays), from 8:00 AM to 4:30 PM.
- B. For the purpose of enhancing the ability of the Commissioners' Departments to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, the Commissioners' Office shall provide to the requester the Commissioners' *Public Records Request* form to the requester to complete.
 1. Prompt inspection and copies of records within a reasonable amount of time contemplates the opportunity for legal review.
 2. Although the Commissioners' Departments may ask the requestor to make the request in writing, for the requestor's identity, and may inquire about the intended use of the information requested, the requestor shall be advised that:
 - a. The requests are not mandatory; and
 - b. The requestor's refusal to complete the Commissioners' *Public Records Request* form does not impair the requestor's right to inspect and/or receive copies of the public record. (R.C. 149.43(B)(5)).
 3. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by the Commissioners' Departments whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel for the Department for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the Board of Commissioners.
- D. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public inspection. The following represents a partial list of records maintained by the Portage County Board of Commissioners that may not be inspected or copied.
 1. Portage County Board of Commissioners' Departmental known records which are exempt from disclosure.

Public Records Request

A. Mailed Requests for Public Records:

1. Upon receiving a written request for copies of a public record made in accordance with Section 149.43 of the Ohio Revised Code via the United States Postal Service, the Commissioners' Departments shall promptly respond to the request.

2. An authorized employee of the Department may contact the requestor and advise them that advance payment is required prior to providing copies of public records, and in addition the fee shall also include the cost of postage and the envelope. (R.C. 149.43(B)(6)(7)).
 3. When practical, the Board of Commissioners' Departments may forward copied records by any other means reasonably acceptable to the requestor.
 - a. If a person requests a copy of a public record, the Commissioners' Departments shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which the Department maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of the Department, or the responsible Commissioners' employee for the public record. (R.C. 149.43(B)(6)).
 - b. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. (R.C. 149.43(B)(6)).
 4. In accordance with Section 149.43(B)(7) of the Ohio Revised Code, the Portage County Board of Commissioners may limit the number of requested public records, to be physically delivered by U.S. Mail or by another delivery service, to ten records per month, unless the requestor certifies to the office in writing that the person does not intend to use or forward the requested records or the information contained in them, for commercial purposes.
 - a. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.
 5. Authorized Commissioners' Departmental employees shall comply with the following procedures upon receiving a valid public record request
 - a. Commissioners Departmental employees shall promptly process requests.
 - b. Requestors may be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.
- B. Written or verbal requests for copies made by the public records requestor or their designee shall be processed in the same manner as mailed requests.

Response and Denials

- A. Requests for inspection and/or copies of public records, which are not maintained by the Commissioners' Departments shall be processed in the following manner:
1. If the Department receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing utilizing the Commissioners' *Public Records Request* form that one of the following applies:
 - a. Their request involves records that have never been maintained by the Department;
 - b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Portage County Schedules of Record Retention and Disposition (RC-2);
 - c. Their request involves a record that has been disposed of pursuant to an Application of the One-time Records Disposal (RC-1);

- a. If the record that is requested is not a record used or maintained by the Department, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that the Department is under no obligation to create records to meet public record requests.

B. Ambiguous or Overly Broad Request for Public Records

If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the Department responsible for the requested public record cannot reasonably identify what public records are being requested.

1. The Board of Commissioners may deny the request.

2. However, the Board of Commissioners shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the Commissioners' Office in the ordinary course of business. (R.C. 149.43(B)(2)).

C. Denial of a Record Maintained by the Portage County Board of Commissioners.

The Board of Commissioners may deny a request for a record maintained by the Commissioners' Departments if:

1. The record that is requested is prohibited from release due to applicable state or federal law.
 - a. Employees of the Portage County Board of Commissioners shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - i. Employees may check the appropriate box on the Commissioners' *Public Records Request* form if they are simply applying the statutory exclusion.
 - ii. Otherwise, legal counsel will respond with the legal authority for a denial.
2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the Portage County Board of Commissioners shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
 - a. If the initial request was provided in writing the explanation also shall be provided to the requestor in writing.
 - b. The explanation shall not preclude the Portage County Board of Commissioners from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43(C).

D. Redacting Exempted Records/Procedure

1. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in Section 149.011 of the Ohio Revised Code (R.C. 149.43)(A)(13));
 - a. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43(B)(1)).
 - b. If a request is ultimately denied, in part or in whole, the Board of Commissioners shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied. (R.C. 149.43(B)(3)).

2. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the Board of Commissioners shall make available all of the information within the public record that is not exempt R.C. 149.43(B)(1)).
3. When making that public record available for public inspection or copying that public record, the Board of Commissioners shall notify the requestor of any redaction or make the redaction plainly visible. (R.C. 149.43(B)(1)).
4. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
5. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record and maintained in accordance with the retention period established for the original document.

Remedy

A. Grievances

1. If a person allegedly is aggrieved by the failure of the Commissioners' Office or person responsible for public records to promptly prepare a public record and to make it available to the person for inspection, or by any other failure to comply with an obligation, the requestor shall be advised that they may do only one of the following, and not both:
 - a. File a complaint with the Clerk of the Court of Claims or the Clerk of the Court of Common Pleas under Section 2743.75 of the Ohio Revised Code;
 - b. Commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(2) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution. (R.C. 149.43 (C)(1)).

V. Training and Education

The Portage County Board of Commissioners' office continues to update and address all education, training, disclosure and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E)(1)(2).

PUBLIC RECORDS REQUEST

Portage County is dedicated to providing the highest quality of customer service in accordance with Ohio's Public Records Act. *Your request is not required to be in writing, nor is it required that your name or intended use of the requested records be disclosed.* The information contained on this form is solely intended to enhance our ability to respond to your request in a timely and reasonable manner. Our office is under no obligation to create records to meet public record requests but will prepare and make available those records which do comply with your request. If we cannot reasonably identify what public records you are requesting, you may revise your request and we will explain to you the manner in which the office's records are maintained

To be completed by employee if not completed by the requester based on nature of the request.

Name of Requester*		Today's Date
Street Address	City, State, ZIP	
Phone Numbers (please indicate cell, land line or pager)	E-mail Address	
<p>INFORMATION REQUESTED: <i>Please be specific.</i> Records sought must be identified with sufficient clarity in order to allow this office to identify, retrieve and review the records. The records custodian is available to assist by advising you of the manner in which records are kept. <i>Please Print.</i> Type of Record Requested _____ Relevant Date(s) _____ Description _____ _____ _____</p>		
For additional space, please use the reverse side of this form.		
COMPLETED RESPONSE		
Date Requester Notified _____ By: _____ Via: _____ <div style="display: flex; justify-content: space-around; font-size: small;"> (Employee) (Phone #, mail, e-mail) </div>		
Date Response Mailed, Picked Up or Inspected (Circle one) _____		
Total Cost \$ _____ including actual postage cost of \$ _____		
Number of copies requested _____ @ \$.05 Per Page First Five (5) Copies are Free of Charge	Total fee \$ _____	
Copies of other materials _____ @ _____	Total fee \$ _____	

VI. RECORDS RETENTION SCHEDULE FOR GENERAL RECORDS (RC-2) FOR THE BOARD OF COUNTY COMMISSIONERS' OFFICE AND BOARD OF COMMISSIONERS' DEPARTMENTS (3/15/2012, rev. 5/3/2012, rev. 3/3/2020).

Records Retention Schedules specific to each Board of Commissioner department shall be completed and retained in the department. When a Commissioner department's Records Retention Schedule is silent on the retention period for a record series, the department is to follow the Board of Commissioners' RC-2 below.

Records Retention Forms:

- **RC-1** - Forms are used for a One Time Disposal of Obsolete Records that are no longer created or maintained. After a One-Time Disposal of Obsolete Records (RC-1) has been reviewed by the State Archives-LGRP and approved by the Auditor of State, you will no longer be required to send in an RC-3 prior to disposal.
- **RC-2** - Forms are the Retention Schedules. The RC-2 dictates how long each record series is going to be retained. RC-2 forms should include a brief description for each records series so that State Archives-LGRP may more accurately determine which records series will require a RC-3 form.
- **RC-3** - Form is a Certificate of Disposal for records identified on a RC-2 form.

Records Retention Procedure:

1. RC-1, RC-2 and RC-3 forms should be sent to the Board of Commissioners' (BOC) Clerk to present to the Records Commission for review.
2. The Records Commission meets twice a year. The BOC Clerk will notify departments when the Records Commission is meeting so the appropriate forms can be forwarded to the Clerk prior to the meeting.
3. The Records Commission will review and consider the RC forms. Once the RC forms are approved by the Records Commission, the Clerk will forward the forms to the State Archives for review and signature.
4. Once reviewed and signed by the State Archives, the forms are returned to the local government via email, if one is provided, or by mail.
5. The BOC Clerk will forward the copy to the appropriate department.

BOC RECORDS RETENTION SCHEDULE:

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS- LGRP	(6) RC-3 Required by OHS- LGRP
12-1	Accident Reports Bodily injury to non-employee Employee injury reports Damage to county vehicle	6 years provided no action pending Place in personnel file 6 years provided no action pending	Paper		<input type="checkbox"/>
12-2	Accounts Receivable Ledger and Documents	3 years provided audited	Paper		<input type="checkbox"/>
12-3	Activity Reports	2 years	Paper		<input type="checkbox"/>
12-4	Agendas – Hard Copy Scanned Agendas	2 years 2 years	Paper Electronic		<input type="checkbox"/>

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS- LGRP	(6) RC-3 Required by OHS- LGRP
12-5	Annual County Budgets	Permanent	Paper Microfilm		<input checked="" type="checkbox"/>
12-6	Annual Department/Office Budgets	5 years	Paper		<input type="checkbox"/>
12-7	Annual Reports	Permanent	Paper		<input checked="" type="checkbox"/>
12-8	Applications for employment	1 year after receipt	Paper		<input type="checkbox"/>
12-9	Attendance Reports/Records	3 years	Paper		<input type="checkbox"/>
12-10	Audiovisual, PR & Training Materials	Until information is superseded Appraise for historical value	Paper		<input checked="" type="checkbox"/>
12-11	Audit reports (federal, state and internal)	5 years	Paper		<input type="checkbox"/>
12-12	Automatic data processing and electronic data processing media	Erase when no longer of administrative value/No RC-3 required	Tape and/or digital		<input type="checkbox"/>
12-13	Badges and IDs	Turn in upon termination of employment			<input type="checkbox"/>
12-14	Bank deposit receipts	3 years provided audited	Paper		<input type="checkbox"/>
12-15	Bank statements	3 years provided audited	Paper		<input type="checkbox"/>
12-16	Blank forms	Until obsolete or superseded/No RC-3 required	paper		<input type="checkbox"/>
12-17	Blue prints/vellums	Until updated or obsolete Appraise for historical value/No RC-3 required	paper		<input type="checkbox"/>
12-18	Bids (successful)	A. Copies of successful bids to provide goods and services – 3 years after expiration of contract B. Original, if made part of contract and filed with contract – 15 years after expiration of contract	Paper		<input type="checkbox"/>
12-19	Bids (unsuccessful)	2 years after letting of the contract	paper		<input type="checkbox"/>

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS- LGRP	(6) RC-3 Required by OHS- LGRP
12-20	Bond coupons	2 years provided audited	Paper		<input type="checkbox"/>
12-21	Bond registers	20 years after issue called or redeemed	Paper		<input type="checkbox"/>
12-22	Bonds (redeemed)	2 fiscal years after redeemed, provided audited	Paper		<input type="checkbox"/>
12-23	Budget preparation documents (working papers)	4 years	Paper		<input type="checkbox"/>
12-24	Bulletins, posters and notices to employees	Until no longer administratively necessary/No RC-3 required	Paper		<input type="checkbox"/>
12-25	Calibration records	5 years	Paper		<input type="checkbox"/>
12-26	Cancelled checks	3 years provided audited	Paper		<input type="checkbox"/>
12-27	Cash books/journals	3 years provided audited	Paper		<input type="checkbox"/>
12-28	Check registers	3 years provided audited	Paper		<input type="checkbox"/>
12-29	Claims and litigation records	5 years after case is closed and appeals are exhausted	Paper		<input type="checkbox"/>
12-30	Collective Bargaining Agreement/Union Contract	15 years after expiration	Paper		
12-31	Compliance reports	5 years	Paper		<input type="checkbox"/>
12-32	Continuing education certificates/Class seminars/Training attendance records	Place in personnel file	Paper		<input type="checkbox"/>
12-33	Contracts/agreements	15 years after expiration	Paper		<input type="checkbox"/>
12-34	Copies of records	Destroy when no longer of administrative value/No RC-3 required	Paper		<input type="checkbox"/>
12-35	Correspondence Routine form letters General Executive	1 year 2 years 5 years	Paper		<input type="checkbox"/>

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS- LGRP	(6) RC-3 Required by OHS- LGRP
12-36	Delivery/packing slips	2 years	Paper		<input type="checkbox"/>
12-37	Desk/appointment calendar	3 months after end of calendar year	Paper		<input type="checkbox"/>
12-38	Disaster plans COOP (Continuity of Operations Plan)	Until updated or superseded/No RC-3 required Until updated or superseded/No RC-3 required	Paper		<input type="checkbox"/>
12-39	Dispatcher radio/telephone calls/audit recordings	30 days, erase and reuse providing no action is pending/No RC-3 required	Tape and/or digital		<input type="checkbox"/>
12-40	Dog Warden Weekly Reports	Until audited	Paper		
12-41	Drafts	Until no longer administratively necessary/No RC -3 required	Paper		<input type="checkbox"/>
12-42	Drawings, tracings, Mylars	Until superseded or obsolete. Appraise for historical value/No RC-3 required	Paper		<input type="checkbox"/>
12-43	Electronic mail (E-Mail) Non-record materials Personal Correspondence i.e. "let's do lunch" Non-state publications: i.e. electronic newsletters, advertisements Intermediate retention: i.e. general correspondence, informative letters & memos that do not affect policy Routine correspondence i.e. referral letters, requests for information Weekly or monthly reports Executive Correspondence	Retain according to content Delete Immediately/No RC -3 required Delete immediately/No RC -3 required Retain in accordance with correspondence guidelines (12-34) /No RC -3 required Six months 1 year for ongoing projects Retain in accordance with correspondence guidelines (12-34)	Paper/ Electronic		
12-44	Equipment inventories	3 years	Paper		<input type="checkbox"/>
12-45	Equipment maintenance records	Life of equipment	Paper		<input type="checkbox"/>

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS- LGRP	(6) RC-3 Required by OHS- LGRP
12-46	Expense records	3 years	Paper		<input type="checkbox"/>
12-47	Fax Logs Messages	1 year Treat as correspondence	Paper		<input type="checkbox"/>
12-48	Federal grant files, supporting documents, and financial records	5 years provided all State or Federal audits have been conducted, the audit reports released and all litigation, claims and audit findings resolved	Paper		<input type="checkbox"/>
12-49	Flow charts (operations)	2 years	Paper		<input type="checkbox"/>
12-50	Fuel usage records	3 years	Paper		<input type="checkbox"/>
12-51	General orders, directives, policies, rules, regulations or procedures	Until superseded Retain one copy until audited	paper		<input type="checkbox"/>
12-52	Hearings Audio and video recordings Report of proceeding Transcripts	1 year Permanent 5 years	Tape and/or digital Paper Paper		<input checked="" type="checkbox"/>
12-53	Insurance policies	2 years after expiration, provided all claims are settled	Paper		<input type="checkbox"/>
12-54	Inventories (Annual of county property)	3 years provided audited	Paper		<input type="checkbox"/>
12-55	Invoices (paid)	County Auditor record copy -3 years Duplicate copies – 2 years	Paper		<input type="checkbox"/>
12-56	Job descriptions	Until superseded or classification abolished	Paper		<input type="checkbox"/>
12-57	Lawsuits – Claims and Litigation	5 years after case is closed and appeals exhausted	Paper		
12-58	Leases Equipment Real estate	2 years after expiration 5 years after expiration provided audited	Paper		<input type="checkbox"/>
12-59	Leave requests (Sick and Vacation)	3 years provided audited	Paper		<input type="checkbox"/>
12-60	Licenses, permits and certifications	1 year after expiration	Paper		<input type="checkbox"/>

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS- LGRP	(6) RC-3 Required by OHS- LGRP
12-61	Mail Unsolicited mail Postal records	Until no longer administratively necessary/No RC -3 required 2 years	Paper		<input type="checkbox"/>
12-62	Mailing lists	Until updates, superseded or obsolete/No RC-3 required	Paper		<input type="checkbox"/>
12-63	Management and operations reports Monthly/Quarterly/Semiannual Annual Consultant	Until incorporated in an annual report 5 years 5 year	Paper		<input type="checkbox"/>
12-64	Manuals, handbooks, and directives	Until superseded, obsolete or replaced Retain one copy – 5 years	Paper		<input type="checkbox"/>
12-65	Material safety sheets	Until superseded/No RC-3 required	Paper		<input type="checkbox"/>
12-66	Meeting notices	1 year	Paper		<input type="checkbox"/>
12-67	Memoranda	Handle as correspondence (see schedule #12-35)	Paper		<input type="checkbox"/>
12-68	Minutes of meetings Official copy Audio and visual recordings Drafts/Notes	Permanent 1 year provided the meeting minutes are approved by the Board of Commissioners Until official minutes are approved/No RC-3 required	Paper Tape and/or digital Paper		<input checked="" type="checkbox"/>
12-69	911 System Documentation Logs Printouts Recording Tapes	Life of System 3 years 1 year 30 days then reuse provided no action is pending/No RC-3 required	Tapes, digital, electronic and/or paper		<input type="checkbox"/>
12-70	Oaths of office of elected officials	10 years after leaving office	Paper		<input checked="" type="checkbox"/>
12-71	Officials' bonds	10 years after expiration	Paper		<input checked="" type="checkbox"/>

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS- LGRP	(6) RC-3 Required by OHS- LGRP
12-72	Ohio Department of Liqueur Control Notices	1 year	Paper		
12-73	Organizational Charts	Until superseded/No RC-3 required	Paper		
12-74	Pay-ins to Treasury Records	3 years provided audited	Paper		<input type="checkbox"/>
12-75	Personnel files	2 years after employee terminates purge extraneous records. Retain retirement waivers, service record and leave balance	Paper		<input type="checkbox"/>
12-76	Petty cash records	3 years provided audited	Paper		<input type="checkbox"/>
12-77	Plats and maps	Permanent	Paper		<input checked="" type="checkbox"/>
12-78	Photo file	Until information is no longer current/No RC -3 required Appraise for historical value.	Paper		<input checked="" type="checkbox"/>
12-79	Preliminary drafts of letters, memoranda, worksheets, reports, and the preparation of recorded information	Destroy when no longer of administrative value to the office/No RC -3 required	Paper		<input type="checkbox"/>
12-80	Press/news releases	3 years	Paper		<input checked="" type="checkbox"/>
12-81	Printing orders	3 years	Paper		<input type="checkbox"/>
12-82	Professional Association records	Destroy when no longer of administrative value/No RC -3 required	Paper		<input type="checkbox"/>
12-83	Project plans and drawings	Life of project or when obsolete. Appraise for historical value	Paper		<input type="checkbox"/>
12-84	Publication stock	30 days after obsolete/No RC-3 required	Paper		<input type="checkbox"/>
12-85	Publications created by local government	Until superseded or obsolete. Retain one copy permanently	Paper		<input checked="" type="checkbox"/>
12-86	Purchase orders	3 years provided audited	Paper		<input type="checkbox"/>
12-87	Receipt documents	2 years provided audited	Paper		<input type="checkbox"/>

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS- LGRP	(6) RC-3 Required by OHS- LGRP
12-88	Receiving documents	3 years	Paper		<input type="checkbox"/>
12-89	Records of accrued fees	3 years provided audited	Paper		<input type="checkbox"/>
12-90	Records of receipts and expenditures	10 years	Paper		<input type="checkbox"/>
12-91	Records requests	2 years	Paper		<input type="checkbox"/>
12-92	Records documents (RC-1, RC-2, RC-3)	Permanent	Paper		<input type="checkbox"/>
12-93	Reference library materials	Until superseded, obsolete or replaced/No RC-3 required	Paper		<input type="checkbox"/>
12-94	Requisitions	3 years	Paper		<input type="checkbox"/>
12-95	Research files	5 years	Paper		<input type="checkbox"/>
12-96	Roster/directories	1 year after obsolete or superseded/No RC-3 required	paper		<input type="checkbox"/>
12-97	Scrapbooks/Yearbooks	Appraise for historical value/No RC -3 required	Paper		<input checked="" type="checkbox"/>
12-98	Speeches/Presentations	3 years	Paper		<input type="checkbox"/>
12-99	State grant files, supporting documents, and financial records	5 years provided all State or Federal audits have been conducted, the audit reports released and all litigation, claims and audit findings resolved	Paper		<input type="checkbox"/>
12-100	Statistical reports Monthly/quarterly/semi-annual Annual Consultant produced	Until incorporated into annual report 5 years 5 years	Paper		<input type="checkbox"/>

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS- LGRP	(6) RC-3 Required by OHS- LGRP
12-101	Surveying field notes	Permanent	Paper		<input checked="" type="checkbox"/>
12-102	Surveillance tapes/videos	30 days then reuse provided no action is pending/No RC-3 required	Tape and/or digital		<input type="checkbox"/>
12-103	Table of organization/organizational charts	Until superseded/No RC-3 required	Paper		<input type="checkbox"/>
12-104	Tape recordings and video recordings	1 year after minutes are transcribed or approved	Tape and/or digital		<input type="checkbox"/>
12-105	Telephone records Messages Charges/bills Documentation Service record System equipment	Until no longer administratively necessary/No RC -3 required 2 years provided audited Life of system 2 years Continually updated – retain superseded data 1 year			<input type="checkbox"/>
12-106	Time cards, time sheets, payroll sign in sheets	3 years provided audited	Paper		<input type="checkbox"/>
12-107	Training material/lesson plans	Until superseded/No RC-3 required	Paper		<input type="checkbox"/>
12-108	Transient records Post-it notes Text messages Instant messages	Until no longer administratively necessary/No RC -3 required	Paper and Electronic		<input type="checkbox"/>
12-109	Travel expense reports	3 years provided audited	Paper		<input type="checkbox"/>
12-110	Uniform records	3 years provided audited	Paper		<input type="checkbox"/>
12-111	Vehicle maintenance records	Until vehicle sold	Paper		<input type="checkbox"/>
12-112	Vehicle mileage records	Until vehicle sold	Paper		<input type="checkbox"/>
12-113	Vehicle mileage logs (departmental record)	1 year	Paper		<input type="checkbox"/>
12-114	Visitor log or sign-in sheets	1 year	Paper		<input type="checkbox"/>
12-115	Voice mail Messages	Until no longer administratively necessary/No RC -3 required Life of system			<input type="checkbox"/>

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS- LGRP	(6) RC-3 Required by OHS- LGRP
	System documentation				
12-116	Voucher registers	3 years provided audited	Paper		<input type="checkbox"/>
12-117	Vouchers	3 years provided audited	Paper		<input type="checkbox"/>
12-118	Warrant registers/journals	3 years provided audited	Paper		<input type="checkbox"/>
12-119	Warrants (paid)	3 fiscal years provided audited	Paper		<input type="checkbox"/>
12-120	Work orders	2 years	Paper		<input type="checkbox"/>
12-121	Work schedules	1 year after schedule changed	Paper		<input type="checkbox"/>
12-122	Warranties Equipment Systems Service Parts	Life of the warranty plus one year	Paper		<input type="checkbox"/>
20-01	Social Media Posts & Records (Primary) Information posted or received that is considered to be an original record.	Refer to departmental or general schedule for corresponding record series and cite those schedule numbers when completed an RC-3.	Paper and/or electronic		<input type="checkbox"/>
20-02	Social Media Posts & Records (Secondary) Copy of a record(s); does not include original information.	Until no longer of administrative value.	Paper and/or electronic		<input type="checkbox"/>
20-03	Social Media Account Records Records may include information on Account ID, User Name(s), password information, authorized users list, content editors list, date account was established and/or terminated; authorizing representative, account creator(s), site terms & use agreement & updates, etc.	1 year after account is terminated; provided no action pending.	Paper and/or electronic		<input type="checkbox"/>

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS- LGRP	(6) RC-3 Required by OHS- LGRP
	This schedule covers records common to the Commissioners' Office and Board of Commissioners' departments. It is provided to authorize the disposal of records that have no further value to the agency and/or the county once their usefulness is terminated and the retention requirement has been met.				<input type="checkbox"/>

APPENDIX

APPENDIX A OUTSIDE EMPLOYMENT FORM



Board of Commissioners

Sabrina Christian-Bennett, President
Anthony J. Badalamenti, Vice-President
Vicki A. Kline, Board Member

Department of Internal Services

PORTAGE COUNTY – OUTSIDE EMPLOYMENT

The Portage County Board of Commissioners' Personnel Policy Manual states: "Under no circumstance shall an employee have other employment which conflicts with the policies, objectives and operations of Portage County offices or the employee's specific job description. In addition, employees shall not become indebted to a second Employer whose interest might be in conflict with those of the County office in which they work". It further states that employees who wish to engage in other employment must obtain prior written permission from the Board of Commissioners/County Administrator.

Employee Name (print): _____

Department: _____ Work Phone: _____

I am seeking employment with the following organization:

Name of Organization	Nature or Line of Business & Telephone Number:
Position:	Number of Hours Per Week:
Job Duties:	Time of Shifts Working:
Organization Address (# & Street)	Organization Address (City, State & Zip)

I understand and agree to the policies set forth for outside employment.

Effective Date _____

Employee Signature _____

Please note that should it be determined in the future that this outside employment is adversely affecting your job performance, the Board of Commissioners/County Administrator may recommend that you refrain from such activity. Any conflict, policy infraction or other specific offense which is a direct result of your participation in outside employment may result in discipline up to and including termination.

* * * * *

Department Director Review:

Director _____ Date _____

Approved Not Approved

Internal Services Review (Does a Vendor Conflict exist?):

Internal Services Director _____ Date _____

Yes No

Board of Commissioners/County Administrator:

President/Vice President or County Administrator _____ Date _____

Approved Not Approved

Reason: _____

CC: Human Resources Department
Internal Services Department
Originating Department
Employee



Revised: April 21, 2022

APPENDIX B

PORTAGE COUNTY ONLINE CONTENT TERMS OF USE STATEMENT

AGREEMENT BETWEEN USER AND PORTAGE COUNTY

Portage County websites, co.portage.oh.us and services.portageco.com are comprised of various web pages operated by Portage County. Portage County social media sites, hosted at Facebook, Google+, Pinterest, Twitter, and YouTube, contain posts, multimedia, and other original and linked content.

Portage County websites and social media sites ("Online Content") are offered to you conditioned on your acceptance without modification of the terms, conditions, and notices contained herein. Your use of the County's Online Content constitutes your agreement to all such terms, conditions, and notices.

MODIFICATION OF THESE TERMS OF USE

Portage County reserves the right to change the terms, conditions, and notices under which the County's Online Content are offered, including but not limited to the charges associated with the use of the County's Online Content.

LINKS TO THIRD PARTY SITES

Portage County's Online Content may contain links to other websites or other online content ("Linked Content"). The Linked Content is not under the control of Portage County and the County does not guarantee the accuracy, relevance, timeliness or completeness of information contained on Linked Content. The County does not endorse the organizations sponsoring Linked Content and does not endorse the views they express or the products/services they offer. The County cannot and does not authorize the use of copyrighted materials contained in Linked Content. Users must request such authorization from the sponsor of the Linked Content. The County provides the Linked Content to you only as a convenience.

COMMENT POLICY

While Portage County makes reasonable efforts to monitor and moderate content posted on Online Content platforms, neither the Portage County nor its employees or other affiliated individuals have the ability to moderate all comments at all times and cannot always respond immediately to online requests for information. Portage County reserves the sole right to review, edit, and/or delete any comments it deems inappropriate. Comments including, but not limited to, the following may be deleted or edited if deemed inappropriate or irrelevant by the moderators:

- 1) The department will remove any postings containing confidential personal information or infringing on copyrights, trademarks or other intellectual property where permission for use has not been granted by the property holder.
- 2) The department reserves the right to remove any material appearing to be spam, malware or other material potentially harmful to County property.
- 3) The department reserves the right to remove content that includes vulgarity, personal attacks and content that discriminates or harasses on the basis of race, color, religion, sex, age, national origin, disability, military status, genetic testing, sexual orientation, gender identity or expression or other intrinsic personal characteristics.
- 4) Statements advocating illegal activity or advertising commercial products, or services will not be tolerated and are also subject to removal.
- 5) The department reserves the right to remove content that is inflammatory in nature or creates a personal attack against another member of the public or a member of the department.

Portage County Online Content is not monitored on a 24-hour basis; please call 911 for emergencies. Please notify Portage County if you encounter a post that you find to be inappropriate.

NO UNLAWFUL OR PROHIBITED USE

As a condition of your use of Portage County Online Content, you warrant to the County that you will not use Portage County Online Content for any purpose that is unlawful or prohibited by these terms, conditions, and notices. You may not use Portage County Online Content in any manner which could damage, disable, overburden, or impair Portage County Online Content or interfere with any other party's use and enjoyment of Portage County Online Content. You may not obtain or attempt to obtain any materials or information through any means not intentionally made available or provided for through Portage County Online Content.

LIABILITY DISCLAIMER

THE INFORMATION INCLUDED IN OR AVAILABLE THROUGH PORTAGE COUNTY ONLINE CONTENT MAY INCLUDE INACCURACIES OR TYPOGRAPHICAL ERRORS. CHANGES ARE PERIODICALLY ADDED TO THE INFORMATION HEREIN. THE PORTAGE COUNTY MAY MAKE IMPROVEMENTS AND/OR CHANGES IN PORTAGE COUNTY ONLINE CONTENT AT ANY TIME. ADVICE RECEIVED VIA PORTAGE COUNTY ONLINE CONTENT SHOULD NOT BE RELIED UPON FOR PERSONAL, MEDICAL, LEGAL OR FINANCIAL DECISIONS AND YOU SHOULD CONSULT AN APPROPRIATE PROFESSIONAL FOR SPECIFIC ADVICE TAILORED TO YOUR SITUATION.

PORTAGE COUNTY MAKES NO REPRESENTATIONS ABOUT THE SUITABILITY, RELIABILITY, AVAILABILITY, TIMELINESS, AND ACCURACY OF THE INFORMATION, SOFTWARE, PRODUCTS, SERVICES AND RELATED GRAPHICS CONTAINED ON PORTAGE COUNTY ONLINE CONTENT FOR ANY PURPOSE. TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, ALL SUCH INFORMATION, SOFTWARE, PRODUCTS, SERVICES AND RELATED GRAPHICS ARE PROVIDED "AS IS" WITHOUT WARRANTY OR CONDITION OF ANY KIND. PORTAGE COUNTY HEREBY DISCLAIMS ALL WARRANTIES AND CONDITIONS WITH REGARD TO THIS INFORMATION, SERVICES AND RELATED GRAPHICS, INCLUDING ALL IMPLIED WARRANTIES OR CONDITIONS OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE AND NON-INFRINGEMENT.

TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, IN NO EVENT SHALL PORTAGE COUNTY BE LIABLE FOR ANY DIRECT, INDIRECT, PUNITIVE, INCIDENTAL, SPECIAL, CONSEQUENTIAL DAMAGES OR ANY DAMAGES WHATSOEVER INCLUDING, WITHOUT LIMITATION, DAMAGES FOR LOSS OF USE, DATA OR PROFITS, ARISING OUT OF OR IN ANY WAY CONNECTED WITH THE USE OR PERFORMANCE OF PORTAGE COUNTY ONLINE CONTENT, WITH THE DELAY OR INABILITY TO USE PORTAGE COUNTY ONLINE CONTENT OR RELATED SERVICES, THE PROVISION OF OR FAILURE TO PROVIDE SERVICES, OR FOR ANY INFORMATION, SERVICES AND RELATED GRAPHICS OBTAINED THROUGH PORTAGE COUNTY ONLINE CONTENT, OR OTHERWISE ARISING OUT OF THE USE OF PORTAGE COUNTY ONLINE CONTENT, WHETHER BASED ON CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, EVEN IF PORTAGE COUNTY HAS BEEN ADVISED OF THE POSSIBILITY OF DAMAGES. BECAUSE SOME STATES/JURISDICTIONS DO NOT ALLOW THE EXCLUSION OR LIMITATION OF LIABILITY FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES, THE ABOVE LIMITATION MAY NOT APPLY TO YOU. IF YOU ARE DISSATISFIED WITH ANY PORTION OF PORTAGE COUNTY ONLINE CONTENT, OR WITH ANY OF THESE TERMS OF USE, YOUR SOLE AND EXCLUSIVE REMEDY IS TO DISCONTINUE USING PORTAGE COUNTY ONLINE CONTENT.

SERVICE CONTACT: WEBMASTER@PORTAGECO.COM

TERMINATION/ACCESS RESTRICTION

Portage County reserves the right, in its sole discretion, to terminate your access to Portage County Online Content and the related services or any portion thereof at any time, without notice. To the maximum extent permitted by law, this agreement is governed by the laws of the State of Ohio, U.S.A. and you hereby consent to the exclusive jurisdiction and venue of courts in Portage County, Ohio, U.S.A. in all disputes arising out of or relating to the use of Portage County Online Content. Use of Portage County Online Content is unauthorized in any jurisdiction that does not give effect to all provisions of these terms and conditions, including without limitation this paragraph. Portage County's performance of this agreement is subject to existing laws and legal process, and nothing contained in this agreement is in derogation of Portage County's right to comply with governmental, court and law enforcement requests or requirements relating to your use of Portage County Online Content or information provided to or gathered by Portage County with respect to such use. If any part of this agreement is determined to be invalid or unenforceable pursuant to applicable law including, but not limited to, the warranty disclaimers and liability limitations set forth above, then the invalid or unenforceable provision will be deemed superseded by a valid, enforceable provision that most closely matches the intent of the original provision and the remainder of the agreement shall continue in effect. Unless otherwise specified herein, this agreement constitutes the entire agreement between the user and Portage County with respect to Portage County Online Content, and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral or written, between the user and Portage County with respect to Portage County Online Content. A printed version of this agreement and any notice given in electronic form shall be admissible in judicial or administrative proceedings based upon or relating to this agreement to the same extent and subject to the same conditions as other business documents and records originally generated and maintained in printed form. It is the express wish to all parties that this agreement and all related documents be drawn up in English.

APPENDIX C
GENERAL CONSENT FOR LIMITED QUERIES OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)

**General Consent for Limited Queries of the
Federal Motor Carrier Safety Administration (FMCSA)
Drug and Alcohol Clearinghouse**

I, _____, hereby provide consent to Portage County to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse. I understand and agree that this consent shall remain in effect for the duration of my employment with Portage County and shall include a minimum of one (1) limited query conducted annually.

I understand that if the limited query conducted by Portage County indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to Portage County without first obtaining additional specific content from me.

I further understand that if I refuse to provide consent for Portage County to conduct a limited query of the Clearinghouse, Portage County must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

Employee Signature

Date