



# TRUMBULL COUNTY POLICIES & PROCEDURES MANUAL

## **Introduction**

**This Manual sets forth policies and procedures for various Trumbull County offices and departments. Because job duties and protocol are unique from department to department, each department may institute additional policies and procedures to ensure the proper functioning of that department.**

**Personnel affected should note that Trumbull County reserves the right to change, delete from, or add new entries in this Manual.**

**In the event there is a conflict between matters expressed in this Manual and applicable laws or Collective Bargaining Agreements, the applicable law or C.B.A. shall prevail and supercede this Manual.**

**Employees are advised that the Trumbull County Policies & Procedures Manual is NOT an Employment Contract and should not be considered to be anything more than what it purports to be: A guide for the fair and efficient operation of Trumbull County.**

**It is the responsibility of the employee to understand and follow the policies of the Appointing Authority.**

**Assistance is available through Supervisory personnel if any questions arise about the policies & procedures included herein.**

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## **SECTION 1.1 GENDERS AND PLURAL**

Whenever the context so requires, the use of the words herein in the singular shall be construed to include the plural, and words in the plural, the singular, and words whether in the masculine, feminine or neuter genders shall be construed to include all of said genders. By the use of either the masculine or feminine genders it is understood that said use is for convenience purposes only and is not to be interpreted to be discriminatory by reason of sex.

## **SECTION 1.2 ETHICS**

All county employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the State of Ohio (Section 102 of the Ohio Revised Code) and other rules and regulations as may be set forth by the Appointing Authority.

For more information, or additional materials on the Ohio Ethics Law, contact:

OHIO ETHICS COMMISSION  
8 East Long Street  
10th Floor  
Columbus, Ohio 43215-2940  
Phone: (614) 466-7090  
Fax: (614) 466-8368  
[www.ethics.ohio.gov](http://www.ethics.ohio.gov)

## **SECTION 1.3 EMPLOYER DEFINITIONS**

Contained herein, the terms “Appointing Authority” and “Employer” mean the Trumbull County elected officials, boards or commissions authorized by law to make appointments to the positions of their departments. The Appointing Authorities for Trumbull County departments are as follows:

### **Department**

Commissioners  
Auditor  
Coroner  
Brookfield Eastern District Court  
Clerk of Courts  
Common Pleas Court  
Court of Appeals  
Central District Court

### **Appointing Authority**

Board of Commissioners  
Auditor  
Coroner  
Court Judge  
Clerk of Courts  
Court Judge  
Court Judge  
Court Judge

Family Court	Court Judge
Probate Court	Court Judge
County Engineer	County Engineer
Prosecutor	Prosecutor
Recorder	Recorder
Sheriff	Sheriff
Treasurer	Treasurer
Board of Elections	Board of Elections
Board of Health	Board of Health
Building Inspection	Commissioners
Building maintenance & HVAC	Commissioners
Child Support Enforcement Agency	Commissioners
Children's Services	Children's Services Board
Data Processing	Auditor
Dog Warden	Commissioners
GIS Department	Auditor
Tax Map	Auditor
Homeland Security	Emergency Management Board
Job and Family Services	Commissioners
Microfilm, Printing & Archives	Recorder
Office of Elderly Affairs	Commissioners
Human Resources	Commissioners
Planning Commission	Planning Commission Board
Sanitary Engineer	Commissioners
Vehicle Maintenance	Commissioners
Veterans Service Office	Veteran's Service Board
Water and Sewer	Commissioners
9-1-1	Commissioners
Geauga-Trumbull Solid Waste Management District	Board of Directors
Soil and Water Conservation District	Board of Directors
Trumbull Lifelines	Mental Health Board
Trumbull County MetroParks	Board of Directors

**SECTION 1.4 EMPLOYEE DEFINITIONS**

- A. Classification means a group of positions that involve similar duties and responsibilities, require similar qualifications and which are properly designated by a common descriptive title indicating the general nature of the work. A classification may include only one position.
- B. Classified employees are those who are employed by the County and not specifically included in the unclassified service.

- C. County means the County of Trumbull in the State of Ohio.
- D. Employer means the Appointing Authority, or the designee of the Appointing Authority, authorized by law to make appointments to positions.
- E. Exempt employees are those who are exempt from certain wage and hour laws, i.e. overtime pay. Usually applies to administrative, executive, managerial or professional employees.
- F. Non-exempt employees are those who are subject to wage and hour laws such as overtime pay. Usually applies to non-managerial personnel.
- G. Position means a group of duties and responsibilities assigned or delegated by competent authority to be performed by one person.
- H. Job Description is a written statement of duties defining essential functions of the job, percentage of time spent on those functions, and bona fide occupational qualifications.
- I. Supervisor means any individual who has authority, to effectively recommend actions to hire, transfer, suspend, lay-off, recall, promote, discharge, reward, discipline and adjust grievances; to direct the work of employees on a daily basis; to responsibly manage, direct, and assign the work of subordinates.
- J. Unclassified employees are those who are specifically excluded from the classified civil service by Section 124.11 of the Ohio Revised Code.

## **SECTION 1.5 EMPLOYEE STATUS**

All employees of Trumbull County are to be classified as full-time, part-time or temporary. These terms are defined below:

- (1) Full-time employee - an employee who works 40 hours per week on a regularly scheduled basis or who works the standard, full-time work week as designated by the Appointing Authority, but in no event fewer than 30 hours per week on a regular basis.
- (2) Part-time employee - an employee who works fewer than 40 hours per week, or less than the standard, full-time work week as designated by the Appointing Authority, but on a regularly scheduled basis.

(3) Temporary employee - an employee who works in a position which is of a non permanent nature, whether full-time or part-time.

(4) Student intern employee — a temporary employee who is regularly a full-time student in a college or university. Such an appointment may be for longer than 120 days, but must have a terminal date established. If the employee ceases to be enrolled as a student (other than for seasonal breaks or as part of a cooperative education program), that employee is no longer eligible for employment under this status.

Full-time, permanent employees shall be entitled to all benefits as provided by Trumbull County. Part-time and temporary employees shall not be entitled to any benefits unless otherwise specified in this Manual.

**Note: See Section 4.7 concerning eligibility for Health Insurance Benefits.**

## **SECTION 1.6 HOURS OF WORK**

The Appointing Authority will establish the scheduled work hours for each department or office, depending on the nature of the work, work practices and custom.

Employees not exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) shall not work outside of their regularly scheduled hours unless authorized to do so in advance by their supervisor or in emergency situations.

Employees whose regular hours of service total forty hours per week, or who render any other standard of service accepted as full-time by the Appointing Authority shall be considered full-time employees for all benefit purposes.

Employees shall receive reasonable notice of any change in regular work hours when practicable.

### **SECTION 1.6.1 LUNCH**

Employees may be entitled to a paid or unpaid lunch period as determined by the Appointing Authority.

Employees who are not exempt under the FLSA, and who receive an unpaid lunch period, shall not work during their lunch period except with the approval of their supervisor or in emergency situations.

Employees may also be entitled to paid breaks during their workday as determined by the Appointing Authority. Breaks may only be taken if the workload permits.

### **SECTION 1.6.2 ABSENTEEISM AND TARDINESS**

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.

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

Employees who are not exempt from the FLSA shall not receive pay for any period of an unauthorized absence.

Employees who fail to report to work for three or more consecutive work days without notifying their department director or supervisor shall be considered to have abandoned their positions and shall be subject to disciplinary action, up to and including discharge.

### **SECTION 1.7 INTRODUCTORY PERIOD**

Newly hired employees shall be subject to an introductory period for the first one hundred twenty (120) calendar days of their employment. A full-time employee hired into a position with a longer introductory period will be notified prior to the start of his/her employment.

Newly hired employees will receive no paid time off and/or benefits other than wages until the successful completion of this period.

An employee in his/her introductory period may be discharged for cause or no cause at any time during the introductory period. The Appointing Authority need give no reason for discharge.

### **SECTION 1.8 PERSONNEL FILES**

A personnel file is maintained by the appointing authority for each employee. Personnel files are public records as defined by O.R.C. 149.43. The file shall include, but may not be limited to: date of hire, job description and classification; employment status; payroll data; attendance records, including vacation and sick leave; performance evaluations;

other individual employment data pertaining to hiring, promotion, discipline, demotion, transfer, layoff and termination.

Certain records are confidential and access restricted. These include: medical records, adoption, probation, parole, trial preparation records, confidential law enforcement investigatory records and any other records as determined by State or Federal law.

An employee has the right of reasonable inspection of their official personnel file. Such inspection shall occur during employee's non-work time or other mutually agreeable time.

Employees must advise their immediate supervisor of any change in name, address, marital status, telephone number or association with any government military organization.

If an employee believes that material contained in the personnel file is irrelevant, inaccurate, or obsolete, he/she may submit a written request to the County Human Resources Director to remove the material from the file. An investigation will be made to determine the reasonableness of the request. The Employee will be notified of the results of the investigation and any plans to be taken with respect to the disputed information. The employee may submit a statement to be attached to any disputed documents.

Employees are not permitted to alter, add or remove documents or other information contained in their personnel files without express written authorization from the Appointing Authority. An employee who alters, adds or removes documents or information from his or her personnel file without prior approval may be subject to discipline up to and including discharge.

If an employee wishes to have copies of any materials from their own file, copies will be provided at the current cost per copy rate.

## **SECTION 1.9 EEOC COMPLIANCE (AFFIRMATIVE ACTION PLAN)**

Trumbull County is an EEO employer and actively seeks to diversify its work force. Therefore, all qualified applicants, regardless of race, color, national origin, religion, gender, age, disability or veteran status, are strongly encouraged to apply.

**A copy of the Trumbull County EEOC Compliance (Affirmative Action Plan) is available for inspection upon request to the Human Resources Department.**

## **SECTION 2.1 ATTENDANCE**

It is the intent of the Appointing Authority to maintain the work force at the highest point of efficiency and dependability. Employees are expected to report to work as scheduled and to maintain a satisfactory record of on time attendance. Attendance is essential for the efficient operation of the County All leave must be authorized by Policy or action of the employee's supervisor

Absences from work due to illness (including one's immediate family), personal days, bereavement leave, jury duty, military leave, and vacation must be submitted to, and approved by, the appropriate appointing authority or designee. Extended leaves of absence (i.e., FMLA or work related injury) will be considered for approval only if verification of the need for such leave is presented.

The Appointing Authority recognizes the fact that emergency situations arise that can cause an employee to be late or be unable to report to work, i.e., car accidents, fire, etc., but these situations are the exception. In the case of an emergency the employee shall notify the supervisor as soon as possible and explain the nature of the emergency. Requests for emergency leave (authorization after the fact) will be considered based on the merits of the request.

## **SECTION 2.2 STANDARDS OF CONDUCT**

1. Employees shall show every reasonable courtesy to the public they serve.
2. Employees shall commence duties at the beginning of assigned work periods and shall continue working until the end of the assigned work period(s).
3. Employees shall not leave the job or work area without authorization during work time unless necessary in the performance of duties.
4. Employees shall maintain a neat, clean, sanitary, and safe facility.
5. Employees shall refrain from mischief, horseplay, wrestling, unsafe conduct, profane or abusive language or any other behavior that is disruptive to the work environment.
6. Employees shall not intimidate, coerce, or interfere with subordinates, supervisors, or other employees.
7. Employees shall be courteous and cooperate with other employees and supervisors.
8. Employees shall use reasonable care of County property, equipment, and supplies.

9. Employees shall observe official safety rules and common safety practices.
10. Employees shall comply with all applicable County job performance standards, rules, regulations, and policies.
11. Employees shall avoid obligating the County for any expense, service, or performance without prior authorization.
12. Employees shall report all known accidents, injuries, or equipment damage.
13. Employees shall attempt to perform the highest quality of work within a timely fashion.
14. Employees shall use the County telephones for business purposes and shall limit personal calls.
15. Employees shall not smoke within County buildings or in restricted areas.
16. Employees shall not sleep during work hours.
17. Employees shall always report to work fit for duty.
18. Employees shall refrain from possessing, being under the influence of or using intoxicants, drugs or other controlled substances during work hours, except as medically permitted.
19. Employees shall not use County property, facilities or equipment without authorization.
20. Employees shall not perform private work or personal business on County time.
21. Employees shall report for overtime work as scheduled or assigned.
22. Employees shall refrain from solicitation of any kind and/or distribution of non-county items or paraphernalia in accordance with County policy, with the exception of non-profit organization's items, with prior approval.
23. Employees shall not, in any manner, express false, defamatory, vicious or malicious statements concerning employees, supervisors, administrators, the County or its operations.
24. Employees shall give factual and honest testimony when accidents or incidents are being investigated. This shall also apply to pre-disciplinary hearings and complaint or grievance investigations or hearings.

25. Employees shall not post, remove or change notices or signs on bulletin boards without authorization.
26. Employees shall not distribute or post any written or printed materials of any description on the Employer's premises without authorization.
27. Employees shall not be present on the Employer's premises during non-work hours without appropriate reason.
28. Employees shall not engage in any political activity prohibited by law.
29. Employees shall not reveal confidential information regarding another's personal information to families, friends or any other unauthorized persons.
30. Employees shall always report off work in accordance with County policy for any absence every scheduled day unless otherwise authorized.
31. Employees shall not use alter another employee's time card or alter another employee's time record.
32. Employees shall not gamble while on duty.
33. Employees shall not steal or destroy or damage any County property or the property of others.
34. Employees shall not engage in the manufacture, use or sale of narcotics or other controlled substances on the premises of the Employer or during business hours or while on duty.
35. Employees shall not fight or attempt to cause injury to other employees, superiors or persons.
36. Employees not so authorized shall not carry or possess firearms, explosives or weapons on County property at any time.
37. Employees shall not knowingly conceal a communicable disease being suffered by the employee.
38. Employees shall not misuse or remove County records or information without express prior authorization.
39. Employees shall not instigate, lead or participate in other curtailment, restriction or interference of work.
40. Employees shall be honest and shall not commit any dishonest action. Dishonesty or dishonest action may include but is not limited to: theft, pilfering, opening

desks assigned to other employees without authorization, making false claims or representations to secure employment or any Employer provided benefit(s) or committing any unlawful acts.

41. Employees shall not refuse to perform assigned work or to comply with written or verbal instructions of the supervisor so long as such instructions are safe and legal.
42. Employees shall not physically or verbally abuse co-workers, supervisors, subordinates or any or persons they come in contact with.
43. Sexual harassment in the workplace by any person or in any form is strictly prohibited. **Note: See Appendix E.**

## **SECTION 2.3 CORRECTIVE/DISCIPLINARY ACTION** **PRINCIPLES**

**2.3.1** The Appointing Authority believes that a clearly written Corrective/Discipline Policy will serve to promote fairness and efficiency in the work place and will minimize potential misunderstandings among employees in disciplinary matters. Furthermore, they believe that certain basic principles, set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job behavior.

1. Employees shall be advised of expected job behavior, the general types of conduct that the County has determined to be unacceptable, and the penalties for such unacceptable behavior.
2. It is the Employer/Supervisor's responsibility to administer discipline. This means maintaining efficiency, cooperation, and proper work conduct among all employees while protecting the rights of all employees under their supervision.
3. Immediate attention shall be given to policy infractions. All alleged misconduct will be investigated so that all pertinent facts are gathered to render a fair and reasonable decision.

The employee, at the discretion of the employer, may be placed on paid or unpaid administrative leave due to an alleged offense of gross misconduct until the time discipline is administered.

4. Corrective action/discipline shall be applied uniformly and consistently throughout the County, and may include counseling and/or formal discipline, as warranted, based on the nature of the violation, the

employee's record of discipline, and the employee's record of performance and conduct.

5. Discipline shall normally be progressive and consistent in nature, except in instances of gross or serious misconduct. Progressive discipline may include verbal warnings, written warnings, suspension without pay, reduction or discharge from employment.
6. An employee's immediate supervisor shall normally be responsible for administering corrective action/discipline.

### **2.3.2 PROGRESSIVE CORRECTIVE/DISCIPLINE POLICY**

Examples of standards of conduct as set forth herein are not intended to be all-inclusive, but serve merely as a guide. Any violation of policies, procedures, work rules or regulations, either oral or written, may subject an employee to Corrective/Disciplinary action whether specifically delineated or not. The nature of the violation will be determined by the degree to which the County will be negatively impacted. In cases of gross or serious misconduct, discipline need not be corrective or progressive, and such misconduct may result in immediate discharge.

No employee shall be reduced in pay or position, suspended, discharged or removed except for just cause.

Disciplinary action may include:

- a. Verbal warning.\*
- b. Written warning.
- c. Suspension without pay.
- d. Reduction in pay or position, or
- e. Discharge from employment.

\*Note: There will be written documentation of the issuance of verbal warnings placed in the file of the individual.

Except in extreme instances wherein the employee is found guilty of gross misconduct, discipline will be applied in a corrective progressive and uniform manner.

- A. Progressive discipline shall take into account the nature of the violation, the employee's record of discipline and the employee's record of performance and conduct.

All records of disciplinary actions shall cease to have force and effect two (2) years after the effective date of the disciplinary action, provided that no intervening disciplinary action for related violations has occurred.

### **Disciplinary Conference**

- A.** Whenever the Employer determines that an employee may be suspended or discharged, a pre-disciplinary conference will be scheduled.
- B.** No less than five (5) work days prior to the scheduled starting time of the conference, the Employer will provide to the employee a written outline of the charges which may be the basis of disciplinary action. The employee must choose to:
  - C.** Appear at the conference to present an oral or written statement in his/her defense;
  - D.** Appear at the conference and have a chosen representative present an oral or written statement in defense of the employee; or
  - E.** Elect in writing to waive the opportunity to have a pre-disciplinary conference.
- F.** At the pre-disciplinary conference, the Employer will ask the employee or his/her representative to respond to the allegations of misconduct which were outlined to the employee.
- G.** The employee or his/her representative may present any testimony, witnesses, or documents which explain whether or not the alleged conduct occurred. The Employer shall provide a list of witnesses to the employee not later than five (5) work days prior to the pre-disciplinary conference.
- H.** The employer or his/her representative will be permitted to confront and cross-examine witnesses. A written report will be prepared by the Employer, concluding as to whether or not the alleged conduct occurred and deciding what discipline, if any, is appropriate. A copy of this report will be provided to the employee within seven (7) days following the hearing.
- I.** The pre-disciplinary conference will be administered by a designee who will be selected by the Employer and Union from a list mutually agreed to by both parties provided the designee is not a member of any bargaining units of the Employer.

**An employee may use any and all accrued leave (i.e. sick, vacation, comp time, personal days, etc.) to cover a period during which he is placed on administrative leave. If the employee is fully or partially exonerated of the Employer's charges, the employee shall be made whole. (Example: An employee uses accrued time to cover a ten (10) day administrative leave. Ultimately, the punishment warranted is determined to be three (3) days. Seven days accrued leave will be given back to the employee).**

### **2.3.3 PRE-DISCIPLINARY CONFERENCE**

1. Before any employee can be suspended, reduced or discharged without pay, the Human Resources Director or designee will give the employee written notice, at least five (5) days in advance, that a pre-disciplinary conference will be held.
2. The written notice shall contain a description of the specific misconduct alleged, the date and approximate time of the alleged offense, and notification that the employee has a right to one (1) representative of his/her own choosing. The neutral will contact the employee to set the date, time and place that the conference will be held.
3. The hearing/conference will be conducted by a neutral third party designated by the Human Resources Director.
4. The employee must choose to: (a) appear at the conference to present an oral or written statement in his/her defense; (b) appear at the conference and have a representative present an oral or written statement in defense of the employee; or (c) elect in writing, to waive his/her rights to the conference.
5. If the employee opts to waive representation, the neutral shall have the employee so designate, in writing, prior to the commencement of the hearing.
6. The neutral may tape the proceeding. All parties must be informed in advance of the hearing that the proceeding is being taped.
7. To begin the hearing, the neutral shall verbally inform the employee of the alleged charges of misconduct against him/her.
8. Following the reading of the alleged charges, the employee shall be given the opportunity to respond to the charges or to have his/her chosen representative respond on his/her behalf (see Item #4).
9. At the hearing, either party may present any testimony, witnesses, or documents which explain whether or not the alleged conduct occurred. The parties shall provide lists of witnesses to the neutral and opposing party through the

Administrative Secretary to the H. R. Director, as far in advance as possible, but no later than two (2) hours prior to the pre-disciplinary conference. It shall be the responsibility of the employee to notify their witnesses that they may be requested to attend the hearing. Either party shall have the right to cross-examine witnesses. The neutral shall have the authority to limit witnesses' testimony to matters specifically relevant to the alleged charges of misconduct and to limit redundant testimony. Further, the neutral shall have the right to reasonably limit the length and extent of such examination.

10. Within seven (7) working days of conclusion of the hearing, the neutral will issue a report to the H.R. Director stating whether or not he/she believes that the alleged misconduct occurred, and may include in said report, any statement made during the hearing by the employee or the employee's representative that the neutral feels supports the findings. A copy of the report shall be forwarded to the employee.
11. Within fifteen (15) working days of the receipt of the neutral's report, the H.R. Director shall decide what disciplinary action, if any, will be taken and will notify the employee in writing of the action.

If the H.R. Director determines that the employee's continued employment, prior to the conference/hearing, poses a danger to persons or property, or is a threat of disrupting operations, he/she may suspend the employee with pay, pending the scheduling and outcome of the pre-disciplinary conference.

#### **2.3.4 COMPLAINT PROCEDURE**

The Appointing Authority recognizes that within any organization there will be occasional differences and complaints regarding interpretations of rules or other problems stemming from conditions of employment. When differences or problems arise, employees should attempt to resolve the matter informally through proper channels. In the event a difference or problem cannot be resolved informally, the Appointing Authority has established the following complaint procedure to provide employees with an orderly process by which to seek resolution of such differences. The employee would initiate the formal complaint procedure at the step applicable to their next in authority in the chain of command.

**STEP 1** Any employee having a complaint may file his or her complaint in writing with their immediate supervisor. In order for the complaint to be recognized, it must be filed within five (5) working days after the date the alleged incident occurred. Within five (5) working days after the date the complainant first presented his or her complaint, the supervisor will attempt to resolve the matter.

**STEP 2** If the complaint is not resolved in Step 1, the complainant may pursue the matter by submitting the complaint in writing to his or her Administrator within five (5) working days after the reply received in Step 1. The Administrator shall, if it is deemed necessary, meet with those concerned and otherwise attempt to resolve the matter. The Administrator, after review and investigation of all matters of fact relative to the complaint, shall issue his or her decision in writing within ten (10) working days after the date he or she received the complaint.

**STEP 3** The complainant may appeal the decision of the Administrator by submitting the complaint in writing to the H.R. Director or his/her designee within five (5) working days after the reply received in Step 2. The Director shall schedule a hearing within ten (10) working days after the receipt of the complaint. The Director shall respond in writing to the complainant within ten (10) working days after the hearing. The Director's decision shall be final.

In order to insure the prompt resolution of employee complaints, the prescribed time limits for each step of the complaint procedure should be followed as closely as possible. However, in the event of extenuating circumstances, the established time limit for any given step of the complaint procedure may be extended by mutual agreement of the parties. Complaints which are not processed to the next step of the procedure within the specified time limits, or any written extension thereof, shall be considered resolved on the basis of the decision at the previous step.

Complaints not answered by management within the prescribed time limits shall be considered to have been answered in the negative and may be advanced to the next step in this procedure.

Where the alleged complaint is of a nature that qualifies for appeal under the rules of the State Personnel Board of Review for non-bargaining unit employees, the complainant must appeal through the State Personnel Board of Review in accordance with the rules of that body, i.e., suspensions of more than three (3) days, reductions, layoffs, terminations.

When a group of employees desire to file a complaint involving a situation affecting each employee in the same manner, only one employee selected by such group shall file the complaint.

A complainant may have an employee representative of his or her choosing present at any step of the procedure. Employees and employee representatives shall not lose pay or benefits for time spent in complaint hearings held during their regular work hours.

### **2.3.5 APPEALS**

Personnel actions such as dismissals, suspensions, demotions and layoffs may be appealed by an affected employee through the in-house complaint procedure outlined in this manual. If necessary, personnel actions, excluding a suspension of three (3) days or less, may be appealed, by an affected employee, to the State Personnel Board of Review.

Appeals from removal, demotion, or suspension, must be filed within ten (10) days after receipt of the order, with the State Personnel Board of Review. Appeals from layoffs must be filed within ten (10) days after the employee receives notice of the layoff or the date the employee is notified that he or she is being displaced (bumped).

The State Personnel Board of Review maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the Board may affirm, disaffirm, or modify personnel decisions made by the Human Resources Director, Board of County Commissioners, or the Department of Administrative Services.

### **2.3.6 GROUNDS FOR DISCIPLINARY ACTION AND PENALTIES**

The expectation of discipline may vary by department based upon the job duties.

#### Group I Offenses

First offense:	Instruction and cautioning
Second offense:	Written reprimand
Third offense:	Three (3) day suspension without pay
Fourth offense:	Fifteen (15) day suspension without pay
Fifth offense:	Termination

The following are examples and are not to be considered to be inclusive:

- Discourteous treatment of the public.
- Harassment of general public or fellow employees.
- Dereliction of Duty.
- Circumventing the prescribed chain of command.
- Failure to complete tasks in a timely manner.
- Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period.
- Leaving the job or work area during regular working hours without authorization.
- Making preparations to leave work without specific prior authorization before the lunch period or for any official break time, or before the specified quitting time.
- Unauthorized absence from work.
- Creating or contributing to unsanitary or unsafe conditions.
- Distracting the attention of others, unnecessary shouting, demonstration or otherwise causing disruption on the job.
- Malicious mischief, horseplay, wrestling or other undesirable conduct, including use of profane or abusive language.

- Threatening, intimidating, coercing or interfering with subordinates or other employees.
- Failure to cooperate with other employees as required by job duties.
- Failure to use reasonable care of County and/or Agency property or equipment.
- Use or possession of another employee's working equipment without authorization.
- Neglect or carelessness in observance of official safety rules, or disregard of common safety practices.
- Failure to observe Department policies.
- Obligating the Department for any expense, service or performance without authorization.
- Failure to report accidents, injury or equipment damage.
- Disregarding job duties by negligence of work or reading for pleasure during work hours.
- Unsatisfactory work or failure to maintain required standards of performance.
- Smoking in County buildings, or vehicles, or restricted areas.

### Group II Offenses

First offense:	Instruction and cautioning and two (2) or three (3) day suspension without pay
Second offense:	Fifteen (15) day suspension without pay
Third offense:	Termination

- Sleeping during working hours.
- Reporting for work or working while unfit for duty.
- Being in possession of, or drinking alcoholic beverages on the job.
- Conduct violating accepted morality or common decency.
- Unauthorized use of County property or equipment.
- Performing private work on County time.
- Willful failure to sign in or out when required.
- Willful failure to make required reports.
- Solicitation or distribution in violation of County policy.
- The making or publishing of false, vicious or malicious statements concerning employees, supervisors, the County or its operation.
- Refusing to give testimony when accidents are being investigated.
- Failure to maintain all safety equipment on vehicles.
- Failure to report all maintenance problems to Department director or designee.
- Giving false testimony during a complaint investigation or hearing.
- Distributing or posting written or printed matter of any description on County property without prior permission.
- Willful disregard of County Policies.
- Use of abusive or threatening language toward supervisors, fellow employees or the public at large.
- Unauthorized presence on County property.

### Group III Offenses

First offense: Up to and including Termination

- Wanton or willful neglect in the performance of assigned duties or in the care, use or custody of any County property or equipment. Abuse or deliberate destruction in any manner of County and/or Department property, tools, equipment or the property of employees.
- Clocking in or out using another employee's I.D. card.
- Falsifying testimony when accidents are being investigated, or falsifying or assisting in falsifying or destroying any County and/or Department records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment.
- Making false claims or misrepresentation in an attempt to obtain any County benefit.
- Gambling during working hours.
- Stealing or similar conduct, including destroying, damaging or concealment of any property of the County or of other employees.
- The use of non-prescription narcotics or the sale of narcotics.
- Fighting or attempting injury to other employees, supervisors or any other person.
- Carrying or possession of firearms, explosives or weapons on County property at any time without proper authorization.
- Knowingly concealing a communicable disease which may endanger other employees.
- Misuse or removal of County records or information without prior authorization.
- Instigating, leading or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction or interference with work in or about the County's work stations.
- Dishonesty or any dishonest action.
- Insubordination by refusing to perform assigned work or refusing to comply with safe and legal written or verbal instructions of a supervisor

## **SECTION 2.4 COMPLAINT PROCEDURE**

**Whenever an employee of the Appointing Authority has a complaint as set forth in this section, the following procedure is to be followed. It is unacceptable to bypass supervisory personnel (i.e., taking issue directly to the Board of Commissioners). Such actions could result in severe discipline, up to and including termination of employment.**

- A. A complaint is any disagreement with management about the employment relationship. A formal complaint exists when an informal resolution to a dispute cannot be achieved and the employee making the complaint has submitted a written complaint to his/her immediate supervisor.
- B. Complaints are to be settled at the earliest possible step of the procedure. The employee must proceed through each step of the complaint procedure in proper order and within the prescribed time limits. Where a complaint cites issues of law that the individual hearing the complaint cannot address, the complaint will be sent to the Prosecutor's office for an opinion before proceeding. All time limits stated in this procedure will be held in abeyance until a response from the Prosecutor is received. A complaint regarding alleged violations of civil rights (discrimination on the basis of race, age, religion, sex, national origin or disability) should be brought to the attention of the Human Resources Manager.
- C. Nothing in this policy is intended to deny an employee any rights available by law, including the right to appeal to the State Personnel Board of Review, State Employment Relations Board, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission or any court of competent jurisdiction. However, if the employee elects to file a complaint on a matter over which another administrative body or court has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that administrative body or court.
- D. A complainant may be accompanied by one (1) other employee during any meetings held to resolve the complaint, except during the informal resolution.
- D. A written complaint must state the reason for the complaint and the requested resolution.
- E. Complaints will not be made a part of an employee's personnel file.
- F. The following procedure will be followed in processing a complaint:
  - 1. Informal Resolution: Within five (5) workdays of the event prompting the complaint, the employee **must meet with his/her supervisor or an appropriate management level employee to try to resolve the issue.**
  - 2. Step One: If the issue is not successfully resolved through the informal resolution step, the employee may, within five (5) workdays of the informal resolution meeting, file a written complaint with his/her immediate supervisor. The written complaint must state the reason for the complaint and the requested resolution. The supervisor will reply in writing to the written complaint within five (5) workdays of its receipt.
  - 3. Step Two: If the Step One response is not acceptable, the employee may, within five (5) workdays of its receipt, appeal in writing to the department

head. The department head will respond in writing within ten (10) workdays of receipt of the appeal.

4. Step Three: The decision of the department head may be appealed to the Appointing Authority within five (5) working days of receipt by the employee. The Appointing Authority will conduct an investigation and may hear oral testimony from the complainant. The Appointing Authority will submit his/her written decision within ten (10) workdays following the conclusion of the investigation. The decision of the Appointing Authority is final.
- H. When management does not respond within the established time limits, the employee may appeal the complaint to the next level. When an employee does not appeal within the established time limits, the complaint is deemed settled with the last management response. Time limits may be extended only by mutual written agreement of the parties due to extenuating circumstances.
  - I. It is an unacceptable practice for an employee to sidestep these procedures by appealing to the Appointing Authority directly without first adhering to the above steps.

## **SECTION 2.5      OUTSIDE EMPLOYMENT**

Under no circumstances shall an employee have other employment which conflicts with the policies, objectives and operations of Trumbull County offices or the employee's specific job descriptions. In addition, no employee shall use his or her official position for personal gain, participate directly or indirectly in any activity which is in conflict with his or her official duties, or disclose confidential information regarding the business of Trumbull County to any private concern for his or her personal benefit.

Two common conflicts which may arise are:

- A. Time Conflict: defined as when the hours required for outside employment or activities directly conflict with the scheduled work hours of an employee's job with the County; or when the demands of outside employment or activities prohibit adequate rest, thereby adversely affecting the quality standard of the employee's job performance with the County;
- B. Interest Conflict: defined as when an employee engages in "outside employment" that tends to compromise his or her judgment, actions, or job performance with the County, or that otherwise creates a conflict of interest under applicable ethics law, or that creates the appearance or perception of a conflict of interest.

When an employee's supervisor and/or the Appointing Authority has reason to believe the demands of the outside employment are having a negative impact upon the employee's job performance or availability, or upon the interest of the County, the employee will be counseled. If the situation is not resolved, appropriate disciplinary action may result, up to and including discharge.

Employees are strictly prohibited from engaging in or conducting outside private business during scheduled working hours.

## **SECTION 2.6 POLITICAL ACTIVITY**

The purpose of this policy is to provide Appointing Authorities and employees with guidelines concerning political activity. Employees in the classified service are prohibited by Section 124.57 of the Revised Code from engaging in political activity.

- (1) "Classified service" means all persons in the classified civil service of the County, whether in certified or provisional status. Unless specifically exempted from the classified service in accordance with the Revised Code, an employee shall be considered to be in the classified service for the purposes of this policy.
- (2) "Political activity" and "politics" refer to partisan activities, campaign, and elections involving primaries, partisan ballots, or partisan candidates.

The following is a non-exhaustive list of examples of permissible activities for employees in the classified service:

- (1) Registration and voting;
- (2) Expression of opinions, either oral or written;
- (3) Voluntary financial contributions to political candidates or organizations;
- (4) Circulating of nonpartisan petitions or petitions stating views on legislation;
- (5) Attendance at political rallies;
- (6) Signing nominating petitions in support of individuals;
- (7) Display of political materials in the employee's home or on the employee's property;
- (8) Wearing political badges or buttons, or the display of political stickers on private vehicles;
- (9) Serving as a precinct election official under Section 3501.22 of the Revised Code.

The following is a non-exhaustive list of activities that are prohibited to employees in the classified service:

- (1) Candidacy for public office in a partisan election;
- (2) Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- (3) Filing petitions meeting statutory requirements for partisan candidacy to elective office;
- (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
- (5) Service in an elected or appointed office in any partisan political organization;
- (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
- (7) Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
- (8) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
- (9) Solicitation of the sale, or actual sale, of political party tickets;
- (10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and non partisan issues;
- (11) Service as a witness or challenger for any party or partisan committee; provided that employees may serve as a precinct election official as provided in Section 3501.22 of the Revised Code;
- (12) Participation in political caucuses of a partisan nature;
- (13) Participation in a political action committee which supports partisan activity.

An employee in the classified service who engages in any of the activities listed in paragraphs (1) to (13) of this policy is subject to discharge. The appointing authority may initiate such removal action in accordance with the procedures in Section 124.34 of the Revised Code. The Director of the Ohio Department of Administrative Services may also institute an investigation or action in case of a violation.

Employees in the unclassified service, who serve at the pleasure of the Appointing Authority, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional statutory provisions.

Classified employees may serve as a precinct election official for a primary, special, or general election, and the employee may, with the prior approval of the appointing authority, use vacation leave, compensatory time off, or unpaid leave so to serve.

Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.

If any person holding public office or employment is convicted of violating the Revised Code provisions prohibiting abuse of political influence, such office or position shall thereby be rendered vacant.

An employee who has a question regarding permissible and prohibited activity shall contact his immediate supervisor prior to engaging in the activity.

## **SECTION 2.7 SOLICITATION**

The solicitation policy of the Appointing Authority is to protect the interest of the Citizens of Trumbull County by ensuring that only official county business is transacted in work areas during employee work time. The Appointing Authority 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.

The Appointing Authority 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 supercede any provision in an applicable collective bargaining agreement that directly conflicts with this policy.

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.

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

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

- a. 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.

The Appointing Authority 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.

Only persons authorized by the Appointing Authority may place notices on or take down material from bulletin boards.

## **SECTION 2.8 SOCIAL RELATIONS/FRATERNIZATION**

### **2.8.1 Relationships between Managers or Supervisors and Staff**

Romantic relationships between an employee and a supervisor within the same County department poses inherent and unavoidable risks of conflict of interest, damage to employee morale, disruption of workplace effectiveness, or potential for coercion. Accordingly, it is always inappropriate for a manager or supervisor to date or enter into a romantic relationship with an employee under his or her authority. Therefore, such relationships 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.

When a manager or supervisor and a subordinate employee enter into a romantic relationship, the Appointing Authority will expect that either (1) the relationship will be terminated, or (2) one or both of the employees involved will agree to changes in positions so that they no longer are in a reporting relationship, whether through resignation, transfer, demotion, or reassignment. If the employees involved are not willing to undertake such a decision voluntarily, then the Appointing Authority may take whatever steps are necessary to end the reporting relationship, including involuntary transfer, reassignment, demotion, or other appropriate disciplinary action upon one or both of the employees involved. Trumbull County expects managerial and supervisory

employees to avoid such involvements, and if one arises, to disclose the relationship immediately to the Human Resources Director so that appropriate steps may be taken.

### **2.8.2 Relationships Between Co-Workers Not In Supervisor Relationships**

Romantic relationships between co-workers where neither is involved in a position of authority over the other do not pose the same inherent risks, and Trumbull County does not impose a flat prohibition on such relationships or dating between co-workers.

Employees are expected, however, to manage their personal relationships in such a way to avoid adverse impact upon the workplace, and if such relationships become a problem in the workplace, Trumbull County managers and appointing authorities have a legitimate basis to intervene and take appropriate action to address the problem.

If one employee declines another employee's invitation for a date or for other romantic or sexual involvement or indicates the desire to terminate a previous personal relationship with a co-worker, the other employee involved must respect and accept that decision, and if the other employee persists in pursuing the matter despite the expressed lack of interest, he or she is now engaging in unwelcome conduct in violation of this policy. Such conduct will be subject to disciplinary action, up to and including termination.

## **SECTION 2.9 APPEARANCE**

**2.9.1** Employees are to dress in a manner that is normally acceptable in business establishments or in a manner that meets the requirements of their duty position. Safety codes and dress requirements will be met at all times. Good personal hygiene along with neat, clean clothing is required at all times. It is expected that all employees will exercise good judgment and dress appropriately for their jobs.

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.

The following articles of clothing, while not inclusive, are considered to be unacceptable office attire:

- Shorts, spandex, leggings, sportswear skirts, skirts shorter than three (3) inches above the knee; halter and strapless dresses; halter, tube, and midriff tops; T-shirts as outerwear; T-shirts as outerwear with no sleeves; sweatshirts as outerwear with no sleeves; sleeveless tops or dresses without a jacket or sweater; tops with sayings, other than the designer name; denim pants including jump suits and pants suits, of any color; sweat shirts and sweat pants; stirrup pants; spandex or tight cotton pants; bare legs with no hosiery; mini skirts.

**NOTE: Employees working in historically blue-collar classifications shall be permitted to wear denim pants and sweat shirts. A further exception in this regard is any employer approved “dress down day.”**

- Flip-flops, thongs (any type of split-toe sandal), or beach wear are not permitted at any time.
- Wearing any item of clothing, jewelry or other personal adornment that bears objectionable, obscene and/or profane pictures, caricature, writing or other forms of inappropriate communication (i.e., promotion of drugs, alcohol or tobacco) is strictly prohibited.

## **SECTION 3.1 CELLULAR PHONE POLICY**

County-owned cellular phones may be issued to employees if the need for such phones is verified by the appropriate appointing authority.

An employee who may be eligible for a County-owned phone must demonstrate that he/she requires the phone for work purposes and that use of the phone enhances job performance to better serve the general public.

### **I. REQUEST FOR CELLULAR PHONE**

An employee who believes that his/her job duties require a cellular phone shall make this request to the employee's department supervisor. Final approval or denial is the prerogative of the employee's appointing authority.

The supervisor shall audit the employee's job duties to verify the need for a cellular phone. Variables to be considered in this determination shall include, but not be limited to, the employees:

- A. On-Call status.
- B. Regularly being out of the office in the performance of duties.
- C. Need to be in instant communication with staff.

### **II. PAYMENT PLAN**

Pricing plans for cellular phone service must be based upon the most competitive and inexpensive plan available. It is the responsibility of the department supervisor to research the various plans and suggest the best plan to the appointing authority.

### **III. CARE AND SAFETY**

Any employee issued a County-owned cellular phone is responsible for its proper care and will ensure that the phone is secure when not in use. If the phone is lost or stolen the employee will be held liable for replacement costs.

Trumbull County strongly encourages employees to refrain from using cellular phones while driving and strictly forbids employees from placing calls while operating a motor vehicle. To place a call, the employee must pull off the road before placing the call.

### **IV. PERSONAL CALLS AND CHARGES**

County-owned cellular phones are issued for the primary purpose of conducting County business; personal calls are restricted. If personal calls are placed or received, and are listed on the Billing Statement, the cost for these calls must be reimbursed to the County.

Because "Free Minutes" belong to the County, not the employee, personal call

minutes that are “Free” shall be considered a reimbursable charge at the currently established **per minute rate of the plan.**

Roaming and Long-Distance charges resulting from personal use shall be reimbursed to the County at the rate established by the plan.

The employee’s supervisor shall ensure that the monthly Billing Statement is submitted for payment immediately upon being received. Trumbull County will not be responsible for paying interest or late payment charges due to late submission of the statement.

**V. INDIVIDUALLY OWNED CELLULAR PHONES**

Those employees using their own cellular phones for County business may submit the calls for reimbursement **only up to the total overage charge** shown on the invoice. The employee must make personal payment to the provider of the service prior to submitting reimbursable minutes/charges to the County for payment. **Reimbursement requests to the County shall be honored only if a detailed billing statement (listing all calls placed and received) is submitted.**

No portion of the basic, routine monthly charge for service will be reimbursed.

Trumbull County reserves the right to alter and/or revise this policy following proper notice to affected departments. This policy shall be binding upon affected departments and shall supercede any prior regulations relating to this subject.

**SECTION 3.2 THE FAMILY AND MEDICAL LEAVE ACT**

It is Trumbull County’s policy to follow the Family and Medical Leave Act of 1993 guidelines as set forth by the United States Department of Labor’s Employment Standards Administration, Wage and Hour Division. Any questions on the application of FMLA should be directed to the Human Resources office. Below is the Fact Sheet outlining FMLA as set forth by the Department of Labor, Employment Standards Administration Fact Sheet No. 28.

**Fact Sheet #28: The Family and Medical Leave Act of 1993**

The U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division, administers and enforces the Family and Medical Leave Act (FMLA) for all private, state and local government employees, and some federal employees. Most federal and certain congressional employees are also covered by the law and are subject to the jurisdiction of the U.S. Office of Personnel Management or the Congress. See Fact Sheet 28A.

The FMLA became effective on August 5, 1993 for most employers and entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. Amendments to the FMLA by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, expanded the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any “qualifying exigency” arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. The NDAA also amended the FMLA to allow eligible employees to take up to 26 weeks of job-protected leave in a “single 12-month period” to care for a covered servicemember with a serious injury or illness.

## **EMPLOYER COVERAGE**

FMLA applies to all public agencies, including state, local and federal employers, local education agencies (schools), **and** private-sector employers who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including joint employers and successors of covered employers.

## **EMPLOYEE ELIGIBILITY**

To be eligible for FMLA benefits, an employee **must**:

- work for a covered employer;
- have worked for the employer for a total of 12 months;
- have worked at least 1,250 hours over the previous 12 months; and
- work at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the employer within 75 miles.

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of **seven** years or more need not be counted unless the break is occasioned by the employee’s fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)), or a written agreement, including a collective bargaining agreement, exists concerning the employer’s intention to rehire the employee after the break in service. *See, special rules for returning reservists under USERRA.*

## **LEAVE ENTITLEMENT**

A covered employer must grant an eligible employee up to a total of **12 workweeks** of **unpaid** leave during any 12-month period for one or more of the following reasons:

- for the birth and care of a newborn child of the employee;
- for placement with the employee of a son or daughter for adoption or foster care;
- to care for a spouse, son, daughter, or parent with a serious health condition;

- to take medical leave when the employee is unable to work because of a serious health condition; **or**
- for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

A covered employer also must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of **26 workweeks** of **unpaid** leave during a “single 12-month period” to care for the servicemember. *See* Fact Sheet 28A for specific information regarding military family leave.

Spouses employed by the same employer are limited in the **amount of** family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered servicemember with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule – reducing the employee’s usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer’s operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the employer’s approval.

Under certain conditions, employees **or** employers may choose to “substitute” (run concurrently) accrued **paid** leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee’s ability to substitute accrued paid leave is determined by the terms and conditions of the employer’s normal leave policy.

“**Serious health condition**” means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; **or**
- Continuing treatment by a health care provider, which includes:
  - (1) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that **also** includes:

- treatment two or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); **or**
- one treatment by a health care provider (*i.e.*, an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy); **or**

(2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; **or**

(3) 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 a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; **or**

(4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; **or**

(5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

## **MAINTENANCE OF HEALTH BENEFITS**

A covered employer is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, the employer may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

## **JOB RESTORATION**

Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to **before** using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

## **NOTICE AND CERTIFICATION**

### Employee Notice

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the employer’s usual and customary notice and procedural requirements for requesting leave.

Employees must provide sufficient information for an employer reasonably to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee’s qualifying family member is under the continuing care of a health care provider.

When an employee seeks leave for a FMLA-qualifying reason for the **first** time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the employer has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

### Employer Notice

Covered employers must post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. An employer that willfully violates this posting requirement may be subject to a fine of up to \$110 for each separate offense. Additionally, employers must either include this general notice in employee handbooks or other written guidance to employees concerning benefits, or must distribute a copy of the notice to each new employee upon hiring.

When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA purpose, the employer must notify the employee of his or her eligibility to take leave, and inform the employee of his/her rights and responsibilities under FMLA. When the employer has enough information to determine that leave is being taken for a FMLA-qualifying reason, the employer must notify the employee that the leave is designated and will be counted as FMLA leave.

### Certification

Employers may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider. An employer may require second or third medical opinions (at the employer's expense) and periodic recertification of a serious health condition. An employer may use a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition. An employer may have a uniformly-applied policy requiring employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, an employer may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.

### **UNLAWFUL ACTS**

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

### **ENFORCEMENT**

The Wage and Hour Division investigates complaints. If violations cannot be satisfactorily resolved, the U.S. Department of Labor may bring action in court to compel compliance. Individuals may also be able to bring a private civil action against an employer for violations.

### **OTHER PROVISIONS**

Special rules apply to employees of local education agencies. Generally, these rules apply to intermittent leave or when leave is required near the end of a school term.

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to an "eligible" employee's use of leave required by FMLA.

**For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).**

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

### **SECTION 3.3 LAYOFF PROCEDURE**

In the event that it becomes necessary to lay off classified employees due to a lack of work, lack of funds, or reorganization, employees will be laid off according to Ohio Revised Code Section 124.321 through 124.328.

### **SECTION 3.4 NEPOTISM**

Trumbull County will not hire, promote, demote, transfer or effectuate any other personnel action which would result in the employment of immediate family members as defined in Ohio Revised Code in any such capacity which would result in a direct supervisor/subordinate relationship or in which they would be in a position to initiate or participate in decisions involving direct benefit to a relative.

For the 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.

The Appointing Authority will receive employment applications from relatives of current employees, as long as the hiring of that relative does not meet any of the following criteria:

- a. One relative would supervise or have disciplinary authority over another.
- b. 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 would result in a conflict of interest with clients.

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 Appointing Authority must be established. Termination is to be a last resort. No employee who meets current standards of performance and behavior shall be discharged if a transfer is practical.

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. If the two employees are employed in a direct supervisor/subordinate relationship, they will decide between themselves who will resign or transfer.

No person employed by the Appointing Authority 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).

The provisions of O.R.C. Sections 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 termination.

### **SECTION 3.5 PHOTO I.D. POLICY**

Each employee of Trumbull County will be issued a photo identification card. This card is to be with the employee and available to display during work hours. The card will be used as not only identification, but also allows the employee to clock in and out on the county time clock system.

The initial card will be provided at no cost to the employee. If the I.D. is lost, destroyed, or stolen, the cost of each replacement will be charged to the employee.

Each employee will be held responsible for their I.D. card. If employment is terminated, the card is to be returned by the end of the last work day. The employee's supervisor will be responsible for obtaining the I.D. card.

### **SECTION 3.6 SMOKING**

Ohio state law (O.R.C. Chapter 3794) prohibits smoking in all public buildings and Trumbull County vehicles. Smoking is permitted in designated areas outside of the buildings. Failure to follow the directions of the Appointing Authority, or the state law, could lead to discipline up to and including dismissal.

If an employee is caught in violation of state law, he/she will be responsible for any fines incurred.

### **SECTION 3.7 FAMILY VIOLENCE PREVENTION POLICY**

#### **A. Early Intervention and Education Prevention Strategies**

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

- Confidential means for coming forward to help
- Confidentiality

- Resource and referral information
- Additional security at the workplace, if applicable

**B. Leave Options for the Employee who Experiences Threats of Violence**

- At times, an employee may need to be absent from work due to family violence. The length of time should be determined by the individual's situation through collaboration with the employee, supervisor, and Human Resources.
- Employee, supervisor and manager are encouraged to explore options which will help the employee cope with a family violence situation. Depending on the circumstances, this may include:
  - i. Arranging flexible work hours, if possible, so that the employee can handle legal matters, court appearance, housing and child care
  - ii. Compensatory time, or leave without pay, especially if requests are for relatively short periods.

**C. Procedures of the Employee with Performance issues Related to Family Violence**

- While the employer retains the right to discipline the employee for cause, Trumbull County recognizes that victims of family violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate as a result of the family violence. When an employee subject to discipline confides that the job performance or conduct problem is caused by family violence, a referral for appropriate assistance should be offered to the employee.
- The manager, in collaboration with the employee, EAP rep, Human Resource rep, etc. may allow a reasonable amount of time for the employee to obtain assistance regarding the family violence.

**D. Disciplinary Procedures for the Employee who Commits Acts or Threats of Family Violence**

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

## **Family Violence Prevention Procedures**

### **ROLE OF TRUMBULL COUNTY**

- Promote the social norm that family violence is unacceptable and can be prevented
- Develop a policy for the occurrence and effects of family violence in the workplace
- Orientation of each new employee should include the importance of advising a supervisor or designee of any potential danger, specifically family violence
- Define criteria and process by which a supervisor or designee would recommend an employee get assistance from the EAP or outside trained source
- In the event of an incident of family violence in the workplace, provide appropriate counseling for every employee who may have witnessed the incident in the workplace
- Impose disciplinary sanctions for batterers when their behavior involves the use of work time, telephone, fax, email or automobile to harass the victim

### **ROLE OF SUPERVISORY PERSONNEL/HUMAN RESOURCES**

- The Supervisor's role is the most important in helping to make the workplace safe for all employees. It is imperative that supervisors be completely sensitized to the issues of family violence and provide a clear sense of direction for the employee under their supervision
- Promote the social norm that family violence is unacceptable and can be prevented
- Participate in family violence training and be aware of workplace behaviors that may indicate family violence
- Provide orientation for each employee on the process for reporting issues related to family violence
- Explore and encourage options, per workplace policies, to enhance the safety of the employee and increase productivity. They should include, but not be limited to: flexible hours, alternate work schedules, time off for medical or legal assistance and/or court appearances, etc
- Provide employee with family violence resource list and encourage them to seek assistance from EAP, if available, and trained about family violence issues, and/or other resources on the list
- Maintain communication even when the employee has to take time off to take care of the situation

### **ROLE OF FIRST LEVEL CONTACT PERSON**

- Promote the social norm that family violence is unacceptable and can be prevented
- Attend sensitivity training in all family violence issues

- Have access to pictures of potential batterer and a copy of the Protection Order
- Be trained in a safety plan in the event the batterer visits the work site or is an employee
- Screen and route calls from the batterer, as necessary, per directive of immediate supervisor
- Be aware of current laws regarding family violence and Protection Orders

#### **ROLE OF THE EMPLOYEE ASSISTANCE PROGRAM**

- When an employee has been a victim, batterer or witness of family violence, she/he may experience difficulty in the workplace, including, but not limited to, loss of work time, difficulty concentrating, inability to perform duties, etc. The Employee Assistance Program (EAP) is designed to provide the employee with information and support to meet her/his needs. EAP personnel must be trained specifically about family violence issues. It is anticipated that, with assistance with the EAP rep, the employee will be able to begin the process of working on solutions regarding her/his family and/or work situation and improve her/his job performance.
- Promote the social norm that family violence is unacceptable and can be prevented
- Provide sensitivity training to new employees regarding family violence
- Implement a family violence prevention team to include Human Resource personnel, supervisors, security personnel, legal personnel, and any other workplace personnel as deemed appropriate
- Provide annual in-service training to all employees regarding family violence. The training should include information to all types of and issues of family violence, available resources, etc
- Upon referral, the EAP rep
  - Determine the employee's immediate needs
  - Provide the employee with appropriate information as requested by the employee (i.e., legal, housing, emergency shelters, counseling, etc)
  - Assist the employee with the development of a personal safety plan for both home and workplace
  - Provide follow-up services as needed or requested by the employee

**Note: When victims are involved, supervisors should be mindful that the effects of family violence can be severe and may take extended periods of time to address fully. Victim rights and confidentiality shall always be respected.**

## **SECTION 4.1 BEREAVEMENT LEAVE**

In the event of a death of an immediate family member, an employee will be entitled up to five (5) days of bereavement leave, three (3) days of which will be separate and apart from sick leave. The additional two (2) days may be charged to the employee's accumulated, but unused, sick leave time, or may be taken as unpaid leave.

For purposes of bereavement leave, immediate family shall include: Grandparents, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father, father-in-law, mother, mother-in-law, spouse, child, stepchild, grandchild, a legal guardian, foster parent, other person who stands in place of a parent (loco parentis), or a person for whom the employee stands as a legal guardian or in place of a parent (en loco parentis), nieces, nephews, aunts, and uncles.

The County retains the right to require verification of bereavement leave (i.e., newspaper, obituary, church or funeral home notice).

## **SECTION 4.2 COMPENSATION**

### **4.2.1 Pay Periods**

All Trumbull County employees are to be paid every other Friday for the period ending one (1) week prior to payday. The bi-weekly pay period for all employees begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on the second Saturday following.

If a payday should occur on a holiday, paychecks will be issued on the preceding day.

Employees may choose to either have pay checks deposited directly into their accounts, or receive a physical check.

## **SECTION 4.3 COMPENSATORY TIME (EXEMPT EMPLOYEES)**

Compensatory (comp) time is time earned by working in excess of forty (40) hours within a week. A non-exempt employee would normally have the option of being paid for the extra hours at 1.5 times their regular hourly rate or taking the extra hours off work (also at an overtime rate of time and one-half) as compensatory time. Exempt employees are not paid for overtime, but may take the time off on an actual time worked basis under the following conditions:

1. Department Head must approve both the time earned as comp time and when the time is used.

2. Comp time is legitimately earned on excess hours that an employee must work. If an employee chooses of his/her own volition to work overtime, no comp time is earned.
3. No comp time is earned for working in excess of eight (8) hours in a particular day. An employee must have accumulated forty (40) hours worked within a work week before any comp time is earned.
4. Hours paid as sick time and vacation may not count toward the forty (40) hour workweek.
5. Working during a paid lunch hour does not earn an employee one (1) hour of comp time.
6. Any work performed at home, even if brought home in the evening, does not count as potential comp time.
7. Comp time is never “cashed out” as a monetary benefit.
8. Departments may set a maximum number of comp time hours earned within a year. Employees would then have to take time off to avoid earning comp time above the maximum.

**SECTION 4.4 TIME MANAGEMENT POLICY FOR  
EXECUTIVE AND PROFESSIONAL EMPLOYEES (OVERTIME  
EXEMPT)**

**I. STATEMENT OF PURPOSE**

It is the employer’s intent to maintain Trumbull County’s workforce at high levels of dependability and efficiency. Cooperation from the County’s executive and professional employees (as defined by the Fair Labor Standards Act) is expected in the fulfillment of this objective. As supervisors in the various county departments, it is important that these management employees demonstrate exemplary work habits and, in effect, lead by example.

Persons employed in this category who display unsatisfactory work practices, especially excessive absenteeism, only serve to undermine the employer/employee relationship and place their continued employment in jeopardy. Even more serious is the fact that such behavior is a disservice to Trumbull County taxpayers and the public at large.

The employer will make every effort to apply this policy in a fair and uniform fashion for all executive and professional employees. However, it is recognized that the job duties of

County employees vary greatly from one job to another and some discrepancies in the application of this policy, while unintentional, may occur.

This policy is to be considered a guide for those elected officials and appointed authorities choosing to adopt the policies contained herein. These officials retain the right, both individually and collectively, to modify this policy at their sole discretion.

## II. ATTENDANCE

Supervisory employees that are classified as executive or professional are compensated for a straight forty (40) hours within each workweek regardless of the number of hours actually worked. However, these employees must work no less than eighty (80) hours each pay period to maintain the credibility of sick leave and vacation accrual, which is based upon hours worked. Work performed at the employee's residence shall not be counted toward the minimum hours required unless such work is specifically assigned by the employer.

Executive and professional employees, being overtime exempt, may not convert hours earned in excess of forty (40) hours (within a week) into compensatory time off at time and one-half their hourly rate. However, if overtime is mandatory and meets all other conditions of this policy, compensatory time off may be granted on an actual time worked basis. Thus, if an employee works one (1) hour mandatory overtime, he/she is entitled to one (1) hour of compensatory time off

The employer recognizes that supervisory employees often are required to work unusual hours and may also be "on call" due to the nature of their occupations. As such, starting and quitting times may fluctuate on occasion. Such flexibility will still be contingent upon working the required eighty (80) hour pay period.

Absences from work due to illness (including one's immediate family), personal days, bereavement leave, jury duty, military leave, and vacation must be submitted to, and approved by, the appropriate appointing authority. Extended leaves of absence (i.e., FMLA or work related injury) will be considered for approval only if verification of the need for such leave is presented.

Leaves of absences not addressed within this policy are deemed as discretionary and will be approved or disapproved on a case by case basis.

## **SECTION 4.5      DISABILITY LEAVE AND SEPARATION**

A disability leave is defined as an unpaid leave granted or required by the Board of County Commissioners for medical reasons after the employee has exhausted all accrued sick leave. The employee may also exhaust all vacation leave before going on unpaid disability leave, if the employee so desires.

A maternity leave is a disability leave and is subject to the same rules that govern all other disability leaves.

A disability leave may be granted for periods of up to six months and may be extended by increments of up to six months to a total of one year.

During a period of disability leave, the County shall not pay salary or wages or contribute toward retirement benefits or provide for the accumulation of sick leave or vacation leave.

An employee on unpaid disability leave may continue medical and dental coverages by making employee premium contributions to the County. In addition, the employee may pay to the County the premium for term life insurance and long-term disability coverage.

Disability leave is granted by the appointing authority contingent upon a written statement from the employee's attending physician that the employee is disabled and prevented from performing his/her usual duties. The employee's accumulated sick leave shall be exhausted before disability leave is approved. At the employee's discretion, vacation leave also may be exhausted before the beginning of an unpaid disability leave. The employee may not be paid for vacation hours during an unpaid disability leave. If the employee is hospitalized or institutionalized upon expiration of accumulated sick leave, the disability leave may be given without examination.

When a supervisor has reason to believe that the employee is unable to fulfill his/her usual duties by reason of disability, the supervisor may make a request to the appointing authority that the employee undergo a physical examination at the expense of the County. If the physical examination verifies the inability of the employee to fulfill his/her usual and customary responsibilities, the County will place the employee on disability leave upon exhaustion of all accrued sick leave. The employee may also exhaust all vacation leave before going on unpaid disability leave, if the employee so desires.

The County may require that the employee on an approved disability leave undergo periodic physical examinations at the expense of the County to determine the employee's fitness to return to his/her usual duties or to remain on disability leave.

The employee may return to work only by submission of a certificate from the attending physician verifying that the employee is physically able to resume his/her usual duties.

#### **SECTION 4.6 EXPENSE REIMBURSEMENT (TRAVEL)**

Trumbull County employees are to be reimbursed for reasonable expenses as allowed by the law, in accordance with Trumbull County directives and which are incurred while on official County business. Claims for reimbursement must be submitted in writing to the Supervisor or department head for approval and submittal for payment.

All requests for travel must be submitted on the “Prior Approval for Travel Expense” form in advance. Employees who fail to obtain advance approval may not be reimbursed for expenses incurred.

Expenses for mileage, parking and tolls shall be reimbursed as follows:

Whenever possible, a County-owned vehicle is to be used for travel. Reimbursement for official business travel will be paid at the rate established by the Internal Revenue Service (IRS) when required, or approved, to use a privately owned automobile. This payment shall be considered reimbursement for all vehicle related expenses, i.e. gas, oil, depreciation, etc.

Mileage reimbursement is payable to only one (1) of two (2) or more employees traveling on the same trip, and in the same vehicle. The names of each person traveling together must be listed on the travel voucher. When it is necessary for groups of employees to attend seminars, training sessions, etc., employees will be required to travel four (4) to a vehicle.

All employees are required to carry motor vehicle liability insurance minimums, as prescribed by the Ohio Revised Code, in order to be reimbursed for business travel. Proof shall be submitted to the Employer upon request.

Employees will be reimbursed for business travel within Trumbull County, with the exception of travel between their home and office. An employee must file an itemized expense report, on the approved mileage form, showing the origin and destination of each trip, in sufficient detail, to account for mileage claimed.

Employees who are temporarily assigned to work at a different work site will be reimbursed mileage equivalent to the distance between their permanent work site and their temporary work site, or the distance from their home to the temporary work site, if that distance is less (including meetings and conferences).

Parking charges are reimbursable on any day when an employee is entitled to claim reimbursement for mileage. Receipts for parking charges over one dollar (\$1.00) and receipts for highway tolls are required.

Expenses for travel by plane, train, bus or other commercial transportation while on official County business will be reimbursed. However, business travel within the State by plane may not exceed the cost of ground transportation. Reimbursement for travel by plane or bus may not exceed the cost of coach fare.

Reimbursement for meals will be made as follows:

\$40.00 per diem (Reimbursed with 100 minimum mile/round-trip travel)

Out-of-State \$60.00 per diem (with receipts)

Meals, for which reimbursement is claimed, must be listed on the Travel Expense Report, including identification as to the date on which the expense was incurred, the type of meal and the reimbursement rate outlined above.

Employees will be reimbursed for the maximum allowable expense of meals, which are an integral part of a business workshop, training seminar or other working conference unless the cost of the meal is included in the registration fee or room charges.

If the Employer requires an employee to travel out of the County on official business, and such travel requires an overnight stay, the employee shall be reimbursed the cost of the lodging. Lodging expenses will be reimbursed only with prior written authorization from the Department Head or designee. Individual lodging receipts must be submitted in the employee's name.

If an employee chooses to room alone when other employees are attending, the employee will be reimbursed one-half (1/2) of the rate of a double room plus applicable taxes, or the state rate, whichever is greater. This option will require approval of the Department Head.

Expenses incurred for mileage, parking, tolls, meals, lodging and other costs related to travel outside the County or the State require prior approval by the Department Head, if there is an overnight stay.

Personal telephone calls, laundry, entertainment, alcoholic beverages, room service charges and expenses of a spouse traveling with an employee, are not subject to reimbursement.

Upon return from travel, travel Expense Report shall be filed by employees detailing all reimbursable costs, with required receipts attached. Expenses cannot be reimbursed if the required receipts are not provided. Receipts which show employee names must have the correct employee name (no other employee's name can be on the same receipt). Expenses submitted for any one (1) month which do not total one dollar (\$1.00) or more shall not be subject to reimbursement.

#### **4.6.1 EXPENSE/MILEAGE REIMBURSEMENT**

##### **OUT-OF-COUNTY TRAVEL:**

Request for expense reimbursement (mileage, food, hotel, etc.) for out-of-county travel must be received no later than ten (10) days after the expense was incurred. Requests for reimbursement received after this will not be paid unless the employee can provide documentation of extenuating circumstances to the Department Head.

##### **IN-COUNTY TRAVEL:**

Request for in-county mileage reimbursement must be received no later than ten (10) days following the month of incurred expense. Request for reimbursements received after

this time frame will not be paid unless the employee can provide documentation of extenuating circumstances to the Department Head.

## **SECTION 4.7 HEALTH INSURANCE**

Health insurance benefits will be offered to all employees who work a minimum of thirty (30) hours per week. Voluntary reduction of hours worked to less than thirty (30) per week will disqualify the employee as eligible for health insurance if such voluntary reduction takes place at least three (3) times a year.

Newly hired employees will be offered health insurance benefits on the first day of the month following the successful completion of sixty (60) work days.

Employees eligible for health insurance benefits may choose either the Preferred Provider Plan (PPO) or the Health Maintenance Organization (HMO) as offered by the Employer.

Employee's share of the premium shall be determined by the Trumbull County Board of Commissioners.

## **SECTION 4.8 HOLIDAYS**

### **4.8.1 Holiday Pay**

In order to receive holiday pay, an employee must work his last scheduled day prior to the holiday and first scheduled day after the holiday to earn holiday pay at eight (8) hours, the straight time hourly rate. If an employee is off on vacation, extended sick leave or Workers' Compensation, he would be eligible for holiday pay because he was not scheduled to report and his supervisor was not expecting him to work. If an employee is scheduled for work and either fails to report or phones in sick, he has lost his holiday pay.

### **4.8.2 Paid Holidays**

Trumbull County recognizes the following paid holidays:

- New Year's day (1<sup>st</sup> day of January)
- Martin Luther King Jr. Day (3<sup>rd</sup> Monday of January)
- President's Day (3<sup>rd</sup> Monday of February)
- Memorial Day (Last Monday of May)
- Independence Day (4<sup>th</sup> day of July)
- Labor Day (1<sup>st</sup> Monday in September)

- Columbus Day (2<sup>nd</sup> Monday in October)
- Veteran's Day (11<sup>th</sup> day of November)
- Thanksgiving Day (4<sup>th</sup> Thursday in November)
- Day after Thanksgiving Day
- Christmas Eve (24<sup>th</sup> Day of December)
- Christmas Day (25<sup>th</sup> Day of December)
- New Years Eve (31<sup>st</sup> Day of December) – Four (4) hours (1/2 day)

**Weekend observance**

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

**Overtime**

Any work performed by an employee on any one of the days listed in section 4.2 shall be paid at the rate of one and one-half (1-1/2) times the employee's straight time hourly rate in addition to holiday pay provided in section 4.5.

**4.8.5 Compensation**

Employees shall be paid for eight (8) hours at their straight time hourly rate for each of the holidays listed in section 4.2 when no work is performed on such holiday; provided that the employee shall work his last scheduled day prior the holiday and the first scheduled day following the holiday.

**SECTION 4.9 JURY DUTY**

An employee of Trumbull County summoned for jury duty or subpoenaed as a witness shall be granted a leave of absence for the period of jury or witness service and will be compensated for the difference between his regular pay and jury duty or witness pay for work absences necessarily caused by the jury or witness duty. The employee shall provide the Employer with a copy of the summons or subpoena when requesting such leave. All leaves granted by the Employer under the provisions of this Article will commence on the date of appearance noted on the summons or subpoena. An employee granted such leave will notify the Employer immediately upon completion of the jury duty obligation.

The employee must present the Employer verification of the amount of compensation received for the jury duty or witness leave in order to be eligible for the difference between such jury duty or witness pay and the employee's regular straight time hourly rate of pay.

On days when an employee is released early from their jury duty obligation, he shall report to work in order to complete his regularly assigned shift, provided at least four (4) hours of work remain.

Any employee who is appearing before a court or other legally constituted body in a matter in which he is a party may use vacation time or leave of absence without pay. Such instances would include, but are not limited to, criminal or civil cases, traffic court, divorce proceedings, custody, or appearing as directed as parent or guardian or juveniles.

#### **SECTION 4.10 LIFE INSURANCE**

1. Life insurance benefits will be offered to all employees who work a minimum of thirty (30) hours per week. Voluntary reduction of hours worked to less than thirty (30) per week will disqualify the employee as eligible for life insurance if such voluntary reduction takes place at least three (3) times a year.
2. Newly hired employees will be covered under the County's life insurance policy following the successful completion of 90 days of employment.
3. The amount of coverage shall be determined by the Trumbull County Board of Commissioners and/or Collective Bargaining Agreements.
4. Upon retirement, the benefit amount is equal to ten (10) percent of the active employee coverage as outlined in Section 3.

#### **SECTION 4.11 MILITARY LEAVE**

Military leave is governed by Chapter 5903 and Section 124.29 of the Ohio Revised Code.

1. Employees who are members of the Ohio National Guard, the Ohio Defense Corps, Naval Militia, or members of other reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training or active duty periods not exceeding a total of thirty-one (31) calendar days in one (1) calendar year.
2. The employee is required to submit to the Appointing Authority an order or statement from the appropriate military commander as evidence of such duty. Upon the submission of such order the Employer shall authorize the military leave and the employee shall be paid his/her regular rate of pay for the normally

scheduled straight time wages that would have been earned during the period of the leave. There is no requirement that the service be in one continuous period of time.

3. Employees who have worked for the Employer long enough to complete their probationary period will be granted a leave of absence without pay to be inducted or otherwise enter military service.
4. An appointment may be made to fill a vacancy created when an employee enters military service. However, if the person filling such vacancy also enters military service, he may be reinstated to the position after completion of service only if the first employee (the original incumbent) fails to apply for reinstatement within ninety (90) days of discharge, or makes a written waiver of all rights to the position.
5. An employee who re-enlists while on active duty, or a commissioned officer who voluntarily enters on extended active duty beyond that required upon accepting a commission, is not eligible for reinstatement.
6. Employees who are members of the Ohio National Guard will be granted emergency leave for mob, riot, flood, civil defense, or similar duties when so ordered by the Governor to assist civil authorities. Such leave will be without pay if it exceeds authorized paid military leave for the year. The leave will cover the official period of the emergency.
7. A veteran separated or discharged under honorable conditions must make application for re-employment to the former position within ninety (90) days from the date of release from service or within ninety (90) days after release from hospitalization due to in-service injury or illness which has not exceeded a period of more than one (1) year. The following procedures apply:
  - A. Reinstatement must be accomplished within thirty (30) days after application is received by the Appointing Authority;
  - B. A Photostat copy of the discharge or certificate of service must accompany all requests for reinstatement or reappointment;
  - C. The veteran must be physically qualified to perform the duties of the position. Where a disability sustained in the military service precludes restoration to the original position, the veteran will be placed in a position of like status and pay compatible with his physical condition; and
  - D. The veteran is entitled to all salary benefits or other advancement accruing to the position during military absence as follows:

1. Sick Leave - that amount which had been accumulated at the time of entering service;
2. Vacation Leave - time spent on military leave will be counted in determining the employee's length of service, but no vacation credit will be accumulated during the time spent on military leave;
3. Automatic salary adjustments; and
4. Any changes in classification or pay range which would have accrued to the position if the employee had been on the job.

#### **SECTION 4.12 PAYROLL DEDUCTIONS**

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

- A. PERS - Membership in PERS is compulsory upon being employed except those employees specifically exempted under the provision of Section 145.03 of the Ohio Revised Code.
- B. Income Taxes - The Federal, State and City governments require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the County by the Treasury Department and the Ohio Department of Taxation and varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the personnel office of any dependency change whenever such change occurs.
- C. Medicare Deductions - Those employees hired on or after April 1, 1986, are required to contribute a percentage of their taxable income to the federal Medicare system. This is matched by an equal contribution by the Employer.
- D. Garnishment/Child Support Deductions — A court ordered legal claim against the wages of County employees, by a creditor, for non-payment of a debt, and/or administrative or court ordered payroll deductions for child support served by the constituted legal authority, are garnishments and must be recognized and executed by the County Auditor.
- E. Union Dues and/or Fair Share Fees - Deductions mandated by the collective bargaining agreement in amounts certified by the recognized collective bargaining agent. Union dues and fair share fees are deducted each pay.

- F. Deferred Compensation - State and/or County sponsored deferred compensation savings programs are made available through the Commissioners. The program is voluntary and subject to payroll deductions.
- G. Credit Union - This is an optional payroll deduction plan available through the Employer. Employees desiring information regarding savings plans, etc. should contact the credit union directly.

### **SECTION 4.13 SICK LEAVE/PERSONAL LEAVE**

**4.13.1** Sick leave credit shall be earned at the rate of 4.6 hours for each eighty (80) hours of service in active pay status, including paid vacation, and sick leave, but not during a leave or absence or layoff. Part-time, seasonal and intermittent workers shall be credited with sick leave at the same rate. Unused sick leave shall accumulate without limit. If illness or disability continues beyond the time covered by earned sick leave, the employee may be granted a disability leave or a personal leave or sick leave without pay.

#### **4.13.2 Uses of Sick Leave.**

- A. Sick leave shall be granted to an employee upon approval of the Employer and for the following reasons:
- B. Illness or injury of the employee or a member of his immediate family.
- C. Death of a member of his immediate family (sick leave usage limited to a maximum of five [5] working days). However, three (3) days of this bereavement leave amount shall be paid but not charged to an employee's sick leave.
- D. Medical, dental or optical examinations or treatment of employee or a member of his immediate family, which requires the employee and which cannot be scheduled during non-working hours. Appointments under this section shall be scheduled at the beginning or the end of the workday if possible. Time off shall be approved for the duration of the appointment, including travel time.
- E. If a member of the immediate family is afflicted with a contagious disease or requires the care and attendance of the employee, or when through exposure to a contagious disease, the presence of the employee at his job would jeopardize the health of others.
- F. Pregnancy, childbirth, adoption and other conditions related thereto.
- G. Definition of immediate family: grandparents, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father, father-in-law, mother, mother-in-law,

spouse, child, stepchild, grandchild, a legal guardian, foster parent, other person who stands in place of a parent (loco parentis), or a person for whom the employee stands as a legal guardian or in place of a parent (en loco parentis).

**4.13.3 Evidence of Sick Leave Usage.** The Employer shall require an employee to furnish a standard written signed statement explaining the nature of the illness to justify the use of sick leave. Falsification of either a written, signed statement or a physician’s certificate shall be grounds for disciplinary action, including dismissal.

**4.13.4 Notification by Employee.** When an employee is unable to report to work, he shall notify his immediate supervisor or other designated person or use another procedure established by the Employer (e.g. call off line, answering machine, voice mail) at least one (1) hour prior to the time that he is scheduled to report to work in each day of absence, unless emergency conditions make it impossible or unless the supervisor has received a written notice of an extended or continuing absence.

**4.13.5 Abuse of Sick Leave.** Employees failing to comply with sick leave rules and regulations shall not be paid. Application for sick leave with intent to defraud will result in dismissal and refund of salary or wage paid.

**4.13.6 Physician Statement.** If medical attention is required, the employee will be required by the Employer to furnish a statement from a licensed physician that the employee was unable to perform his duties. Where sick leave is requested to care for a member of the immediate family, the Employer may require a physician’s certificate to the effect that the presence of the employee is necessary to care for the ill family member.

**4.13.7 Retirement.** Any employee having a minimum of ten (10) years service who retires under the applicable pension plan for Trumbull County shall at the time of retirement receive a lump sum payment for accumulated but unused sick leave to a maximum of seven hundred twenty (720) hours. Such payment shall be based on the employee’s rate of pay at the time of retirement.

In the event an employee with ten (10) or more years of service with the Trumbull County dies while employed, the County shall pay the deceased employee’s estate the above-referenced payment.

## **SECTION 4.14 VACATIONS**

Vacations shall be granted to full-time employees in accordance with the following schedule:

Less than one year of service	none
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More than one year of service but less than seven (7) years of service	Eighty (80) hours accruing at the rate of three and one-tenth (3.10) hours each bi-weekly pay period
Upon completion of Seven (7) years or more of service but less than Fourteen (14) years of service	One hundred twenty (120) hours accruing at the rate of four and six-tenths (4.6) hours each bi-weekly pay period
Upon completion of Fourteen (14) years or more of service but less than Twenty one (21) years of service	One hundred and sixty (160) hours accruing at the rate of six and two-tenths (6.2) hours each bi-weekly pay period
Upon completion of Twenty-one (21) years or more of service but less than Twenty seven (27) years of service	Two hundred (200) hours accruing at the rate of seven and seven tenths (7.7) hours each bi-weekly pay period
Upon completion of Twenty-seven (27) or more years of service	Two Hundred forty (240) hours accruing at the rate of nine and two-tenths (9.2) hours each bi-weekly pay period

Vacation leave is earned during the time the employee is on active pay status. It is not earned while on unpaid leave of absence, unpaid military leave, or while on layoff. Part-time employee will not be credited with any vacation while in that status. Employees shall not be granted an advance of their vacation leave.

Vacation is not accumulated while performing overtime work, as opposed to sick leave accumulation.

Days specified as holidays shall not be charged to an employee's vacation leave.

A new rate of vacation accumulation will be picked up on an employee's anniversary date, not at the beginning of the calendar year.

Vacation shall be taken in the year accrued and prior to the next recurrence of his/her anniversary date of his/her employment, provided that the appointing authority may allow accumulation and carry-over of vacation up to three (3) years.

Provided further any employee hired subsequent to 12/31/93 shall be paid vacation only if he/she is regularly scheduled to work twenty-eight (28) hours or more per week.

Vacation requests should be given on the appropriate form as far in advance as possible in order that the employee's supervisor can review such request for approval or denial.

**Vacations are granted based on seniority with the understanding that staffing requirements must be met. The employer reserves the right to deny requests for this and other requested time off.**

Each employee may receive cash payment for up to two (2) weeks, in one week increments, of accumulated but unused vacation at the end of each calendar year. Requests for such payment shall be submitted to the employee's supervisor no later than the last pay period in November of each year.

Any employee who retires under the applicable pension plan for Trumbull County shall, at the time of retirement, receive a lump sum payment for accumulated but unused vacation leave to the maximum amount allowable (3 years).

### **SECTION 4.15 WORKERS COMPENSATION**

State law provides that every Trumbull County employee is eligible to apply for workers' compensation for injuries or illness arising out of or in the course of his or her employment. General guidelines for administering workers' compensation are set forth as follows:

If an employee is injured during the course of employment with the County, the injured employee, or if the employee is incapacitated, anyone with knowledge of the incident, must notify a supervisor or Department Head within forty-eight (48) hours from the time of injury. For example, if the incident occurs on Friday at 1:00 p.m., the notification must be before 1:00 p.m. on Sunday. If the employee is unable to speak to a supervisor or Department Head, the incident may be reported on the Call-in line or voice mail. An injury report, developed by the County Human Resources Department must be completed. Such a report shall be given to the Department Head and forwarded to the County Human Resources Department. If an injury claim is not reported within the time frame, the employee must use sick time for the total time not reported.

If the employee's injury required medical attention, a report of injury from the attending physician should be forwarded to the Human Resources Department at the earliest possible date.

It is important for the employee to note that a drug test is **required** by the Ohio Bureau of Workers' Compensation upon seeking treatment. Failure to do so will result in the denial of any claims related to the injury.

A Workers' Compensation certificate is to be posted in each building owned by the Board of Commissioners of Trumbull County.

## **SECTION 4.16 CONVERSION OF SICK LEAVE AND VACATION**

In lieu of a portion of the maximum severance pay allowed, employees with seventeen (17) years of PERS credit time may request to convert their vacation and sick leave hours they accumulate each year to paid wages. The employee must have SEVENTEEN (17) years of PERS Credit Time completed prior to January 1 of the year in which you wish to begin converting

This shall be limited to a maximum of two hundred forty (240) hours of vacation per year, depending upon years of service, and one- hundred twenty (120) hours of sick leave (vacation and sick leave hours cannot be converted separately; they must be converted in conjunction with each other) less the amount of sick leave taken. Note that an employee does not have to convert sick and vacation in equal amounts. For example: 120 hours sick plus 30 hours vacation is acceptable.

The payment for these accumulated hours shall be made on the employee's bi-weekly pay. All hours converted under this section shall be deducted from the maximum allowed. Employees may choose to only convert one (1) or two (2) years, but not more than three (3) years, accumulation to be paid in the same manner. The date this benefit is to begin must be the beginning of a pay period and the year shall include twenty-six (26) pay periods. Thereafter, the request must be made by November 1 of the year prior to conversion. Changes for current participants must also be made by this date.

Proof of PERS years of credit outside of your county employment must be provided by the employee on signed letterhead from the former employer.

One you begin converting your time, you must remain in the Plan until the following December 3 unless you provide proof of verifiable financial hardship. Discontinuing the conversion must then be approved by the Appointing Authority, based upon the claimed hardship.

## **APPENDIX A COBRA-CONTINUATION OF GROUP HEALTH CARE**

### **To: Employee, Spouse, and Dependant Children**

A federal law (Public Law 99-272, Title X) Known as COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985 as amended) requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called “continuation coverage”) at group rates in certain instances where coverage under the plan would otherwise end. This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of the law. This summary of rights should be reviewed by both you and your spouse (if applicable), retained with other benefits documents, and referred to in the event that any action is required on your part.

If you are an employee of Trumbull County and covered by its group health plan, you have a right to choose this continuation coverage. If you lose your group health coverage because of a reduction in your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part).

If you are the covered spouse of an employee, you have the right to choose continuation coverage for yourself if you lose group health coverage for any of the following four reasons:

2. The death of the employee;
3. the termination of the employee’s employment (for reasons other than gross misconduct) or a reduction in the employee’s hours of employment;
4. divorce or legal separation from the employee; or
5. the employee becomes entitled to Medicare.

In case of a covered dependent child of an employee, he or she has the right to continuation coverage if group health coverage is lost for any of the following five reasons:

1. The death of the employee;
2. the termination of the employee’s employment (for reasons other than gross misconduct) or a reduction in the employee’s hours of employment;
3. parents divorce or legal separation;
4. employee becomes entitled to Medicare; or
5. the dependent ceases to be a “dependent child” under the terms of the group health plan.

You also have a right to elect continuation coverage if you are covered under that plan as a retiree or spouse or child of a retiree, and lose coverage within one year before or after the commencement of proceedings under Title 11 (bankruptcy), United States Code. Under the law, the employee or a family member has the responsibility to inform **Trumbull County Human Resources** of a divorce, legal separation, or a child losing dependent status under the plan. This notification must be made within 60 days of the date of the qualifying event which would cause a loss of coverage.

The notice must be in writing, and should be sent to:

**Human Resources Department  
160 High St., N.W.  
Warren, Ohio 44481  
(330) 675-2589**

When Trumbull County Human Resources is notified that one of these events has happened, it will in turn notify you that you have the right to choose continuation coverage. Under the law, you have 60 days from the later of the date you would lose coverage or from the date of the notice to elect continuation coverage. If and when you make this election, coverage will become effective on the day after coverage would otherwise be terminated.

If you do not choose continuation coverage, your group health insurance coverage will terminate in accordance with the provisions outlined in your benefits handbook or other applicable plan documents.

If you choose continuation coverage, your coverage will be identical to the coverage provided under the plan to similarly situated employees or family members. The law requires that you be afforded the opportunity to maintain continuation coverage for three years unless you lost group health coverage because of a termination of employment or a reduction in hours. In that case, the required continuation coverage period is 18 months (an extension to 29 months is available under certain circumstances to disabled persons\*). However, the law also provides that your continuation coverage be terminated for any of the following reasons:

1. The employer/former employer no longer provides group health coverage to any of its employees;
2. the premium for your continuation coverage is not paid in a timely manner;
3. you first become, after electing COBRA continuation coverage, covered under any other group plan (as an employee or otherwise) which does not contain any exclusion or limitation with respect to any pre-existing condition;
4. you first become, after electing COBRA continuation coverage, entitled to Medicare.

**\*Note: A Qualified Beneficiary who is determined under Title II or XVI of the Social Security Act, to have been disabled as of the date of termination of employment or reduction in hours, or within 60 days of COBRA coverage, may be eligible to continue coverage for an additional 11 months (29 total). You must notify the employer within 60 days of the determination of disability by the Social Security Administration and prior to the end of the 18-month continuation period. The employer can charge up to 150% of the applicable premium during the 11-month extension. The disabled individual must notify the employer within 30 days of any final determination that he or she is no longer disabled. If the coverage is extended**

**to a total of 29 months, extended coverage will cease upon a final determination that the Qualified Beneficiary is no longer disabled.**

You do not have to show that you are insurable to choose continuation coverage. However, you will have to pay the group rate premium plus a 2% administrative fee for your continuation coverage. The law also requires that, at the end of the 18-month, 29-month, or 36-month continuation coverage period, you must be allowed to enroll in an individual conversion health plan provided under the current group health plan, if the plan provides a conversion privilege.

If you have any questions about this, please contact the person or office shown below. Also, if you have changed marital status, or you, your spouse, or any eligible covered dependent have changed address, please notify in writing, the person or office shown below:

**Human Resources Department  
160 High Street, N.W.  
Warren, OH 44481**

If any covered child is at a different address, please notify **Human Resources** in writing, so that a separate notice may be sent.

## **APPENDIX B    COMPUTER USE**

### **TRUMBULL COUNTY PERSONAL COMPUTER AND COMPUTER EQUIPMENT POLICY ADOPTED NOVEMBER 7, 1996**

It is the intent of the Trumbull County Data Board and the Trumbull County Commissioners to have all who are employed by the Trumbull County government offices utilize their Personal Computer skills to their best abilities. To achieve that goal, there are guidelines to be followed to insure the integrity of the network of computers and to maintain the highest levels of professionalism. These guidelines have been developed to protect the interest of each employee as well as each client of each office and the courts in the County.

#### **OWNERSHIP AND PROPERTY RIGHTS**

All computer resources utilized in the course of Trumbull County government business are considered government-owned or court-owned assets. These assets, whether purchased, leased, or internally developed, are the sole property of the Trumbull County Government which includes the courts, unless specific agreements are documented to the

contrary and approved by the Trumbull County Data Processing Board. (Exceptions: ODHS and SETS supplied hardware and software.)

If an employee currently uses a personal computer and is promoted, demoted, or moved from one office to another, the employee must leave that personal computer where it resides. In the case of a laptop that does not have a docking station assigned, it should be left with their department head. That employee is not allowed to take the personal computer or laptop with him or her. That employee is not allowed to take any programs, data files, or documentation. Personal computers **are not** personal property; they belong to Trumbull County. (Exceptions: ODHS and SETS supplied hardware and software.) The Data Processing Department, the authorized software vendor, or an authorized person for the office of the employee will work with the supervisors to place a personal computer in the employee's new work area and transfer any data files that need to be used in their new place of employment.

## **COMPUTER USAGE**

All computer resources, including but not limited to, equipment/hardware, software, documentation, and data are to be used for Trumbull County business or court business only. Personal use is **not allowed**. Computer apparatus, modems, software and/or data set/files are not to be connected to the Trumbull County mini computers, or to the local area network (LAN/WAN) systems, under the Trumbull County's jurisdiction, without the Data Processing Department's prior consent and approval. The privacy of mini computers and the files on the network must be respected and guarded.

The Data Processing Department retains the right to review, audit, or monitor directories, files and E-Mail that are under the jurisdiction of Trumbull County. The aforementioned right to review, audit, or monitor, shall not be applicable to the Trumbull County Court of Common Pleas, Probate Court, County Courts, Clerk of Courts, Board of Elections, or Trumbull County Prosecutor's Office except upon written authorization of the departmental head or other authorized person. Otherwise, the Courts will be independent of review, oversight, or interference from the Data Processing Board. The Data Processing Department will edit, remove, or destroy any of the aforementioned it believes may be unlawful, illegal, obscene, or otherwise objectionable. A written notice will be given to the department head of said files, software, or computer equipment that should be removed and which equipment it should be removed from. After written approval is received by the departmental head the data processing department will help remove the files, software, or computer equipment in question. The department will be notified of the review or audit in advance, but if the data processing department is called to work on said equipment and finds unauthorized materials they will not work on the equipment until the department head approves the files, software, or hardware be removed.

It is expressly forbidden to change any configuration files on a Trumbull County personal computer either manually or by installing unauthorized software. Changes made to the configuration files by other than a Data Processing employee, or an authorized software

vendor, or an authorized employee from their department, could cause the personal computer to malfunction on the county wide data area network (LAN/WAN).

It is forbidden to use personal computers, printers, or computer equipment for private use or personal profit.

It is the responsibility of the personal computer (either desktop, mini-tower, or laptop) user to have their data backed up on a regular (weekly, monthly, bimonthly) basis. When the WAN/LAN that is installed in the County has a procedure in place to back up the personal computers to backup tapes on the network, then this responsibility will be dissolved. When the network back procedures are established it will be the responsibility of a laptop user to make sure that his or her laptop is backed up if their laptop is out of the docking station when the backup procedures are run.

## **LICENSING**

Only software and hardware that the Trumbull County Data Processing Board and the Trumbull County Commissioners Office has purchased and authorized to be installed may be utilized on the County equipment. (Exception ODHS and SETS supplied software and hardware.) Copying software, data or documentation for personal use or for use on non-Trumbull County computers is prohibited by copyright and trade secret laws. Installations of foreign (bootleg) software and/or hardware is also prohibited. In addition, it may be entirely illegal according to law to copy software on more than one computer without the proper licenses to do so.

The employee assigned to the personal computer that he or she uses takes full responsibility to provide to the data processing department employee a copy of the software license for each program being used by the employee on their assigned personal computer.

## **COURT REPORTERS:**

It is understood that the court reporters of Trumbull County Courts are caretakers of the court transcripts and are required to produce, and transcribe all court matters upon request. It is further understood that by statue, local rule, case law, the court reporters shall be compensated for civil transcripts by the person requesting said transcript. Therefore, the court reporters may use the computers to prepare transcripts of the Trumbull County Courts as are required and may be compensated for services rendered. Furthermore the court reporters may use laptop computers off premises as may be necessary.

## **SOLICITATION**

Trumbull County employees are not to respond to direct solicitation by phone, mail, E-Mail, or otherwise regarding office computer services. Anyone requiring new or

replacement hardware or software should submit requests in writing to the Trumbull County Data Processing Board and the Trumbull County Commissioners.

Complaints about computer use or abuse will be immediately acted upon. Any misuse or abuse of this Trumbull County policy may be cause for disciplinary action and possible removal.

## **RECREATIONAL PROGRAMS**

In order to have the highest level of professionalism within the Trumbull County offices it is imperative that the use of computer games outside of the computer training rooms be prohibited. **The use of the computer games inside of the training room is strictly for learning the mouse.** Any other use of recreational programs is prohibited in the training room.

## **DEMO PROGRAMS**

Installing demo programs is prohibited on the personal computer that you use in production. If you have non-production personal computers within your department then the demo programs can be loaded onto them. The department head takes responsibility for these personal computers and will not ask the data processing department to install these computers on the county network. There are training rooms and the demo programs can be reviewed on one of the personal computers in that room. Some demo programs change the configuration of the personal computers and could result in a malfunction when the employee uses the county network. In order to assure that each employee has access to the network it is imperative that all follow these guidelines.

## **LAPTOP COMPUTERS or COMPUTER EQUIPMENT TAKEN OUTSIDE OF EMPLOYEES NORMAL WORK LOCATION**

Each employee that is given a laptop computer for use in their daily work has additional responsibilities. If a laptop is stolen or lost it is the responsibility of the employee to immediately notify in writing to the data processing department the date, time, and location of such. Please report the incident to the nearest law enforcement and attach such report to letter submitted to the data processing department.

## **CD-ROM ACCESS**

Access to the CD-ROM towers on the county wide area network (LAN/WAN) is limited to **county employees only**. The licensing agreement with our software vendor limits access to county employees only.

## **FAX SERVER**

The fax server should be used for county business only. Any use of the fax server for personal use is strictly prohibited.

## **PERSONAL RESPONSIBILITY OF INTERNET**

Use of the Internet has great potential to enhance the productivity of county employees in all departments and agencies. At the same time, as is the case with all county resources made available to employees, abuse is possible. Employees must be held accountable for their use and misuse of government resources, of which access to the Internet and other electronic mail systems are but two examples. The following addresses some, but not necessarily all, of the uses subject to abuse. (Note that all references to Internet mail apply to any and all forms of electronic mail used by county employees.)

1. Internet mail (electronic mail) is intended to be used for business purposes only. Uses that interfere with normal business activities, involve solicitation, are associated with any for profit business activities, or could potentially embarrass the County are strictly forbidden.
2. Internet mail (electronic mail) shall not be used for operating a business for personal gain, sending chain letters, or soliciting money for religious and political causes.
3. Internet mail (electronic mail) shall not contain offensive or harassing statements, including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious, or political beliefs.
4. Internet mail (electronic mail) shall not contain incendiary statements which might incite violence or describe or promote the use of weapons or devices associated with terrorist activities.
5. Internet mail (electronic mail) shall not be used to solicit sexually oriented messages or images.
6. Internet mail (electronic mail) shall not be used to disseminate or print copyrighted materials (including articles and software) in violation of copyright laws.
7. Internet use shall be viewed no differently than the use of other county equipment, e.g. telephone, facsimile, or copier.
8. County employees shall not provide access to confidential information by use of the Internet (electronic mail). All use of the Internet (electronic mail) must be done in compliance with the rules and regulations that apply to such information.
9. County employees shall not use an account (Internet, electronic mail, or bulletin board system) or signature line other than their own.

10. Employees shall take all reasonable means to prevent the inadvertent dissemination of anyone else's information via the Internet (electronic mail).
11. Employees are prohibited from scripting their user ID's and passwords on desktops used for internet or intranet access.
12. Employees are prohibited from scripting their user ID's and passwords on laptops to be used for remote access.

Complaints about Internet use abuse will be immediately acted upon. Any misuse or abuse of this policy may be cause for disciplinary action and possible removal.

## **APPENDIX C DRUG AND ALCOHOL USE POLICY AND PROCEDURE**

**SUBJECT: Policy on Drug and Alcohol Use**

**POLICY:** Drug use in the workplace is a danger to us all. It impairs the safety, health and welfare of all employees, promotes crime and lowers production and quality.

This policy applies to all full and part-time hourly and salaried employees.

In compliance with the Ohio Bureau of Workers' Compensation Drug Free Workplace Program (DFWP), Trumbull County's view on substance use is as follows:

### **STATEMENT OF POLICY**

Trumbull County (hereinafter referred to as the "County") will not condone and will not tolerate any of the following workplace related behaviors by its employees:

- A. The use of illegal drugs;
- B. The use of alcohol;
- C. The sale, purchase, manufacture, transfer, use or possession of any illicit drugs, or prescription drugs obtained without a prescription; or
- D. The employee's presence at work under the influence of any drug (legal or illegal) or alcohol to the extent that job performance or safety may be affected.

The purpose of this policy is to promote safety. Any employee or applicant whose position requires testing for specific drugs or alcohol, based on established thresholds, under any law, regulation, or policy; who violates this "Drug Free Workplace Policy" (hereinafter referred to as the "Policy ") or Collective Bargaining Agreement may be subject to discipline, up to and including termination of employment. The implementation of discipline or of sanctions shall be the sole discretion of the County in compliance with applicable policy or law, but shall not contradict any Collective Bargaining Agreement that may be in effect.

The County will appoint a Designated Employer Representative (DER) for the "Drug Free Workplace Program". This individual may authorize other employees to receive drug and alcohol

test results. All communications regarding the program must be done through the identified individual(s). Confidentiality will be maintained with no information being made available without a legitimate need to know.

Affected individuals (referred to as “employees” throughout this policy) include: all regular, full-time, part-time or temporary employees; all officers and managers; all sub-contractors while performing work for the County on or off of County premises; and individuals seeking employment, where applicable.

An employee’s violation of this Policy will not ordinarily be reported to any law enforcement agency with the exception that all reasonable and necessary measures will be taken to assure the safety and security of all employees and the County. Law enforcement may be called only as required by a regulatory body or criminal statute, or in conjunction with a referral for criminal prosecution.

## **TESTING FREQUENCIES AND PATTERNS**

General expectations of all drug and alcohol testing situations include: reporting at the designated testing location upon notification (within 2 hours if an off-site collection facility is used), providing the required specimen(s) within 2 hours, and full compliance with this policy and the procedures utilized by collections personnel and facilities. In all cases where employee safety may be an issue, the County will provide or secure transportation to the testing location.

Refusal to comply with the testing requirement, failure to provide the required valid specimen(s), or adulteration or substitution of the specimen(s) will be considered a refusal to test and will be interpreted the same as a positive test. Any such refusal subjects the individual to the full range of discipline, up to and including termination of employment or cancellation of an offer of employment.

### **A. Post-Offer, Pre-Employment or New Hire Drug Testing**

Effective immediately upon implementation of this Policy, all applicants are subject to post-offer, pre-employment or new hire drug testing that is conducted by a County-approved contractor. The County will decline to extend an offer of regular employment to any applicant with a verified positive test result to any illicit drug, or any refusal to test, and this applicant may not reapply for employment with the County for a period of six months.

The applicant will be given a copy of the County’s “Drug Free Workplace Policy” and the “Consent and Release Form”. The interviewer will then give the applicant an opportunity to ask any questions he/she may have concerning the Policy or the Consent, and obtain the applicant’s signature on the “Consent and Release Form”.

### **B. Reasonable Suspicion Testing**

Reasonable suspicion testing will be performed when properly trained County management and/or supervision determines that an employee may be under the influence of an unacceptable substance (i.e., drugs and/or alcohol). This testing may be ordered at any time after this Policy has been in effect for thirty (30 ) days, and only after all participating County management and/or supervision have been trained. The suspicions must be documented in writing within 24 hours of the event or prior to the release of the test findings, and will be provided to the County’s Medical

Review Officer (MRO) for consideration when reviewing test results. Reasonable suspicion testing may be based upon, among other things:

1. Observable phenomena which may include but are not limited to: direct observation of drug or alcohol use or possession; the physical symptoms of being under the influence of a drug or alcohol; the odor of alcohol or other prohibited substances;
2. An abnormal pattern of conduct or erratic behavior which may include repeated examples of deteriorating job performance, unexplained patterns of absenteeism, tardiness, recurrent accidents, repeated violations of established safety or work rules, etc., which are not attributable to other known factors;
3. Conviction of or plea (including no contest or *nolo contendere*) to a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, manufacture, use or trafficking. The employee is responsible for notification of the County within five (5) working days of any drug-related conviction or plea.
4. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Although reasonable suspicion testing does not require certainty, mere “hunches” are not sufficient to meet this standard. To prevent this, all supervisors will be trained in the recognition of drug and alcohol related signs and symptoms, and while testing may only be requested by at least one trained supervisor with the concurrence of a second individual (preferably a second trained supervisor) is required, except in the case of an immediate threat to the health and well-being of the Employee.

All employees are responsible for obtaining and providing a release to the County, prior to performing their regular job duties, if they are placed on any medication that may impair their normal functioning. The employee must ask the provider to clarify and provide documentation of any restrictions regarding their safety in performing their regular duties.

The first priority of the County is to remove the employee suspected of abusing controlled substances of alcohol from the work environment. This shall be done to prevent the employee from causing harm to himself or herself, other individuals in the workplace, or anyone else.

A trained supervisor or County official shall instruct the employee under suspicion to accompany him/her to a private area that is removed from the individual employee’s co-workers, and any transportation required for testing will be the responsibility of the County. If the employee is sent home, he/she must call someone for a ride or be driven home from the County property. If the employee attempts to drive self home, the police will be informed for the employee’s, and others, protection.

The employee will be paid for the time off for a reasonable cause test, if the test is negative. The employee will not be paid if the test is positive, with the exception that Collective Bargaining Agreement language shall take precedence in such matters.

C. Post Accident Testing

An accident, for the purposed of this policy, may include but is not limited to: an unplanned, unexpected, or unintended event that occurs during the employee's workday and in relation to the County's business. In addition to personnel, it may involve personal or business property/equipment or vehicles used in the performance of the employee's job.

Effective thirty (30) days after implementation of this Policy, post accident drug and alcohol testing is mandatory in all cases for all individuals who may have caused or contributed to an "on-the-job" accident which meets any of the following criteria:

1. A fatality results from the accident;
  2. An employee is at fault in an employment-related accident that causes bodily injury requiring off-site medical treatment of the employee or another person;
  3. An employee is at fault in an employment related accident that results in significant property damage, exceeding \$1000.00; or
  4. An employee is cited in an employment related vehicular accident that results in damage that exceeds \$1000.00.
- \* Refusal to submit to a test does not impact the right of an employee to file a workers' compensation claim.

Specimen collection is to occur as soon as possible after a need has been determined, and any necessary medical attention has been rendered, in accordance with C-(1) through C-(4) above. Every reasonable effort shall be made to assure that the total elapsed time before a drug specimen has been collected does not exceed thirty-two (32) hours. Alcohol testing will be performed within eight (8) hours of the employment-related incident, or not performed, but documentation of the reason for non-testing is required.

Any employee at fault or cited in an employment related accident expressly grants unto the County, its officers and management, the right to request that attending medical personnel or collection personnel obtain appropriate specimens (breath/blood and/or urine) for the purpose of conducting alcohol and/or drug testing. Employees required to undergo post-accident testing expressly grant unto the Designated Employer Representative, access to any and all medical information that may be relevant in conducting a complete and thorough investigation of the employment-related accident, to include but not limited to, a full medical report from the examining physician(s) or other healthcare providers.

The refusal of an employee to allow the collection of these specimens, any attempt to block the release of the results of any substance abuse tests taken, or failure to report a work-related accident, will be considered and managed the same as a refusal to test.

Employees are specifically required to timely file a "First Report of Injury" (FROI) with the County for any injury related to their employment in compliance with our on-the-job injury policy.

D. Voluntary Random Drug Testing

**NOTE: This section shall apply, on a voluntary basis, to non-union classified employees.**

The County has contracted with a collection contractor to perform the periodic selections of employees under the jurisdiction of the Commissioners from the employment pool to be tested. The non-County testing entity will ensure that all employees have an equal statistical likelihood of being selected for random testing. After this Policy has been in effect for a minimum of thirty (30) days, and in accordance with Ohio Bureau of Workers' Compensation level 1 requirements, for state funded projects, the random drug testing percentage established will be a minimum of five percent (5%) per job site. When Level 2 is obtained by the County, the drug testing percentage will be at least ten (10%) of the average number of employees annually. When Level 3 is obtained, the drug testing percentage will be increased to at least twenty-five percent (25%) the average number of employees annually.

In order to implement random drug testing, the County will provide employee identification information to the contractor for use in the random selection database. The contractor will, in turn, furnish the County with a list of individuals to be tested at the beginning of each selection period.

Prior to implementation of random testing, all Department Heads under the jurisdiction of the Commissioners may submit to an initial drug screening. As non-classified employees, department heads shall be placed in the random drug screening database, and shall be subject to all applicable provisions of random screening.

All Trumbull County Boards, Commissions, Agencies and Elected Officials are encouraged to adopt this section for employees under their respective jurisdictions.

E. Follow-Up Testing

Effective immediately upon implementation of this policy, certain employees will be subject to follow-up testing prior to being permitted to return to work. Employees who test positive for prohibited substances will be subject to no-notice follow-up testing at any time for a period not exceeding two (2) years from the date of the initial positive test. A minimum of four follow-up tests will be required within the first year following the negative return-to-duty test. A positive result on any of these follow-up tests may result in the employee being immediately terminated from the County for cause.

Other employees that may be subject to this testing include those individuals who have self-reported a drug abuse problem, received substance abuse treatment and are released to return to work.

**DRUG TESTED / CUT OFF LEVELS**

The testing procedures will seek to identify the presence of the following controlled substances that may be present: (A negative screening test, EMIT or other form of immunoassay, is considered a negative test)

<i>Drug Class</i>	<i>Screening Test Level</i>	<i>Confirmation Test Level</i>	<i>Confirmation Method</i>
Amphetamines	1000 ng/mL	500 ng/mL	GC/MS
Barbiturates	300 ng/mL	300 ng/mL	GC/MS
Benzodiazepines	300 ng/mL	300 ng/mL	GC/MS
Cocaine metabolites	300 ng/mL	150 ng/mL	GC/MS
Marijuana metabolites	50 ng/mL	15 ng/mL	GC/MS

Methadone	300 ng/mL	300 ng/mL	GC/MS
Opiates	2000 ng/mL	2000 ng/mL	GC/MS
Phencyclidine	25 ng/mL	25 ng/mL	GC/MS
Propoxyphene	300 ng/mL	300 ng/mL	GC/MS

These detection thresholds consistent with available technology have been established by the *Department of Health and Human Services (DHHS) / the Substance Abuse and Mental Health Services Administration (SAMHSA)* for each of the drug groups listed above. These detection thresholds will be used uniformly in the interpretation of all drug screens/drug confirmations, whether for a post-offer, pre-employment or new hire examination; random examination; post – accident examination, reasonable suspicion examination; or follow-up examination. Only Department of Health and Human Services, DHHS/SAMHSA, certified laboratories will be utilized for drug confirmations.

Alcohol testing will be conducted by the contractor utilizing only certified equipment and/or testing methods and personnel. Alcohol concentrations exceeding 0.02 gm% on the screening test will require a breath alcohol confirmation test. A breath alcohol confirmation result equal to or greater than 0.04 gm/210 liters of breath will be considered a verified positive result. In the event of an accident where an employee has a “whole blood” alcohol drawn at a medical treatment facility, a result equal to or greater than 0.04 gm% shall be considered to be a verified positive result.

The County also expressly reserves the right to add or delete substances on the list set forth in the “Drug Tested / Cut Off Levels” section of this Policy if mandated by changes in existing Federal, State, or local regulations or legislation.

An Individual who tests positive for drugs:

- Must be evaluated by a substance abuse professional.
- Must comply with all treatment recommendations.
- Must undergo a “return to duty drug test resulting in a negative test result prior to returning to the job.
- Must receive follow-up tests as determined by the treatment facility with no less than four (4) tests the first year.

An Individual who tests positive for alcohol:

(Test results for alcohol 0.02 BAL or greater, but less than .04 BAL)

- Shall not be permitted to work until the employee’s next scheduled duty period, but not less than 24 hours following the test.

(Test results for alcohol 0.04 BAL or above)

- Must be evaluated by a substance abuse professional.
- Must comply with all treatment recommendations.
- Must undergo a “return to duty” alcohol test resulting in a test level of less than 0.02.
- Must be randomly tested as determined by the treatment facility with no less than four (4) random tests the first year.

NOTE: Employees using a prescribed medication that may impair the performance of job duties, either mental or motor functions, must have a "Fitness for Duty Slip" from their doctor showing that they are capable of performing their assigned tasks. For the safety of all employees, the County will consult with you and your physician to determine if a reassignment of duties is necessary. However, if a reassignment is not possible, you will be placed on a temporary medical leave until released as fit for duty by the prescribing physician. Reassignment of duties will not be done where it conflicts with a Collective Bargaining Agreement. The County will not condone the inappropriate and/or misuse of legal prescriptions or over the counter drugs.

## **SPECIMEN COLLECTION PROCEDURE**

The drug and alcohol testing for the County shall be done only by trained collection personnel who meet quality assurance and chain-of-custody standards for urine collection procedures, alcohol testing and strict confidentiality requirements.

Any individual subject to testing under this Policy shall be permitted to provide urine specimens in private, but subject to controls designed to minimize any invalidity in the testing process such as alteration or substitution of the specimen provided. In the event that the collector feels the collection process has been compromised, a witnessed void will be conducted utilizing a same gender witness. Alcohol testing will likewise be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time.

### **A. Employee's Rights Related to an Initial Positive Test Results:**

In the event that an employee tests positive for any drugs or alcohol as prohibited in this Policy, the employee will be given an opportunity to explain the findings to the Medical Review Officer (MRO) prior to the issuance of a report of a positive test result to the County.

Accordingly, upon receipt of a confirmed positive finding, the MRO shall contact, or attempt to contact, the employee by telephone or in person. If contact is made by the MRO, the MRO shall inform the employee of the positive findings and give the employee an opportunity to rebut or explain the findings.

The MRO can request information on recent medical history and on medication taken within the last thirty (30) days by the employee. In the event that the MRO finds support in the explanation offered by the employee, the employee may be asked to provide documentary evidence to support the employee's position (for example, the names of treating physicians, pharmacies where prescriptions have been filled, etc.) A failure on the part of the employee to provide such documentary evidence will result in the issuance of a positive report by the MRO with no attendant medical explanation. A medical disqualification of the employee will result.

If the employee fails to contact the MRO within three (3) days of having been instructed to do so, the MRO will issue a positive report to the County. Since no contact with employee was possible, no medical explanation can be provided and the employee shall forego the right to offer a defense to the positive test finding. A medical disqualification shall result, subject to re-test provisions set forth in the MRO's report.

### **B. Split Specimen:**

An Employee wishing to request a re-test must do so within three (3) days of learning that the first test was positive. Employees will be required to pay for the cost of the re-test before the

specimen is shipped to a different DHHS / SAMHSA -Certified Laboratory than the one that analyzed the first specimen. Our Medical Review Officer determines to which Lab the split specimen will be sent. If the result comes back negative, the Employer will reimburse the employee for the cost of the test that the employee paid prior to the test. The same paperwork and procedure protections used for the first test will be utilized for the split specimen. The Laboratory that collects the initial screen is responsible to split the specimen.

C. Report of Results:

All test results will be reported to the MRO prior to the results being issued to the County. The MRO will receive from the DHHS /SAMHSA testing laboratory a detailed report of the findings of the specimen. Each drug for which the individual was tested and alcohol will be listed along with the results of the testing. The County will receive a summary report, and this report will indicate that the employee passed or failed the drug/alcohol test.

All of the above procedures are intended to be consistent with the most current guidelines for the Medical Review Officer (MRO) that are published by the Federal Department of Health and Human Services.

D. Confidentiality:

All parties to this policy and program have only the interests of employees in mind and therefore encourage any employee with a substance abuse problem to come forward and voluntarily accept the County's assistance program in dealing with this illness. An employee assistance program will provide guidance and direction for you during your recovery period.

All actions taken under this policy and program will be confidential and disclosed only to those with a "need to know".

The program will be in compliance with all federal, state and local laws or regulations. An Employee's violation under the DFWP Policy shall not be reported to law enforcement officials unless required by a regulatory body or by criminal law provisions. Law enforcement authorities may be contacted and requested to come onto the County's premises, when appropriate, in conjunction with a referral for criminal prosecution.

When a test is required, the specimen will be identified by a code number -- not by name -- to insure confidentiality of the donor. Each specimen container will be properly labeled and made tamper proof. The donor must witness this procedure.

Unless an initial positive result is confirmed as positive, it shall be deemed negative and reported by the laboratory as such.

The handling and transportation of each specimen will be properly documented through strict chain of custody procedures.

The County will bear the cost of all testing procedures with the exception of a retest. An employee that tests positive for any drug as prohibited herein has the right to have a retest done on the original split specimen. This retest may be authorized by the MRO only with the employee's written request received within three days of their notification of a positive result. The employee is responsible for the prepaid expense at the provider's current rate, and the testing must be performed by a DHHS / SAMHSA certified laboratory. Retesting will not delay the

report of the positive result to the County and the result of the retest will also be released to the County.

To protect the confidentiality of the employee, all records of drug and alcohol testing will be stored separate and apart from the employee's general personnel documents. Access to these records shall be limited to designated County officials. The information contained in these files shall be utilized only to properly administer this Policy and to provide to auditing or certifying agencies for review as may be required. Those designated County officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of confidentiality with regard to said records may be a terminable offense. Any employee tested under this Policy has the right to review and/or receive a copy of their test results.

E. Discipline:

1. Each employee will be required to sign a consent and chain of custody form, assuring proper documentation and accuracy. If an employee refuses to sign a consent form authorizing the test, employment by the County may be terminated.
2. No employee shall refuse to submit to a pre-employment, post-accident, reasonable suspicion, or follow-up test. Refusal may result in termination.
3. If the Employee fails to complete the requirements of the rehabilitation program and is removed from the program or fails any post rehabilitation or subsequent drug or alcohol test, the employee may be terminated.
4. Any employee attempting to manipulate the drug/alcohol testing process, such as trying to adulterate, modify or substitute a specimen will be discharged. The use of masking agents is prohibited and may result in termination.
5. Any employee convicted of violating a criminal drug statute must inform the DER of such conviction (including pleas of guilty and nolo-contendere) within five (5) days of the conviction occurring. Failure to inform the County subjects the employee to disciplinary action, up to an including termination for the first offense.
6. An individual that tests for alcohol between the .02 and <.04% Level will receive progressive discipline as follows:
  - First Offense – Will be off for 24 hours.
  - Second Offense – Will be suspended without pay for 3 days.
  - Third Offense – Will be terminated.

Note: progressive discipline as listed in any applicable Collective Bargaining Agreement shall supercede the above.
7. Failure to report use of a prescribed medication that impairs the safety of an individual and co-workers will be considered a positive test.

## **REHABILITATION**

The County will grant a one (1) time only paid (if accrued time is available) leave of absence so that an employee can participate in a medically recognized rehabilitation program. If the County is able to provide an Employee Assistance Program (EAP), we will assist the employee in obtaining information concerning providers of assistance services and will update this information as changes occur. The County will assist the employee in determining the coverage provided for these services by their insurance, as applicable. In those cases where an employee successfully completes a mandated rehabilitation program, the County shall retain the right to perform no-notice follow-up drug or alcohol testing as recommended by the treating substance abuse professional and as agreed to in the employee's return-to-work agreement. In all cases, there will be at least 4 (four) follow-up tests in the first calendar year following their return to work. Any refusal by the employee to undergo required follow-up drug or alcohol testing will result in their immediate termination for cause.

## **TERMINATION NOTICES**

Generally, any release of information related to drug and alcohol testing and the results of that testing beyond the MRO or DER require the informed, written consent of the individual. In those cases where drug and alcohol testing results in the termination of an employee, all termination notices will list "misconduct" as the reason for termination. Termination shall be deemed "for cause", and may limit the individuals right to unemployment or workers' compensation eligibility. However, suspensions, leaves of absence, or terminations based on violations of this policy may require that this information be presented as evidence for the County in actions related to benefits payments without being considered a violation of confidentiality.

## **EDUCATION**

The County recognizes the pervasive nature of substance abuse in today's society and desires to provide its employees with information pertaining to this problem. As such, all employees will be required to participate in the County-sponsored education programs. These programs will be provided for all employees and attendance shall be mandatory. All training will be conducted by appropriately credentialed educators who will cover program, policy and practice considerations of Bureau of Workers' Compensation drug testing. In addition, as they become available, the County will endeavor to provide educational materials to its employees.

All employees will take part in the two (2) hour initial training, prior to program implementation or within four (4) weeks of hire on the policy, the disease model for alcohol and drugs, signs and symptoms of substance use/abuse, and the effects of commonly used drugs in the workplace. Additionally, all affected employees are required to attend two (2) hours annual refresher training provided by the County with no loss of pay.

All supervisors and designated union officials and stewards will receive an initial four (4) hours of informational, problem recognition, policy administration and skill building training, and will be included in the two (2) hour employee training. New supervisors will receive at least two (2) hours of initial training within six (6) weeks of promotion or hire into the position and prior of being involved in testing responsibilities. All supervisors and designated union officials and stewards will then receive two (2) hours of supervisor refresher/update training and participate in the two (2) hour employee annual refresher training.

## **ADMINISTRATION**

The Human Resources Director (or Designee) will be responsible for the administration and enforcement of this policy. As such, he/she will be the DER referenced in the policy. The DER will not be changed by the County without notice to all affected County employees.

**This New “Drug and Alcohol Free Workplace” Policy was adopted by the Board of Commissioners on July 21, 2004, and is duly recorded in their Journal Volume 121, Page 10267.**

## **APPENDIX D    PRIVACY STATEMENT**

**3.9.1** Trumbull County officials are committed to protecting the information you share with us and are required by law to maintain the privacy of your protected health information. The County holds its employees, consultants, and insurance carriers to strict policies and procedures protecting your information. We are required by law to provide you this Notice of our duties and privacy practices. All employees must sign confidentiality agreements. In addition, our carriers employ various technologies to prevent unauthorized access to data. This Privacy Statement will explain the type of information we collect, how we use that information, how we protect that information, your rights as they relate to your information and our legal duties and privacy practices.

### **3.9.2    What Information the County Collects**

Trumbull County understands your concerns regarding the confidentiality of information you share with us. We collect information from you on applications and other transactions with us. This information can include name, address and social security number. Under certain conditions, we may also ask you and your covered dependents for medical history information. We also have access to your information through claims submitted to the County healthcare providers, information provided by your appointing authority and from our agents and/or brokers.

### **3.9.3    How this Information is Used and Disclosed**

We are permitted by law to use your information for certain purposes including healthcare payment and healthcare operations. Examples of how we may use and disclose your information include but are not limited to:

Payment: Trumbull County may use or disclose your information to pay claims for covered services or to provide eligibility information to your doctor when you receive treatment.

Healthcare Operations: Trumbull County may use or disclose your information for activities like (1) underwriting, or other activities relating to the creation or renewal of a health insurance contract; (2) care and disease management activities.

As required by law: Trumbull County must allow the U.S. Department of Health and Human Services access to audit its records. In addition, the County may be required to release your information to comply with other laws including:

- To comply with legal proceedings, such as court orders or administrative order or subpoenas.
- To law enforcement officials for limited law enforcement purposes.
- To federal officials for lawful intelligence, counterintelligence and other national security purposes.
- To Public Health Authorities for public health purposes.
- To comply with workers' compensation and other similar programs established by law that provide benefits for work-related or illness without regard to fault.

Other Uses and Disclosures: Other disclosures that Trumbull County may make:

- To your personal representative appointed by you or designated by law.
- To appropriate military authorities, if you are a member of the armed forces.
- To a family member, friend or other person, for the purpose of helping you with your healthcare or healthcare payment if you are in an emergency situation and you cannot give your agreement for the County to do this.
- To inform you of other health related benefits or services that may be of interest to you.

Uses and Disclosures with your permission: Trumbull County will not use or disclose your information for any purpose not outlined in this notice unless you give your written authorization to do so. If you give Trumbull County your written authorization, you may revoke that authorization at any time unless the County has taken action in reliance of your authorization. To receive an authorization form, please contact your department supervisor or the Human Resources Department.

Restriction: You may request that Trumbull County place additional restrictions on the use and disclosure of your information to carry out treatment, payment or healthcare operations. Trumbull County will send a written confirmation regarding the disposition at your request.

Access to your information: You have a right to access your information used and stored by Trumbull County in its records. For access to your entire medical record, you will have to contact the proper insurance carrier.

Disclosure: You have a right to an accounting of certain disclosures of your information made by Trumbull County over the last six (6) years (but not for disclosures made before April 14, 2 003). Please make written request to the Human Resources Department for this accounting.

Complaints: You have the right to complain if you believe the County and/or County Officials have violated your rights. You may file a complaint by contacting the Human Resources Department. Your complaint should be in writing with specific allegations (including dates) listed.

You also have the right to complain to the Secretary of the U.S. Department of Health and Human Services, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Federal law prohibits retaliation against you if you chose to file a complaint.

Contact Information: *If* you have questions or would like an additional copy of this notice, please contact the Trumbull County Human Resources Department.

### **3.9.4 Effective Date**

The effective date of this notice is April 14, 2003. Trumbull County is required to follow the terms of this notice until it is replaced. Trumbull County reserves the right to change this Privacy Statement at any time as allowed by law and will notify you of any changes as required by law. Trumbull County reserves the right to make the changes apply to all information that it maintains.

## **APPENDIX E SEXUAL HARASSMENT**

The Appointing Authority strongly condemns and strictly prohibits the Sexual Harassment of County employees working in Departments under the Board's jurisdiction. It is illegal under State and Federal law for any employee, male or female, to sexually harass another employee by:

- (A.) Making unwelcome sexual flirtations, advances or propositions;
- (B.) Creating an intimidating, hostile, or offensive working environment through verbal abuse or physical conduct of a sexual nature;
- (C.) Threatening or insinuating that an employee's refusal to submit to sexual advances will adversely affect that

employee's employment, compensation, evaluation, or promotion.

**Any employee who believes that he/she has been victimized of Sexual Harassment is encouraged to immediately report the incident to a supervisory employee (preferably, but not necessarily, the employee's supervisor) who will conduct a thorough and confidential investigation to determine the validity of the allegation. The Supervisor will report findings to the employee and to the Appointing Authority within three (3) workdays if at all possible. If the employee is dissatisfied with the Supervisor's findings, he/she is encouraged to report the incident directly to the Appointing Authority for immediate review by the Appointing Authorities' Office. The Appointing Authority's Office shall, if at all possible, reply to the employee within five (5) workdays.**

Any employee, at either level of the investigation of alleged Sexual Harassment, who has been found to have sexually harassed another employee, will be subject to discipline, which could include termination.

The Appointing Authority recognizes and acknowledges that any employee may pursue appropriate remedial action through State and Federal Agencies.

## **APPENDIX F TRUMBULL COUNTY VEHICLE USE POLICY**

### **Purpose**

This document is to establish a written policy, which regulates the purchase, lease, use, and service of county vehicles. The document also establishes rules and guidelines for employees and elected officials who use personal vehicles on county business.

Any vehicle, leased or purchased, per authorization by the Board of Trumbull County Commissioners, and designated to be used by any County Elected Official, County Department Head, or their employees, shall follow and be included under the Trumbull County Vehicle Policy.

### **I. Statutory Requirements**

#### **A. Responsibility of the Board of County Commissioners**

“Motor vehicles purchased as provided by Section 304.41 of the Revised Code shall be for the use of the County Commissioners or other County officials, their use to be subject to the regulation of the Board of County Commissioners.”

#### **B. Purchase or Lease of Vehicles:**

“...Whenever the Board of County Commissioners deems it necessary to purchase or lease motor vehicles for its use, or the use of any department, commission, board, office or agency under its direct supervision or the use of any elected official or his employees... the board may purchase or lease such vehicles...” (O.R.C. 307.41)

C. Use of County Vehicles:

“No official or employee shall use or permit the use of any such vehicle or any supplies for it, except in the transaction of public business or work of the county” (O.R.C. 307.42)

D. Identification of County Vehicles:

“All vehicles shall be plainly and conspicuously lettered...” (This is according to and in compliance with O.R.C. 307.41, Case Note 11, and O.R.C. 307.42).

## **II. Regulations of the Board of County Commissioners**

A. Vehicles are to be provided for those elected officials, department heads, and employees who require transportation in the course of their duties:

1. Vehicle assignments, long-term, will be made based on written request by Elected Officials or appointing authorities, which must include documented justification. Approval will be based on transportation needs, emergency requirements, call out availability, after hour meetings, cost effectiveness, or as otherwise determined by the Board of County Commissioners.
2. Long-term vehicle assignments are to be reviewed annually.
3. Short-term vehicle assignments are subject to department head approval.
4. Except in the case of extenuating circumstances, or in the case of a demonstrated need to maintain public safety, no vehicle may be driven to the authorized driver’s residence or domicile following the normal workday.
5. All operators of county vehicles must have a valid State of Ohio operator’s license, which includes the specific type of vehicle being operated. If the employee’s operator’s license is suspended or revoked, the employee must notify his/her supervisor of this fact at the earliest of the following:
  1. Day of suspension.
  2. The next working day.

Failure to report such a suspension will be cause for disciplinary action as outlined in the policy. Revocation or suspension of an employee’s driver’s

license shall result in termination of county vehicle driving privileges and in those cases where an employee's job class requires driving a county vehicle; this fact may result in reassignment or termination.

6. Trumbull County gasoline credit cards may be used to purchase gasoline, oil, etc., for county vehicles on official county business only. (Note Credit Card Policy for detailed instructions on card use.)
7. Alcoholic beverages, controlled substances and/or drugs of abuse are not to be used in county vehicles.
  - b. No person under the influence of alcohol, controlled substances and/or drugs of abuse is to drive a county vehicle.
  - c. Alcoholic beverages, controlled substances and/or drugs of abuse shall not be transported or used in or on county vehicles.
8. Trumbull County Fuel Management System cards will only be used for gasoline for county vehicles on official county business.
  - d. County vehicles must be fueled at County owned fuel stations unless the driver is returning on authorized business from a distance in excess of one-hundred (100) miles; or if the county fuel station is inoperable.
  - e. It is the responsibility of the department supervisor to monitor disbursement and retrieval of Trumbull County Fuel Management System cards. Individual cardholders must turn in their card upon leaving employment with the County or transferring to another department.
9. The transporting of passengers other than County employees or those persons necessary to or engaged in conducting official business is prohibited.
10. All occupants are required to use seat belts while driving or riding in a County owned or leased vehicle.

**B. Vehicle Requisition and Replacement:**

1. Vehicles are to be replaced based on a comprehensive vehicle cost factor replacement model.
2. The Vehicle Maintenance Department will inspect all vehicles which near established replacement limits or which have high maintenance cost. Based upon mechanical condition, use data, service reports, and established need, the Vehicle Maintenance Supervisor is to determine if a vehicle should be retained or disposed of, and so recommend to the Board of County Commissioners.

3. When determined to be more cost effective, or if requirements justify, vehicles may be leased or rented.

C. Preventative Maintenance and Service Schedule:

1. Vehicles are to receive preventative maintenance according to standards established by the Vehicle Maintenance Department.
  - a. Officials who have vehicles assigned to their department, office or agency are responsible for required maintenance service. Any user noting service, safety, or maintenance requirements is responsible for notifying his department head or supervisor.
  - b. Operators are responsible for the appearance, (interior and exterior cleanliness) of the county vehicle, which is assigned to them.
  - c. Vehicle operators shall immediately notify their supervisor should they detect any unsafe or hazardous condition in or on any county vehicle. The supervisor is in turn responsible for informing the Vehicle Maintenance Department of the defect.
2. The Vehicle Maintenance Department will schedule and assure that annual safety and pollution inspections are performed and that noted problems are corrected.

D. Accidents involving county vehicles and traffic citations:

1. Accident reports are to be completed and submitted to the Human Resources Department within 24 hours of the event. The vehicle operator is responsible to contact the appropriate police agency.
2. Parking, moving violations, and other fines received during the operation of a county vehicle are the responsibility of the operator.
  - a. Operators of county vehicles who establish poor driving records (accidents or traffic citations while using county equipment) may be assigned to defensive driving or other driver's training courses.

E. Disciplinary actions: (Board of County Commissioners employees only)

1. Recurring traffic violations, failure to comply with established vehicle policies and procedures and misuse or abuse of county vehicles and equipment may result in any of the following disciplinary actions, depending on the severity and circumstances surrounding the violation(s):
  - a. Written notice spelling out violations

- b. For recurring traffic violations and accidents, assignment to a defensive or driver's education course
- c. Loss of driving privileges – not allowed to use county vehicles
- d. Discharge from county employment

F. Identification of County Vehicles:

- 1. All county vehicles with county plates will bear the approved markings:
  - a. County logos and/or lettering
  - b. Vehicle number
- 2. The Sheriff's vehicles are to bear the approved Sheriff's Star or be unmarked as their use dictates.
- 3. County vehicles with non-county plates, involved with appropriate law enforcement functions are not required to bear county markings.

G. County vehicle regulations will be reviewed yearly or at such other times as the Board of County Commissioners may deem appropriate.

**III. Personal Vehicles**

- A. All elected officials and employees who use their personal vehicles on official county business must comply with the applicable rules and guidelines contained herein while performing their official duties.
- B. Trumbull County's Insurance Policy will be secondary coverage in excess of the driver's personal insurance when a personal vehicle is operated on authorized county business. Such personal limits shall be at least \$100,000.00 bodily injury per person, \$100,000.00 per occurrence, and \$50,000.00 for property damage. Proof of insurance coverage must be forwarded to the Human Resources Department.
- C. Employees and Elected Officials who use personal vehicles in the performance of their duties will be reimbursed on a mileage basis at the currently authorized rate provided that proof of insurance is on file. The destination and purpose of each reimbursable trip must be stated on the proper form as provided by the Trumbull County Auditor. Mileage will be reimbursed to only one (1) occupant of the vehicle if more than one (1) person is in the vehicle. Commuting miles are non-reimbursable.
- D. Unless specifically authorized by the proper appointing authority to do so, personal vehicles shall not be used, and mileage reimbursement will not be authorized, for county business travel that exceeds fifty (50) miles from point of origin to destination and return. For trips of this nature a county vehicle must be

used, if available. If no county vehicle is available mileage reimbursement may be requested for use of a personal vehicle.

## **APPENDIX G WEAPONS POLICY**

**3.14.1** 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.

**3.14.2** Except as provided in Section 3.14.1, 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 Trumbull County.

Except as provided in Section 3.14.1, 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.

Except as provided in Section 3.14.1, 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.

The County will not defend or indemnify an employee, except as provided in Section 3.14.1, who carries or discharges a personal weapon while on County business.

## **APPENDIX H      WORKFORCE CONFIDENTIALITY AGREEMENT**

Trumbull County has a legal and ethical responsibility to ensure that medical information remains confidential. As a condition of my employment with Trumbull County, each employee must understand and comply with this Agreement.

You must understand and agree to:

- not discuss or disclose any confidential medical information unless such disclosure is in compliance with applicable privacy policies and procedures and is required for the performance of my job.
- not access or view any medical information other than is required to do my job. If any questions arise about whether access to certain information is required to complete your job, you will ask my supervisor, head of your department or the Privacy Officer for clarification.
- not make inquires about any information on behalf of any individual or person or entity that does not have proper authority to have such information. If there are any questions about whether certain persons or entities are permitted access to certain information, ask a supervisor, head of the department or the Privacy Officer for clarification.
- not discuss any information pertaining to any individual's medical care in an area where unauthorized individuals may hear such information, for example: in hallways, on staircases, on elevators, in the cafeteria, on public transportation, at restaurants or at social events. It is never acceptable to discuss such information in public areas, even if specific information, such as an individual's name, is not used.
- not make any unauthorized transmissions, copies, disclosures, inquiries, modifications, or expungements of information.
- Not disclose personal access codes, user IDs, access keys and passwords used to access computer systems, buildings, records or other County systems or equipment confidential and secured at all times.

### Consequences for Violating this Agreement

Violation of this Agreement may result in:

- Disciplinary action up to and including termination of employment with Trumbull County and/or suspension, restriction or loss of privileges in accordance with Trumbull County policies.
- Potential personal, civil and criminal penalties.

Obligations under this Agreement regarding client information and organizational information will continue after the conclusion of employment with Trumbull County.



# TRUMBULL COUNTY COMMISSIONERS

160 HIGH STREET, N.W.  
WARREN, OH 44481-1093  
330-675-2451  
Fax: 330-675-2462

Commissioners  
Frank S. Fuda  
Paul E. Heltzel  
Daniel E. Polivka

Clerk  
Paulette A. Godfrey

January 9, 2008

The following action was taken by the Board of Trumbull County Commissioners on January 9, 2008, and duly recorded in their Journal Volume 130, page 13182.

\*\*\*\*\*

**RE: APPROVE 'UPDATED' TRUMBULL COUNTY  
POLICIES AND PROCEDURES MANUAL**

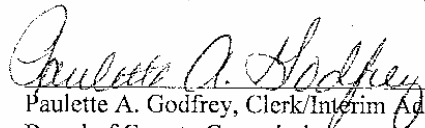
**MOTION:** Made by Mr. Heltzel, seconded by Mr. Fuda, to adopt a Resolution to approve the 'Updated' TRUMBULL COUNTY POLICIES AND PROCEDURES MANUAL for the benefit of personnel employed in various offices and departments of the County; this action per the recommendation of James W. Keating, Director of the Human Resources Department.

**NOTE:** *Policies and Procedures Manual shall be placed on file in the Commissioners' General File.*

Yeas: Heltzel, Fuda, Polivka  
Nays: None

**CERTIFICATION**

I, Paulette A. Godfrey, Clerk of the Board of County Commissioners, Trumbull County, Ohio, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Trumbull County Commissioners on January 9, 2008, and is duly recorded in Journal Volume 130, page 13182.

  
Paulette A. Godfrey, Clerk/Interim Administrator  
Board of County Commissioners

/kat

cc: Human Resources Director  
All Departments

## **ACKNOWLEDGEMENT**

On this date I received a copy of the Trumbull County Policy Manual. I understand that I am responsible to familiarize myself with the information in these directives and that I am governed by them. In the event there is a conflict between this manual and any other applicable laws or collective bargaining agreements or Appointing Authority policies, the applicable law or full text of the written law or collective bargaining agreement shall prevail.

Since the information in these directives is subject to change, it is understood that I will be notified of such through the usual channels of dissemination.

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Signature of Employee

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Printed Name

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Department

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Date