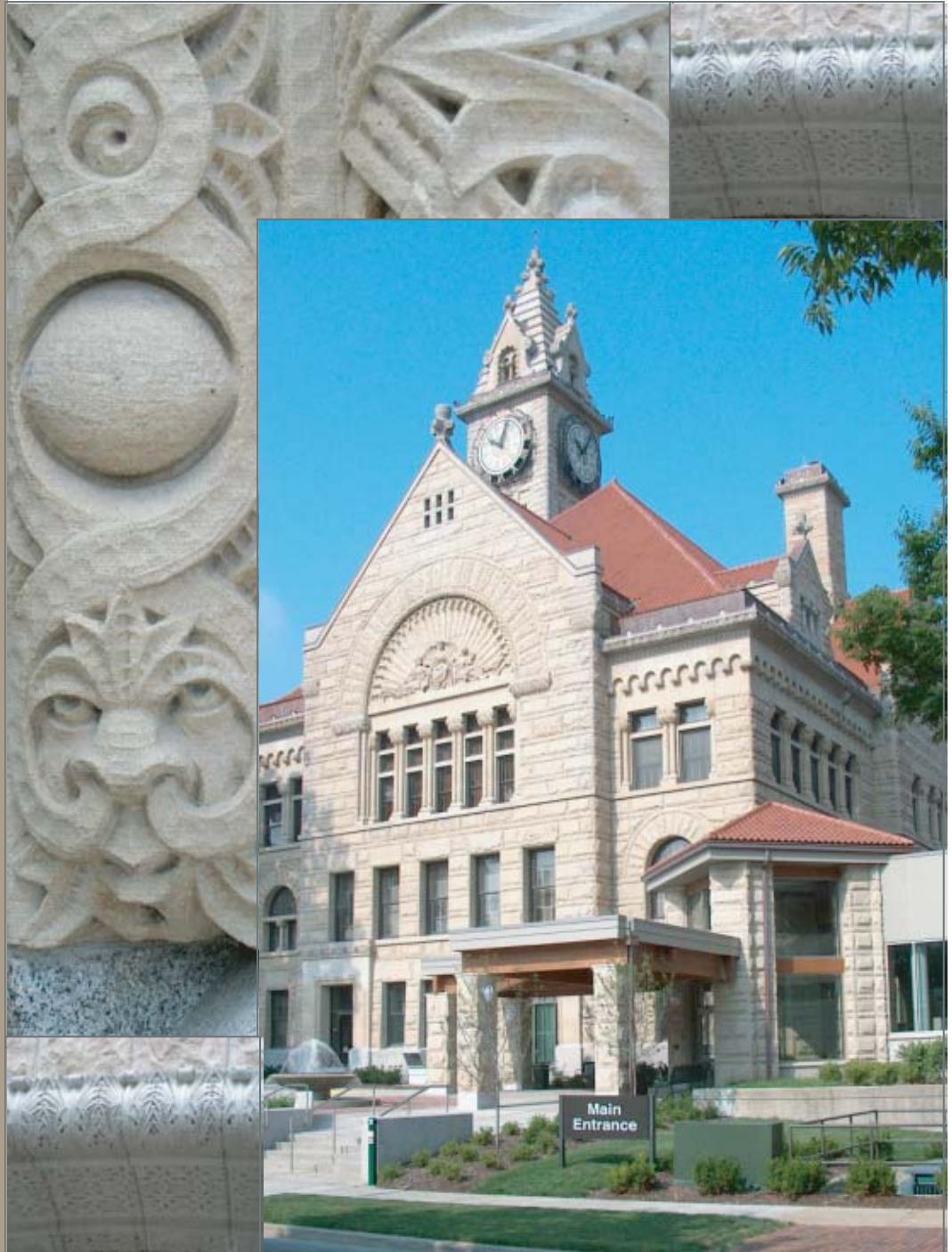




# Employee Handbook

Effective June 15, 2014



[www.co.wood.oh.us/employee](http://www.co.wood.oh.us/employee)

## ***2014 Employee Handbook Revisions Summary***

Listed below are policies that were updated with this handbook revision along with a brief notation of the change. It is not a complete list of the changes made.

### **Policy**

Fair Employment	Clarification added.
Affirmative Action	Clarification added.
Separation	Clarification added regarding death of an employee.
Hours of Work	Added language regarding work schedules and reporting to work. Updated language regarding management of hours in excess of regular schedule.
Fair Labor Standards Act (FLSA)	Includes requirement to document hours worked. Added complaint procedure for improper deductions.
Overtime	Redefined overtime. Based on hours that the employee actually works. Does not include paid lunch periods, holidays, vacation, sick leave, etc.
Compensatory Time	Redefined comp time to match overtime definition. Added language as to when time must be used.
Payroll	Pay advances of any kind are not permitted. Also added language regarding taxable fringe benefits.
Sick Leave	Adjustment to accrual of sick leave. Added up to one day of sick leave for death of employee's aunt or uncle.
Family Medical Leave Act	Clarification added.
Ohio Family Military Leave Act	New provision that provides up to 80 hours of unpaid military family leave to eligible employees.
Lunch Period	Lunch periods are not considered hours worked for purposes of overtime. Employees must receive prior approval before working through the lunch period.
Holidays	Employees who work on a holiday will receive holiday pay in addition to their regular rate for actual hours worked on a holiday.
Workers' Compensation	Updated reporting requirements for employees and supervisors.
Personal Conduct of Conduct Employees	Added language regarding good behavior, workplace romances, confidentiality, and social media.
State of Ohio Fraud Contact Information	New section with required notice to employees.

Use of County Property	Clarified job related use of County Property, cell phone and electronic devices, and permitted personal use and prohibited use.
Additional Employment/Compatible Positions	Notification required using new form.
Public Records Policy	Clarified Internet and email as public records and added records management.
Internet and Email Use Policy	Incorporated language from previous Email Policy. General reorganization of information.
Smoke/Tobacco Free Policy	Added use of vapors, electronic cigarettes, etc. to policy.
Drug Free Workplace Policy	May require testing after a work-related motor vehicle accident.
Americans with Disabilities Act	Added language to include employee accommodations and interactive process.
Unlawful Discrimination	Clarification added to focus on unlawful discrimination and sexual harassment. Only applies to a protected class.
Investigations and Discipline	Added language regarding investigations into alleged disciplinary violations.
Risk Reduction Program	Updated refusal to work language to match updated posting requirement. Contact information also updated.
Violence in the Workplace	Incorporated options for emergency response procedure lockdown vs. evacuation.
Building Evacuation for Bomb Threat or Fire	Merged policy to focus on evacuation of building.
Tornado Watch and Warning Procedure	Court Security or other designee will provide notice.
Travel Reimbursement Policy	Updated policy.
Motor Vehicle Policy	Reworked reportable events section to incorporate "points". Review of driving record, and requirements following license suspension as required by liability insurance carrier.
Ethics Appendix	Updated to most recent version.

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## WELCOME

This handbook has been prepared to assist employees in knowing their rights, responsibilities, and benefits as County employees. It is not meant to imply a permanent contract between the employee and County, but rather has been put together to provide basic information to the employee. It may be altered as laws and County policies and procedures change. Nothing in this handbook is intended to expand or diminish legal rights or responsibilities otherwise provided by law.

Each County Elected Official is a completely autonomous Appointing Authority. Appointing Authorities have the authority to and responsibility for their own employees as it relates to hiring, rate of pay, promotions, reductions, terminations, layoffs, establishing policy, and similar actions. Appointing Authorities may also alter some of the provisions of this Handbook as they deem appropriate. Other job related matters such as vacation, holidays, sick leave, FMLA, overtime, workers' compensation, and the like, are set by statute and apply to all County employees.

Employees working in departments with collective bargaining agreements should consult their union contract as those agreements may differ from County policy.

Employees should feel free to seek assistance from their immediate Supervisor, Department Head, or payroll personnel in their office. If staff members have any concerns about their job, they are encouraged to discuss these issues with Supervisory personnel. Employees will be provided with the names and positions of all persons in their immediate department to assist them in becoming acquainted with co-workers.

BCC 12/29/75

Rev. 6/1/88

Rev. 10/3/89

Rev. 95-2395

Rev. 00-1828 8/31/00

Rev. 04-2361 12/28/04

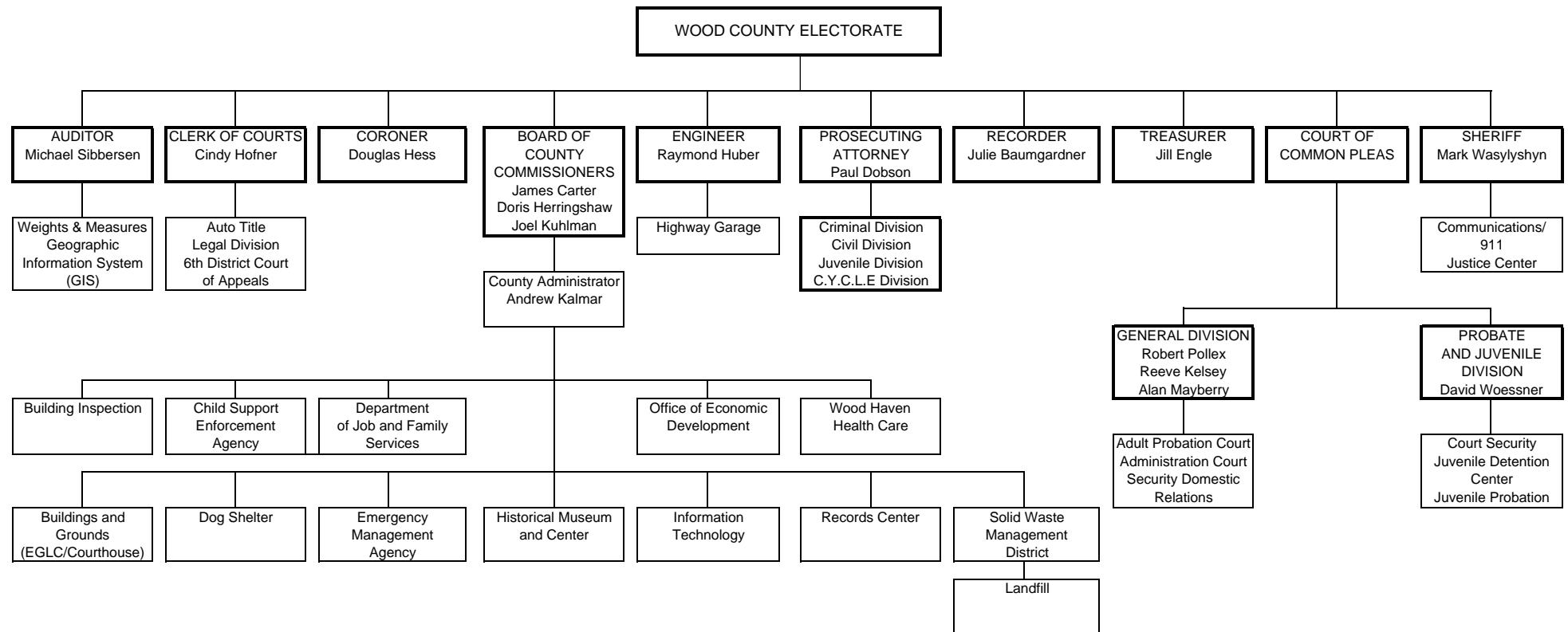
Rev. 07-2041 11/20/07

Rev. 08-2184 12/11/08

Rev. 11-679 5/3/11

Rev. 14-754 5/20/14

# YOUR WOOD COUNTY GOVERNMENT



BOARDS AND COMMISSIONS	JOINTLY GOVERNED ORGANIZATIONS	RELATED ORGANIZATIONS	INDEPENDENT COUNTY AGENCIES
Alcohol Drug Addiction Mental Health Services	Juvenile Residential Center of Northwest Ohio (Serves 10 County Area)	District Public Library	Agricultural Society
Board of Elections	Northwest Community Corrections Center (Serves 5 County Area)	Park District	Economic Development Commission
Developmental Disabilities (Wood Lane)	Wood County Port Authority	Regional Airport Authority	Educational Service Center
Law Library			Health District
Planning Commission			Historical Society
Public Defender Commission			Northwestern Water and Sewer District
Senior Citizens Center/Committee on Aging			Ohio State University Extension
Veterans Service Commission			Soil and Water Conservation District
			Veterans Assistance Center

# EMPLOYMENT

## Fair Employment Policy

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29 CFR Part 1614

BCC 4/28/75 Rev. 95-833; 08-2184; 11-679; 14-754

Wood County is an Equal Opportunity Employer and shall comply with federal and state equal employment opportunity principles and other related laws. All employees shall be treated in a fair and equitable manner based solely upon merit, fitness and such other occupational qualifications as each individual might possess.

Wood County will not discriminate against applicants or employees on the basis of race, color, religion, sex, pregnancy, age, sexual orientation, national origin, ancestry, disability, veteran status, military status, genetic information, or other unlawful reason except when such a factor constitutes a bona fide occupational qualification.

The employment decisions below will be based solely on the individual's qualifications and the requirements of the position:

- recruitment/hiring;
- compensation/rates of pay;
- fringe benefits;
- terms and conditions of employment;
- job training;
- performance evaluations;
- job assignment;
- classification;
- promotions/demotions;
- disciplinary actions/discharge;
- references;
- layoffs/returns from layoffs; and
- reasonable accommodations due to disability.

Employees shall not discriminate against co-workers or members of the public based on race, color, religion, sex, pregnancy, age, sexual orientation, national origin, ancestry, disability, veteran status, military status, genetic testing or other unlawful reason.

Wood County will not retaliate against any person because that person has opposed any unlawful discriminatory practice or because that person has made a complaint of

unlawful discrimination, testified, assisted, or participated in any investigation, proceeding or hearing.

Employees must report in writing any act of discrimination in the workplace within five working days to the employee's Supervisor, Department Head or Appointing Authority. The Appointing Authority shall promptly investigate the complaint and take appropriate remedial action. The Appointing Authority shall submit a copy of the complaint within two working days of receipt to the County Commissioners' Office.

## Affirmative Action Policy

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ORC 4112.02  
BCC 4/28/75 Rev. 95-833; 04-2361; 14-754

Consistent with the County's commitment to Equal Employment Opportunity, Wood County has an Affirmative Action Policy. Wood County will not consider race, color, religion, sex, pregnancy, age, sexual orientation, national origin, ancestry, disability, veteran status, military status, or genetic testing in employment, as well as services provided to the public or contracting decisions. Wood County conducts periodic reviews of all employment practices to ensure the County's commitment to equal employment opportunity.

## Classified and Unclassified Employees

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ORC 124.01, 124.11, 124.30, 124.34

County employees are by law either “classified” or “unclassified”.

Employees in the classified service have many protections under Ohio’s Civil Service laws. Classified employees may continue employment in their positions during good behavior and efficient service. Classified employees cannot be suspended, reduced in pay or position, or terminated except for the causes set forth in ORC 124.34. See Employee Discipline Procedures in this handbook.

Unclassified employees are those persons exempted from classified service by statute; and/or persons employed by and directly responsible to elected county officials who hold a fiduciary or administrative relationship to such elected county officials. Unclassified employees serve at the pleasure of their Appointing Authority, i.e., are employees at will.

Employees with temporary or intermittent appointments are unclassified. Temporary appointments cannot exceed 120 days unless necessary to fill a vacancy created by the sickness, disability, or other approved leave of absence of a regular employee. Intermittent appointments cannot exceed 1,000 hours annually. Probationary employees are also unclassified.

Classified employees who are convicted of a felony forfeit their classified status and are moved to the unclassified service.

If you are unsure of your employment status, ask your immediate Supervisor or your Appointing Authority.

## Job Postings

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Appointing Authorities hire the employees within offices, departments, and agencies under their jurisdiction.

Job postings are recommended for all vacant positions. However, only classified positions require formal job postings and employment selection procedures.

Existing or imminent classified vacancies above the entry level shall be posted internally for a minimum of five calendar days, except where a laid-off employee is eligible for reinstatement to the vacant position. The job posting shall identify minimum entrance requirements for the position.

During the five day period, any current employee wishing to apply for a vacant position shall submit a written application to the Appointing Authority or designee. A current staff member who applies and does not meet the qualifications of the position shall receive written notification of non-selection upon filling the position.

If no employees are qualified for the vacant position, or if the vacancy is an entry level position, the job shall be filled from the applications of qualified persons with applications on file or the Appointing Authority may advertise by newspaper or through other employment channels for 10 working days.

Current job vacancies may be posted on the first floor of the Office Building next to the elevators, on the Internet at [www.co.wood.oh.us](http://www.co.wood.oh.us), or on individual office/department bulletin boards.

## Employee Selection

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ORC 124.23(D), 325.17

Each Appointing Authority shall appoint the necessary employees for their office and shall set their employees' compensation.

Applicants for classified positions may be evaluated based on education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness.

An examination may consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skill, and abilities, and any other acceptable testing methods. If minimum or maximum requirements are established for any experience, they shall be specified in the examination announcement.

## Probation

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ORC 124.27  
OAC 123:1-19-01; 123:1-19-04

The probationary period for all classified employees is fixed at 180 calendar days. A longer period, not in excess of one year, may be established for specific job classifications upon approval of the Appointing Authority.

Time spent on leave of absence without pay shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of days the employee spent in no-pay status.

An Appointing Authority may, with the written consent of the employee extend an employee's probationary period for up to 60 days to allow additional time to review the employee's performance. Extensions must be approved prior to the end of the employee's original probationary period and the total probationary time shall not exceed one year.

Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as full-time employees. Employees who work an irregular schedule or who work less than the normal number of working days per week shall have their probationary period determined on the basis of time actually worked. A standard 180-day probationary period is equivalent to 1,000 hours worked.

The probationary period allows new employees to become accustomed to the duties of their new position and to demonstrate their capabilities to perform those tasks. The performance of the employee during this initial "testing" period is an important factor in the decision to retain the services of the employee during or after the probationary period.

No appointment is final until the appointee has satisfactorily completed a probationary period. If the service of a probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period. Employees terminated during their probationary period do not have appeal rights.

## Promotions and Transfers

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ORC 124.32  
OAC 123:1-19-01,  
OAG 2005-018

Vacancies in positions in the classified service shall be filled insofar as practicable by promotions following the employee selection portion of this handbook. Employees shall serve a probationary period following each promotion. No promotion is final until the appointee has satisfactorily completed a probationary period. If the employee's services are found unsatisfactory, the employee may be removed, or reduced, at any time during the probationary period.

Employees can transfer to another Appointing Authority (inter-department) or within their Appointing Authority (intra-department).

### **Inter-Department Promotion/Transfer**

If an employee accepts an inter-departmental promotion and is found to be unsatisfactory in the advanced position, the receiving Appointing Authority may remove the employee or may demote the employee to a position that is the same or similar to the previous position. The employee has no right to resume a position with the releasing Appointing Authority.

Inter-departmental transfers are a separation of employment and therefore, the employee must submit a resignation of employment.

Upon separation, employees with more than one year of public service must receive payment from the first Appointing Authority for accumulated but unused vacation leave at the rate of pay at separation. Sick leave balances are transferred with the employee to the new position.

These procedures may vary in other public agencies. Employees should check with employers for policies on prior service credit, etc.

### **Intra-Departmental Promotion/Transfer**

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

An intra-departmental transfer is not a separation of employment.

At the discretion of the new Department Head, full-time employees may receive credit for accumulated unused vacation leave. All vacation credit not transferred shall be paid by the previous department. Sick leave balances will transfer.

## Separation

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ORC 325.17, 124.06, 124.32, 145.381, 2113.04

Employees who voluntarily resign from County employment must submit a written resignation to their Supervisor at least two weeks prior to the date of departure. Employees serving in a supervisory capacity shall provide a two month notice of resignation, unless the Appointing Authority agrees to a reduced time period.

Upon the Appointing Authority's written acceptance of an employee's resignation, the employee is not able to rescind his/her resignation. The employee may request reconsideration in a written request for reinstatement. The Appointing Authority may elect to reinstate the employee prior to the separation date. If the vacancy was posted, the Appointing Authority shall notify all applicants that the vacancy is filled.

Employees must return all County issued property. Failure to return County property may result in prosecution for unauthorized use and/or theft of County property.

Wood County conducts exit interviews with employees separating from employment. The interview provides separation information such as payment of vacation and sick leave if applicable, OPERS retirement and refunds, withdrawals from deferred compensation programs, COBRA, and other separation-related information.

Employees retiring from Wood County service are encouraged to discuss their retirement plans with their Supervisor/Department Head at least six months prior to their retirement. OPERS recommends that employees file an application for retirement no more than six months, but no less than 30 days, prior to the effective date of retirement. For more information on retirement planning, contact OPERS.

Employees who separate from County service are eligible to receive a refund of their OPERS contributions three months after termination. The OPERS member handbook clarifies the advantages and disadvantages of withdrawal of contributions. To obtain a refund, secure an application for refund from your payroll officer or the OPERS website at [wwwopers.org](http://wwwopers.org).

Employees retiring under a public service retirement who seek reemployment in the same position shall provide their Appointing Authority written notification of their intent 90 days prior to their retirement. If a retiree's Appointing Authority is a board, commission, or legislative authority, that entity must give public notice and hold a public hearing for the rehiring of the retiree into the same position. For more information contact your payroll officer or OPERS.

Ohio law also restricts former employees from representing a client or acting in a representative capacity for any person in any matter in which the employee personally participated through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise or administrative discretion for 12 months following separation. See Appendix A – Ohio Ethics Law.

Upon the death of an employee, all wages and personal earnings due to the deceased employee shall be paid to the employee's heirs or estate in accordance with ORC 2113.04. Wages and personal earnings include unpaid wages, unused vacation, unused compensatory time for non-exempt employees and a portion of the deceased employee's unused sick leave if the employee was eligible for retirement. See Payment For Sick Leave Upon Retirement policy. If the total amount due the deceased employee is less than \$5,000, the payment may be made to the employee's heirs, following the order of priority set by ORC 2113.04. If the total amount due the deceased employee exceeds \$5,000, the payment must be made to the deceased employee's estate. Questions regarding benefits and life insurance may be directed to the Commissioners' Office.

## Absence without Leave (Voluntary Separation)

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OAC 123:1-31-03

A classified employee who is absent from work for three or more successive duty days, without leave and without approval by the employee's Supervisor may be subject to removal for neglect of duty.

This policy does not prevent an Appointing Authority from initiating a removal action for a shorter period of absence if the absence is of sufficient seriousness. The determination as to what constitutes a serious situation shall be made by the Appointing Authority.

## Disability Separation

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ORC 124.32; 124.385  
OAC 123:1-30-01, 123:1-30-02

A disability separation is a separation of service with a conditional right to reinstatement for a period of time for an employee who is unable to perform the essential job duties of the position due to a disabling illness, injury or condition. All affected employees will be advised of their rights should a disability separation become necessary. An Appointing Authority may require the employee to submit to a medical or psychological examination for purposes of disability separation or reinstatement.

**Voluntary Disability Separation:** An employee may request a voluntary disability separation when the employee does not dispute his or her inability to perform the essential job duties of the position due to a disabling illness, injury or condition. An employee who is granted a voluntary disability separation waives the right to a pre-separation hearing, but may request reinstatement within two years of the date in which the employee was no longer in active work status.

**Involuntary Disability Separation:** If an Appointing Authority receives substantial credible medical evidence of the employee's disability and determines that the employee is incapable of performing the employee's essential job duties due to the disabling illness, injury or condition, the Appointing Authority may place the employee on involuntary disability separation, including an employee who is unable to return to work following a personal leave of absence (see Section III Absences from Work). The Appointing Authority shall schedule a hearing prior to an involuntary disability separation and send written notice to the employee at least 72 hours in advance of the hearing.

As members of the Ohio Public Employees Retirement System (OPERS), employees may also be eligible for OPERS disability benefits. Additional information may be obtained by contacting OPERS directly.

## Layoff Procedures

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ORC 124.321

An Appointing Authority may layoff personnel due to 1) lack of work, 2) abolishment of positions, or 3) lack of funds. Layoff procedures take into account such factors as type of appointment, status, years of service, and retention points.

Laid-off classified employees have recall rights for one year and have the option of displacing or “bumping” lower-ranked employees within the same classification series.

All affected employees will be advised of their rights should layoff become necessary.

## Unemployment Compensation

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ORC Chapter 4141

The Ohio Department of Job and Family Services determines an employee's eligibility for unemployment benefits.

## Prior Service

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ORC 9.44, 124.34, 325.19

Employees shall provide written documentation of any prior service credit in the public sector within 30 days of employment. Prior service includes service with the State of Ohio or any political subdivision of the State, i.e., city, township, county, State University, public school district, Ohio National Guard, etc. Documentation shall include status of service, e.g., full-time or part-time; dates of service; number of bi-weekly pay periods in which services were rendered; and sick leave balance from most recent public employer.

If the service time qualifies, the Appointing Authority will make appropriate adjustments to vacation leave accrual rate and vacation and sick leave balances upon receipt of written documentation.

A request for credit for prior service after the first 30 days of Wood County employment will result in the adjustment of the accrual rate for the most recent six years of Wood County service only.

Employees who retired through any retirement plan offered by the State or those who left other public sector employment due to conviction of a felony will not receive prior service credit for their previous public sector employment.

## PAY PRACTICES

### Hours of Work

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ORC 325.17

Rev. 04-2361 Rev. 07-2041 Rev. 08-2184 Rev. 11-679 Rev. 14-754

The Appointing Authority assigns the hours of operation for each office or department under its control and may reassign work hours as necessary. The Department Head and/or Supervisor assigns work schedules for employees and may alter such schedules based on the operational needs of the office or department (e.g., shifts, days off, etc.). Department Heads may require employees to work overtime.

Consistent and reliable attendance is an essential function of every position within the County. Employees shall report to work on time and begin work promptly. Employees shall not sign-in or begin work before their scheduled start time, and shall not sign-out or stop work after their scheduled quit time, except with supervisory approval or in emergency situations.

When an employee works hours in excess of the employee's regularly scheduled work hours, the Supervisor shall:

1. Reduce the employee's work hours by the same number of hours worked in excess of the employee's regularly scheduled work hours at some point during the remainder of the work week. Example: An employee works two hours late on Monday. The Supervisor may required the employee to leave two hours early or report to work two hours late on another day in the same work week, or
2. Reduce the number of vacation hours, compensatory time, personal, or other non-sick leave hours requested in the same work week by the number of hours worked in excess of regularly scheduled work hours. Employees may request that the Supervisor reduce sick leave requested in the same work week.

If no adjustments can be made to the employee's work schedule, the employee shall receive his/her regular rate of pay or paid time off (one hour for each hour worked) until the employee actually works 40 hours in the work week. Example: An employee who actually works 35 hours per week with a paid lunch period each day will receive his/her regular rate of pay or paid time off (one hour for each hour worked) until the employee actually works 40 hours in the work week (i.e., an additional five hours beyond the employee's regular schedule).

## Fair Labor Standards Act (FLSA) Status

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The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked, and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

### **Exemptions**

The FLSA provides an exemption from both minimum wage and overtime pay for certain classifications of employees (i.e., Executive, Administrative, and Professional, etc.) In order for an exemption to apply, an employee's specific job duties, salary and education must meet all the requirements set forth by the Department of Labor Wage and Hour Division.

The Appointing Authority shall determine whether an employee qualifies for exempt status and the type of exemption (i.e., Executive, Professional, Administrative, etc.). The County considers all employees non-exempt, unless the Appointing Authority provides the employee written notification of exempt status.

### **Documenting Work Hours**

All employees, FLSA exempt and non-exempt, must document their hours worked with start and end times for purposes of public accountability. Employees shall keep accurate time records and may not make entries on time records for fellow employees. Recording of hours for FLSA exempt employees shall not destroy their exempt status.

### **Complaint Procedure**

Employees that believe they have been improperly classified under the FLSA and/or that the County has made improper deductions from their salary must submit a written complaint to their Appointing Authority. The Appointing Authority shall investigate the complaint and provide the employee with a written response. The employee shall be reimbursed for any improper deduction.

## Overtime

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FLSA of 1938  
ORC 4111.03

Overtime is payment for hours worked in excess of 40 hours during a work week and is compensated at one and one-half times the employee's rate of pay. Overtime shall be computed based upon all hours that the employee actually worked. The following paid time shall not be included in the calculation of overtime: paid lunch periods, vacation leave, sick leave, compensatory time used, personal leave, holidays, paid time-off for building closings, etc.

Employees may not work overtime without prior approval of their Supervisor or Department Head. While payment of overtime will be made, failure to obtain prior approval may result in disciplinary action.

Only nonexempt employees are eligible for overtime pay. Exempt employees, i.e., Executive, Administrative, or Professional employees under the Fair Labor Standards Act (FLSA) are not eligible for overtime pay.

The Appointing Authority reserves the right to restrict overtime compensation in lieu of compensatory time. If the Appointing Authority permits overtime and compensatory time is available, employees shall be granted compensatory time in lieu of overtime compensation.

An employee who refuses to work a mandatory overtime assignment may be subject to discipline.

## Compensatory Time

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FLSA  
ORC 4111.03

Compensatory time ("comp time") is paid time off work for hours worked in excess of 40 hours during a work week. Wood County may provide comp time to non-exempt employees in lieu of paying overtime. Comp time shall be computed based upon all hours that the employee actually worked. The following paid time shall not be included in the calculation of comp time: paid lunch periods, vacation leave, sick leave, compensatory time used, personal leave, holidays, paid time off for building closings, etc.

Employees must obtain prior approval from their Supervisor or Department Head prior to earning comp time. If an employee fails to obtain prior approval, the employee will be credited the comp time but may be subject to disciplinary action.

Employees must complete a Request for Leave Form and obtain prior approval from their Supervisor or Department Head prior to using comp time. Wood County can

require an employee to use his/her comp time and can specify the days the employee will be off to minimize disruption of the workplace.

Employees shall be charged comp time in minimum units of one-quarter hours (.25 hours).

### **FLSA Non-Exempt Employees**

FLSA non-exempt employees shall receive one and one-half hours of compensatory time for each hour worked in excess of 40 hours during a workweek. Employees must use comp time earned by the date listed on the employee's Attendance Record or within the timeframe communicated by the Appointing Authority, or the comp time shall be paid out. In special cases, the Appointing Authority may approve a carry-over of the remaining balance to the next designated timeframe.

### **FLSA Exempt Employees**

Administrative and Professional FLSA exempt employees shall receive one hour of comp time for each hour worked in excess of 40 hours during a workweek.

Administrative and Professional FLSA exempt employees may not have a comp time balance of greater than 120 hours. Wood County will not pay out any comp time earned by FLSA exempt employees, including at separation. Executive FLSA exempt employees are not eligible to earn comp time.

### **Alternative Policy**

Appointing Authorities who do not elect to offer compensatory time, alter the timeframe in which comp time must be used, and/or restrict overtime shall provide written notice of the alternative policy to employees at least ten days prior to the policy's effective date. See ORC 4111.03 (C).

## Payroll

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ORC 9.37, 325.17

For payroll purposes, pay periods begin on Sunday and end the Saturday of the following week. Payment for hours worked during a pay period is made bi-weekly on the second Friday following the completion of the pay period.

Payment is made through direct deposit (electronic transfer) and may take up to one month to implement. Any checking or savings account information supplied for payroll purposes will remain confidential.

Pay advances of any kind are not permitted.

Federal, state, and municipal laws require automatic deductions of appropriate taxes and other deductions from employee's wages including OPERS. Employees hired after April 1, 1986, must also pay Medicare tax based on their gross salary.

Employees may elect voluntary payroll deductions including insurance, deferred compensation, United Way, College Advantage, etc.

Wood County must report taxable fringe benefits (e.g., uniforms, wellness reimbursements, etc.) provided to employees for tax purposes. Employees must sign a Quarterly Fringe Benefit Report documenting fringe benefits.

Employees must review the information on their pay stubs to ensure accurate payment, deductions, and balances and immediately report any inaccuracies to their payroll officer. The name printed on the pay stub must reflect the name on the employee's social security card.

## Change of Employee Information

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Employees must notify their Supervisors and/or payroll officer of any change in their personal information within seven (7) days of any relevant changes including name, address, telephone number, emergency contact, marital status, beneficiary designations, addition or deletion of dependents for tax purposes, change in school tax district, or any other information that may affect employment records.

Changes to bank account information must be reported to your payroll officer by 10:00 a.m. on Thursday a full week before the pay date. In the case of a holiday falling in the payroll week, changes need to be submitted by 10:00 a.m. on Wednesday the full week before the pay date. When bank account changes are made, the first payment on the new account may be paid by check.

## ABSENCES FROM WORK

Wood County offers several types of leave for employees; however, employees may only use leave as prescribed in this handbook. Other sections of this handbook offer additional information on absences from work (i.e., vacation, comp time, etc.).

Sick leave, vacation leave, compensatory time and personal leave is not available for use until it appears on the employee's earnings statement and the compensation described in the earnings statement is available to the employee unless warranted due to special circumstances.

### Sick Leave

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ORC 124.38

Rev. 04-2361, 07-2041, 08-2184, 11-679, 14-754

All County employees (full time, part time, and intermittent) earn sick leave at the rate of 4.6 hours for each 80 hours of completed service or .0575 per hour.

When calculating sick leave accrual, "completed service" is defined as "hours actually worked (including paid overtime), and hours of sick leave, vacation leave, compensatory time, holidays, personal leave used, or other paid time off, but does not include time on disability separation, leave of absence without pay, the period an employee is receiving disability leave benefits, or layoff." Employees do not accrue sick leave at the time the employee earns compensatory time, but rather at the time the employee uses, or is paid for the compensatory time.

Sick leave benefits accrue to employees without limit and are charged in minimum units of one-quarter hours (.25 hours). Cash payment of sick leave is only available upon retirement from active service. See Payment of Sick Leave Upon Retirement.

### Reasons for Leave

Employees may use sick leave benefits, provided a credit balance is available, only for the purposes outlined below.

1. Illness, injury, or pregnancy-related condition of the employee.
2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
3. Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate licensed practitioner.

4. Death of a member of the employee's immediate family. Such usage shall be limited to a reasonably necessary time, not to exceed five days. Employees may also take a reasonably necessary amount of time, not to exceed one day, for the death of the employee's aunt or uncle.
5. Illness, injury, or pregnancy-related condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
6. Examination, including medical, psychological, dental, or optical examination, of a member of the employee's immediate family by an appropriate licensed practitioner where the employee's presence is reasonably necessary.
7. Postnatal care of the employee's spouse or newborn child not to exceed five days. Additional time may be granted with doctor's certification for medical related conditions.

As used above, immediate family means an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (*in loco parentis*).

### **Use of Sick Leave**

The use of sick leave requires approval from the Immediate Supervisor, Department Head, and/or Appointing Authority. To justify the use of sick leave, employees must provide their employer with the specific nature of the illness/injury, the name and relationship to the employee of the injured or ill person, and the length of leave requested.

Employees will only be paid sick leave for the days and hours for which they would have otherwise been scheduled for work, excluding overtime hours. If an employee is scheduled for overtime in a week he or she is on sick leave, the employee shall only receive pay for the regularly scheduled hours, not the overtime.

If an employee's sick leave balance is exhausted before an employee can return to work due to a qualifying medical condition, then the employee will be charged for any accrued vacation leave or other available paid leave. Once all paid leave and available Family Medical Leave is exhausted, the employee may request a leave of absence from the Appointing Authority for up to six months. However, if the employee's physician certifies that the employee is unlikely to be able to return to work at the conclusion of the requested leave of absence period, the employee may, if otherwise qualified, be placed on Disability Separation. (See Section I – Employment for information on Disability Separation.)

## **Immediate Leave Requests**

Employees who are unable to report for work, and who are not on a previously approved day of vacation, sick leave, compensatory time, leave of absence, or other approved leave must notify their Immediate Supervisor or his designee.

The Employee must notify the Supervisor or his designee within one-half hour after the time the employee is scheduled to report for work, unless emergency conditions prevent such notification. For offices and departments in which replacement personnel must be called, employees shall call at least two hours before their scheduled start time, or as otherwise required by their Appointing Authority.

This verbal notification must include the specific nature of the illness/injury, the name and relationship to the employee of the injured or ill person, and the length of leave requested. If the leave is expected to continue for more than one day, employees shall contact their Immediate Supervisor or Department Head to discuss reporting requirements and leave options including FMLA, if applicable.

On the first day back from leave, employees must complete a Request for Leave form to request and document the use of sick leave and provide any other forms required by the employer.

## **Scheduled Leave Requests**

Employees with knowledge of the need for sick leave (e.g., scheduled surgery, regular doctor appointment, etc.) must complete a Request for Leave form obtaining prior approval before taking leave. Sick leave for doctor appointments shall be limited to a reasonable amount of time to cover the length of the appointment and necessary travel time.

Employees should schedule medical leave so as to not unduly interrupt employer operations, when possible.

In the case of a condition exceeding seven consecutive calendar days, a physician's statement specifying the employee's inability to report to work and the probable date of recovery shall be submitted to the immediate Supervisor or Department Head prior to taking the leave.

## **Documenting Leave**

All leave must be documented on a Request for Leave form. If medical attention is required, a certificate stating the nature of the illness from a licensed physician may be required to justify the use of sick leave.

Wood County may require medical verification for questionable use of sick leave, including, but not limited to, use that is excessive or patterned, frequent one day use, etc.

Failure to submit required forms by the department's specified timeframe may result in denial of paid sick leave.

Employees may, upon return to health, return to active pay status at the same or similar position upon examination and certification by a physician stating that the employee is able to perform the duties of the position. The County reserves the right to send the employee to a physician of the County's choice and at the County's expense to verify the employee's inability to return to work.

### **Disciplinary Action**

Failure to comply with this policy, falsification of a signed statement or a physician's certificate, requesting leave with the intent to defraud, or general misuse of sick leave shall be grounds for disciplinary action, including dismissal.

### **Transfer and Reinstatement of Sick Leave**

An employee who transfers from employment with or has prior service with any political subdivision of the State of Ohio, or who is reinstated or re-employed, within 10 years shall be credited with the unused sick leave balance, upon written verification from the previous employer. It is the employee's responsibility to obtain verification as noted in the Prior Service section of this Handbook.

Employees who received a sick leave payment upon retirement or any other cash conversion shall not receive credit for any previous balance.

### **Payment of Sick Leave Upon Retirement**

ORC 124.38, 124.39  
BCC 4/14/80 95-2540 00-1828 07-2041 14-754  
AG 86-027

Upon retirement from active service with Wood County, employees with 10 or more years of service with the State or any of its political subdivisions may elect to receive cash payment for their accumulated unused sick leave under the payment schedule outlined in the ORC Statutory Method or the Wood County Method below.

"Retirement" means disability or service retirement under the Ohio Public Employees Retirement System (OPERS) or other eligible State or municipal retirement system.

Under either method, sick leave payment is based on the employee's rate of pay at the time of retirement. Payment eliminates all accumulated and unused sick leave accrued by the employee and is made only once to any employee.

### **Statutory Method**

ORC 124.39 allows employees with a minimum of 10 years of OPERS service to receive 25% of the accumulated sick leave, not to exceed 30 days or 240 hours upon an OPERS retirement.

### **Wood County Method**

Only Wood County service time is considered when determining years of service for payment of sick leave accrual. Under this method sick leave shall be paid as follows:

Years of Wood County Service	Percentage	Maximum Hours
10	25	240
15	30	288
20	35	336
25	40	384
30	50	480

## Family and Medical Leave

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Family and Medical Leave Act of 1993; 29 CFR Part 825  
BCC 93-1813, 95-1263, 00-1828, 04-2361, 07-2041, 09-648, 11-679, 14-754

The Family and Medical Leave Act (FMLA) grants an eligible employee continuous or intermittent leave during a calendar year, January 1 through December 31, for certain qualifying events. Basic and Military Qualifying Exigency Leave provide up to a total of 12 weeks of leave (480 hours for a full time employee) during a single 12 month period. The 12 weeks of leave for part time employees is based on their regular schedule. Military Caregiver Leave provides up to a total of 26 work weeks (1,040 hours) of leave during a 12 month period. No employee receives more than a total of 26 weeks in a calendar year.

The Family and Medical Leave Act guarantees that an employee who takes FMLA leave can return to either the position held before the leave or a similar position upon return from leave, unless the employee would have been terminated in the absence of FMLA leave due to layoff, job abolishment, or insufficient funds. FMLA also guarantees the same benefits or conditions of employment accrued prior to the beginning of the leave period.

All available leave and benefits, e.g., sick, vacation, personal leave, comp time, Workers' Compensation (non-transitional duty), etc., run concurrently with designated FMLA leave and must be exhausted prior to commencement of an unpaid FMLA leave. Employee sick leave benefits provided by the Ohio Revised Code generally meet or exceed benefits provided under FMLA. All other County policies apply while taking FMLA.

### **Three Types of FMLA Leave**

#### **Basic FMLA Leave**

1. Incapacity due to pregnancy, prenatal medical care, or child birth.
2. Caring for the employee's child after birth or placement for adoption or foster care. FMLA leave must be completed within 12 months of the date of birth/placement. (An employee cannot take 12 weeks parental leave and an additional 12 weeks of other FMLA leave.)
3. Caring for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
4. An employee's serious health condition that makes the employee unable to perform the duties of his/her position

## **Military Qualifying Exigency Leave**

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Regular Armed Forces, National Guard or Reserves in support of a contingency operation may use up to 12 weeks leave for certain qualifying exigencies.

## **Military Caregiver Leave**

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member or covered veteran with a serious injury or illness shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for a covered service member. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 work weeks of leave under Qualifying Exigency Leave and Military Caregiver Leave entitlements.

## **Employee Eligibility**

Employees are eligible if they meet both of the following criteria:

1. Employed by Wood County for at least 12 months or 52 weeks within the past seven years; and
2. Worked at least 1,250 hours, including overtime but excluding paid vacation leave, paid sick leave, paid holidays, unpaid leave and layoffs, during the 12 months immediately preceding the commencement of leave.

## **Requests for FMLA Leave**

If the need for leave is foreseeable (e.g., scheduled surgery, birth), employees must communicate sufficient information about the reason for leave to the Supervisor by completing a written Request for Leave at least 30 days prior to taking leave. If the employee fails to provide 30 days notice with no reasonable excuse for the delay, the leave may be denied until at least 30 days from the date the employer receives notice.

If the need for FMLA leave is unforeseeable (e.g., car accident), employees must comply with the normal call-in procedure and communicate sufficient information about the reason for leave. A written Request for Leave must be submitted as soon as practicable.

The decision to designate leave as FMLA-qualifying must be based only on information received from the employee or the employee's spokesperson (e.g. if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, etc. may provide notice to the employer of the need to take FMLA leave). If the Supervisor does not have sufficient information, the Supervisor should inquire further of the employee or the spokesperson to ascertain whether the leave is potentially FMLA-qualifying.

When determining paid FMLA leave, employees shall refer to the Employee Handbook to verify if the payment for leave requested (e.g., sick, vacation, etc.) meets the statutory definition. For example, adoption and qualifying exigency do not meet the statutory or handbook purposes for sick leave use. Vacation or other types of leave may be used.

Even if not specifically requested as FMLA leave by the employee, the Supervisor shall initiate the FMLA process for any qualifying health condition or event.

### **First Notice: Eligibility**

The Supervisor must notify employees, in person or by mail, of their eligibility status within five business days after:

1. the first time an employee requests leave for a particular qualifying reason in the calendar year; or
2. the Supervisor receives knowledge that the reason for an employee's leave may be FMLA qualifying.

This notice only indicates employee eligibility, not whether the facts qualify for FMLA. See form: FMLA First Notice: Notice of Eligibility and Rights & Responsibilities.

Each qualifying condition requires a new First Notice to the employee as the employee's eligibility for FMLA may change throughout the year.

### **Certification**

The Department Head or Supervisor may require employees to submit a complete and sufficient certification on one of the following forms as appropriate for the request:

1. Certification of Health Care Provider for Employee's Serious Health Condition
2. Certification of Health Care Provider for Family Member's Serious Health Condition
3. Certification of Qualifying Exigency for Military Family Leave
4. Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave
5. Equivalent documentation in the case of an adoption/foster care.

The employee must return the completed certification within the timeframe noted on the Notice of Eligibility and Rights and Responsibilities form, or the leave may be denied and the employee may be subject to disciplinary action (e.g. insubordination).

Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member lasts beyond a single leave year, the County may require the employee to provide a new medical certification in each subsequent leave year.

### **Second and Third Certification Opinions**

The County may require that the employee get a second opinion from an independent medical provider, selected and paid for by the county. If the two opinions conflict, the conflict may be resolved by a third opinion by a provider agreed to by the County and the employee which shall be considered final and binding. The County will pay for this opinion.

The County may not require a second and third opinion for:

1. Employer's request for recertification. See below.
2. Leave taken because of a Military Qualifying Exigency.
3. Leave taken to care for a Covered Military Service Member.

### **Recertification**

The County may require recertification of an employee or family member's serious health condition at any time at the employee's expense if:

1. The employee requests an extension of leave (e.g. 2 weeks to 3 weeks);
2. Circumstances described by the previous certification have changed significantly (e.g. the duration of the illness, the nature of the illness, complications); or
3. Leave taken by the employee is inconsistent with the circumstances described in the employee's certification (e.g. facts about employee's activities during the leave suggest FMLA qualifying serious health condition no longer exists).

If the medical certification indicates that the minimum duration of the condition is more than 30 days, the County must wait the minimum duration before requesting a recertification.

In all cases, the County may request a recertification of a medical condition every six months in connection with an absence by the employee (e.g. course of treatment/intermittent FMLA extending more than six months).

## **Second Notice: FMLA Designation**

One notice of designation is required for each FMLA-qualifying reason per calendar year (e.g. separate notices of designation for broken leg in March and heart attack in November.)

Within five business days after the Department Head or Supervisor receives enough information to determine whether the leave taken is for a FMLA-qualifying reason (e.g. after receipt of a complete and sufficient certification), the Department Head or Supervisor must provide notice to the employee, in person or by mail, if the leave requested is or is not a FMLA-qualified leave. See form: FMLA Second Notice: Designation Notice.

This notice must include the amount of leave counted against the employee's FMLA entitlement. If the amount of leave needed is not known, then the Department Head or Supervisor must provide notice of the amount of leave counted against the employee's FMLA leave entitlement upon the request of the employee, but no more often than once in a 30-day period and only if leave was taken that period.

## **Use of FMLA Leave**

Employees taking leave shall conduct themselves in a manner consistent with the need for taking FMLA.

### **Intermittent Leave**

In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may request to work a part-time schedule. In reviewing an employee's request for intermittent leave, the Appointing Authority or Department Head shall determine whether or not an acceptable leave schedule can be arranged and may consider a temporary transfer to an alternative or comparable position.

If medically possible, an employee must schedule intermittent leave so as to not unduly interrupt employer operations. For employees taking intermittent leave, the employer must account for the reduced schedule using increments of time as outlined in the Employee Handbook, as required by a collective bargaining agreement or as set by an Appointing Authority.

An employee may not take leave on an intermittent or reduced schedule basis for the birth of the employee's healthy child or the placement of a healthy child for adoption or foster care with the employee, unless specifically authorized in writing by the Appointing Authority or Department Head.

### **Holidays**

Holidays that occur during a full week of FMLA leave are considered FMLA leave. However, if an employee is using FMLA leave in increments of less than one week,

the holiday will not count as FMLA leave unless the employee was otherwise scheduled and is expected to work during the holiday.

### **Coordination of Leave for Spouses Working for Wood County**

A husband and wife who both work for Wood County and are eligible for FMLA leave are limited to a combined 12 work weeks of leave for birth, adoption, or foster care placement. Other FMLA taken will be calculated in the same manner as leave for an individual employee.

### **Interaction with Other Leave Programs**

Additional time off beyond the required FMLA leave may be available to employees as defined in the Employee Handbook (e.g. sick leave and/or leave of absence without pay).

### **Reporting Requirements**

Employees on FMLA leave are required to report to their immediate Supervisor on their status and intent to return as noted on the FMLA First Notice: Notice of Eligibility and Rights & Responsibilities.

### **Recordkeeping and Confidentiality**

Records and documents relating to certifications, recertifications or medical histories created for purposes of FMLA shall be maintained as confidential medical records in separate files from the usual personnel files, except that Supervisors may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations.

All records relating to FMLA shall be maintained for a minimum of three years.

Department Heads or their designees shall maintain records of leave balances and FMLA leave usage.

### **Employee Benefits**

#### **Health Benefits**

During the FMLA leave, paid or unpaid, the County will maintain the employee's coverage for health insurance benefits as defined in the Plan Document.

#### *Employee Payment of Health Benefit Copays*

If the employee is on FMLA leave and receives wages for both monthly pay periods, the County will deduct his/her portion of the premium(s) normally deducted from the individual's pay check.

If both pay periods do not provide sufficient funds to withdraw the employee's portion of the premium(s) normally deducted via payroll, the employee must pay the entire monthly premium.

Employee paid insurance copayments are due by the last day of the month prior to coverage—i.e. February's payment is due by January 31st. Checks should be made payable to the Wood County Treasurer and submitted to the department's insurance group representative.

#### *Insurance Termination Notice*

Wood County must give 15 days notice before terminating coverage due to non-payment of premium.

If payment is not received after a 30-day grace period, benefits will terminate retroactively to the first day of the month for which payment of premium due was not received. Forms to terminate coverage must be completed by the employee or the employee's group representative.

All claims paid on a retroactively terminated policy will become the responsibility of the employee.

An employee whose benefits are terminated will no longer be eligible to re-enter the plan during leave.

### **Vacation and Sick Leave Benefits**

An employee does not accrue sick leave or vacation leave benefits during a leave without pay under FMLA.

#### **Reinstatement After FMLA Leave**

Employees who take leave due to their own serious health condition must provide a fitness for duty certification from a health care provider that they are able to perform the essential functions of their position prior to returning to work.

Employees electing not to continue health benefits during FMLA leave will have their health benefits reinstated on the first day of the month after return to permanent full time employment. Benefits will be reinstated at the same level in which they were in effect prior to leave. In order to be considered as returning to work, an employee must work for at least 30 calendar days.

All other terms and conditions of employment will be reinstated upon the employee's return to work (e.g., sick leave accruals, health benefits, etc.)

## **Unavailability of Position**

If the same job is not available, the Appointing Authority will determine in which similar position the employee should be placed, and must grant equivalent pay, benefits and conditions of employment.

An employee who returns to permanent full-time work for at least 30 consecutive calendar days is considered to have returned to work.

## **Non-Returning Employees**

Employees who fail to return to work after the FMLA leave without other approved leave are deemed to have voluntarily terminated their employment. Any balances of pay due (vacation, compensatory time, etc.) will be paid on the next pay date after termination.

The employee's insurance benefits, if continued, cease at the end of the month following notification. The Board of County Commissioners will notify employees of their COBRA options upon receipt of termination information from the department's monthly insurance report. The employee must complete a COBRA Personnel Action Report and submit it to his/her group representative in order to initiate COBRA benefits.

The employee must pay the County's share of health insurance premiums paid on the employee's behalf during a period of unpaid FMLA leave if the employee fails to return to work after the employee's FMLA leave ends. The employee does not owe the County's share of the premium if the employee fails to return to work due to some other circumstances beyond the employee's control.

## **Definitions**

**Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves either:

1. an overnight stay in a medical care facility; or
2. continuing treatment by a health care provider for a condition that either prevents:
  - a. the employee from performing the functions of the employee's job; or
  - b. the qualified family member from participating in school or other daily activity.

**Continuing Treatment** means any one of the following:

1. A period of incapacity of more than three consecutive, full, calendar days and any subsequent treatment or period of incapacity that involves:

- a. Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist.
- b. Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

The requirements above mean an in-person visit to a health care provider. The first (or only) visit must take place within seven days of the first day of incapacity.

Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30 –day period shall be determined by the health care provider.

2. Any period of incapacity due to pregnancy or for prenatal care.
3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that:
  - a. Requires periodic visits (defined as twice per year) for treatment by a health care provider or by a nurse under direct supervision of healthcare provider;
  - b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - c. May cause episodic rather than a continuing period of incapacity (e.g. diabetes, asthma, epilepsy, etc.).
4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease.)
5. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider for:
  - a. restorative surgery after an accident or other injury; or
  - b. a condition that would likely result in a period of incapacity of more than three consecutive days in the absence of medical intervention or treatment (e.g. chemotherapy, radiation, physical therapy, dialysis, etc.)

Absences attributable to pregnancy/prenatal care or chronic serious health conditions qualify for FMLA leave even though the employee or covered family

member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days.

**Spouse:** Employee's lawful husband or wife;

**Child (Son or Daughter):** Biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" as defined in 29 CFR 825.122(c) at the time that FMLA leave is to commence.

For purposes of Military Qualifying Exigency and Military Caregiver Leave the child may be any age.

**Parent:** Biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. Does not include parents "in law".

**Health Care Provider:** A doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X ray to exist), nurse practitioner, nurse midwife, clinical social worker, or physician's assistant who are authorized to practice under State law. Christian Science practitioners and any health care provider from whom the employer will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

**Military Qualifying Exigency:** Applies to leave for military families and includes short-notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and additional activities not encompassed in the other categories, but agreed to by the employer and employee.

**Covered Servicemember:** Refers to an employee's spouse, child, parent or next of kin, who (1) is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or (2) is a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. See also 29 CFR 825.127(b)(2).

**Next of Kin:** Refer to the definition as set forth in 29 CFR 825.127(b)(3).

## Ohio Family Military Leave Act

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ORC 5906.01, 5906.02

The Ohio Family Military Leave Act provides up to 80 hours per calendar year of unpaid military family leave to eligible employees who have exhausted all other leave available for the employee's use except sick leave or disability leave. An eligible employee must have been employed by Wood County for at least 12 consecutive months and for at least 1,250 hours in the 12 months immediately preceding commencement of the leave.

The eligible employee must be the parent, spouse, or person who has or had legal custody, of a person who is a member of the uniformed services and who is called into active duty in the uniformed services for a period of longer than 30 days or is injured, wounded, or hospitalized while serving on active duty in the uniformed services.

The employee must provide notice at least 14 days prior to taking the leave if the leave is taken because of a call to active duty. The employee must provide notice at least two days prior to taking the leave if the leave is taken because of an injury, wound, or hospitalization. If the family member's situation is critical or life threatening, the employee may take leave without providing prior notice.

The eligible employee cannot take leave pursuant to this policy more than two weeks prior to or one week after the covered family member's deployment date.

Wood County shall continue to provide insurance benefits to the employee during the period of unpaid leave. The employee will be required to self pay the normal payroll deduction as outlined in the Summary Plan Description.

Employees requesting to use the Ohio Military Leave Act may contact the Commissioners' Office for more information regarding available leave and requirements.

## Military Leave Policy

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USERRA, 38 U.S.C. §§ 4301 – 4335

ORC 5923

BCC 98-1083 6/9/98

BCC 00-1828, 04-2361, 11-679, 14-754

Wood County shall not refuse to employ or discharge any employee because of military membership or prevent employees from performing any military service.

### **Procedure for Requesting for Military Leave**

For voluntary or involuntary active military duty, employees must have military orders, in most cases printed and distributed prior to the active duty date but in some cases printed and/or distributed after the individual has progressed two or three days into the active duty period.

Employees must provide copies of their orders to their Supervisor or Department Head at least two weeks in advance of the leave date or as soon as the need for leave is known, whichever is earlier. If deployed prior to orders being issued, employees must submit a letter (on military unit letterhead) signed by the military commander as a temporary document until Orders are received.

Employees must include “appropriate and reasonable travel time” to and from the military duty station in the total leave requested (not to exceed 180 days – e.g. if an employee is ordered to active military duty (or volunteers) for a period of 45 days at a location of less than 100 miles, the employee should request military leave for 47 days.

Wood County cannot deny military leave for failure to properly notify the Appointing Authority. However, employees on military leave without written or verbal notification to their Supervisor or Department Head may receive disciplinary action.

No single leave of absence or combination of uniformed service leaves of absence may exceed five years or a single, longer period required to complete an initial period of obligated service, unless otherwise permitted in 38 USC 4312(c).

### **Military Leave With Pay**

Employees are entitled to Military Leave With Pay for a period not exceed 22 eight hour days (176 hours) per calendar year. This paid leave may be for one continuous period or for intermittent service.

Employees continue to accrue sick and vacation leave according to Wood County policies during this paid leave.

## **Military Leave Without Pay**

Military Leave Without Pay begins when paid military leave (22 eight hour days/176 hours per year) is exhausted, and the employee has either used his available leave balances or declines to use them.

Employees on Military Leave Without Pay do not accrue sick, vacation, or personal leave.

## **Military Leave Due to Presidential, Congressional, or Gubernatorial Order**

For military service that **exceeds 30 days continuous service** due to a Presidential, Congressional, or Gubernatorial order, employees may submit documentation to their payroll officer to determine eligibility for additional pay as calculated below, the lesser of the following:

1. The difference between the current gross monthly wage and the sum of the gross military pay and allowances received that month; or
2. Five hundred dollars.

## **Benefits**

Wood County Health Benefits continue for employees on military leave for any period of less than 30 consecutive days subject to their normal payroll deduction rates. The employee may be required to self pay the normal payroll deduction as outlined in the Summary Plan Description.

Employees on Military Leave for more than 30 consecutive days may elect to self pay the entire monthly health benefits premium plus 2% (COBRA rate) to continue coverage for up to 24 months.

Upon return from military leave, employees may apply for immediate reenrollment in the Wood County Health Benefits.

## **Reinstatement from Military Leave without Pay**

An employee returning from military leave without pay, must make written application for reinstatement with the Appointing Authority within the following designated time:

- Active duty service of less than 30 days, immediately upon release from active duty.
- Active duty service of 31-180 days, within 14 days upon release from active duty.

- Active duty service in excess of 181 days, within 90 days upon release from active duty.

If the leave of absence was for more than ninety days, the employee shall submit a copy of the discharge (DD Form 214) or certificate of service noting an honorable discharge.

The employee shall be returned to the same or similar position within the employee's former classification. If the period of duty lasts more than ninety days, the employee may be placed in any position of equivalent status, seniority, and pay.

Upon return to County employment, veterans must be physically qualified to perform the duties of their position. If disabled by military service, Wood County will make a reasonable accommodation to enable veterans to work at the same or equivalent position.

A reinstated employee is entitled to all salary, benefits, or other advancement during their military leave of absence as follows:

- All sick leave, vacation leave, and compensatory time which had been accumulated at the time of entering service.
- All seniority which would have accrued had the employee been on the job including the addition of military leave without pay in calculating service time for vacation accrual.
- Automatic salary adjustments associated with the position and due the employee had the employee been on the job.
- Any change in classification or pay range which would be due to the employee had the employee been on the job.
- Reinstated health insurance and related insurance benefits with no waiting periods or pre-existing exclusions.

## Volunteer Fire and Emergency Personnel

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ORC 4113.41 BCC 04-2361 Rev. 07-2041

Employees serving on a volunteer fire and/or emergency medical unit must provide written verification of their status to their Department Head within 30 days of employment with Wood County or upon certification as a volunteer firefighter and/or emergency medical provider.

Employees shall immediately notify their direct Supervisor if they will be late or absent from work due to participating in an emergency and must submit within one day written verification from the chief of the volunteer fire department or EMS director of the date, beginning and ending time, and nature of the emergency call.

During work hours, the Department Head shall make every effort to allow employees to respond to an emergency, unless emergency circumstances at the worksite prevent them from leaving.

Employees can use accumulated, unused vacation or compensatory time for such absences from work. Employees shall not be disciplined if documentation of the emergency is provided.

Employees shall notify their Department Head when their status changes or terminates.

## Nursing Mothers

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FLSA, 29 U.S.C. §207(r)(1)

The Appointing Authority shall provide employees who are nursing after the birth of a child with reasonable unpaid break time (or available vacation, compensatory time, personal leave, or available paid break time) to express breast milk for up to one year so long as such break time does not unduly disrupt operations. Wood County will make reasonable efforts to provide a private location for nursing mothers.

## Court Leave With Pay

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ORC 2313.19

Employees summoned for jury duty or subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to compel the attendance of witnesses for a matter related to their employment with the County shall be granted court leave with full pay. Employees must notify their Supervisor or Department Head of jury duty or of a witness subpoena upon receipt. Employees requesting leave may be required to provide documentation. If time warrants, employees shall return to work upon completion of such duty each day.

Unless vacation or compensatory time is requested, the employee cannot earn regular compensation and witness/jury duty fees when such duty is performed during the employee's normal working hours. The employee shall remit any compensation or reimbursement (excluding parking or mileage reimbursements) for jury duty or court attendance compelled by subpoena during working hours to his/her payroll office for transmittal to the County Treasurer.

Employees who are the appellant in any action before the State Personnel Board of Review and are in active pay status at the time of a scheduled hearing before the board shall be granted court leave with full pay for purposes of attending the hearing.

## Court Leave Without Pay

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Employees appearing before a court or other legally constituted body for a matter unrelated to their employment with the County, may request vacation time, compensatory time, personal day, if applicable, or leave of absence without pay. Such court appearances include, but are not limited to, criminal or civil cases, traffic court, domestic relations proceedings, custody, or appearing as a parent or guardian of juveniles.

## Personal Leave Of Absence

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OAC 123:1-34-01

If an employee has no sick, vacation, comp time or FMLA leave available, he/she may request leave, without pay, for a period of up to six months without loss of employment rights.

The employee must present a written request with the dates and purpose of requested leave to the Appointing Authority for prior approval. The Appointing Authority has the ultimate decision in approving or denying requests for personal leaves of absence.

Employees do not accrue sick or vacation leave during an unpaid leave of absence.

Refer to the Wood County Employees' Health Benefits Subscriber Booklet for information regarding insurance benefits during an unpaid leave of absence.

# EMPLOYEE BENEFITS

## Lunch Period

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BCC 8/29/90 Rev. 04-2361, 08-2184, 14-754

Lunch periods are a period of time when the employee is relieved from work duties. The Appointing Authority will determine the length of the lunch period and if it is compensated. Lunch shall not be consumed while working.

Lunch periods are generally scheduled to begin no earlier than 11 a.m. and end no later than 2 p.m., or as determined by the Appointing Authority. All lunch periods shall be documented on employees' timesheets including start and end times.

Lunch periods, paid or unpaid, shall not be considered hours worked for the purposes of calculating overtime. Employees must receive prior approval before working through their lunch period.

### **Unpaid Lunch Period**

Employees working in departments that do not provide a paid lunch period, or part-time employees scheduled for less than eight hours per day, may be provided an unpaid lunch period, the length of which shall be determined by the Supervisor (1/2 hour or 1 hour).

### **Paid Lunch Period**

Full-time employees must work at their assigned duties for a minimum of five hours to be eligible to receive a paid lunch period. Five hours worked means actual time worked, exclusive of a lunch period, sick leave, vacation leave, compensatory time or other leave.

Part-time employees scheduled for eight hours per day may be provided a paid lunch period.

Full-time and part-time employees shall return to work following a paid lunch period or the time taken for the lunch period will be charged to available leave or will be considered leave without pay. The lunch period cannot be moved to the end of the employee's work day.

Additional compensation is not provided for employees who work through the paid lunch period.

## Holidays

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ORC 325.19  
OAC 123:1-44-01

Ohio law provides full-time County employees with eight hours of “holiday pay” for the following holidays:

New Year's Day, January 1  
Martin Luther King Day, Third Monday in January  
Presidents' Day, Third Monday in February  
Memorial Day, Last Monday in May  
Independence Day, July 4  
Labor Day, First Monday in September  
Columbus Day, Second Monday in October  
Veterans Day, November 11  
Thanksgiving Day, Fourth Thursday in November  
Christmas Day, December 25

Holidays falling on Sunday are observed on the following Monday. Those falling on Saturday are observed on the preceding Friday.

Full-time employees who work on a recognized holiday receive eight hours of holiday pay in addition to their regular rate for actual hours worked on the designated holiday.

Those employees whose schedules are other than Monday through Friday are entitled to holiday pay for holidays observed on their day off.

Employees who observe religious or ethnic holidays other than those specified above must use vacation time, compensatory time, or personal leave.

Employees must be on active pay status the day before a holiday in order to receive holiday pay. If a holiday falls during an employee's scheduled vacation or period of paid absence due to illness or injury (sick leave), the employee will not be charged for vacation or sick leave for that day but will receive holiday pay. Payment will not be made for holidays which occur during an unpaid leave of absence.

Part-time employees are not eligible for holiday pay.

## Vacations

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ORC 325.19

ORC 9.44

Pros. Opinion 2000-13 Rev. 07-2041 Rev. 11-679

OAG 2005-018; OAG 2009-009

All full-time employees are entitled to vacation leave, with pay, after the completion of one full year of service with the county or any other political subdivision of the state. One year of service equals twenty-six biweekly pay periods.

Vacation is based on length of service as illustrated in the Vacation Accrual Table below:

<b>Vacation Accrual Table</b>			
<b><u>Years of Service</u></b>	<b><u>Pay Periods</u></b>	<b><u>Accrual Rate</u></b>	<b><u>Balance Limit</u></b>
Less than one year	1-26	3.1 hours per pay period (Accrues on paycheck but is not available for use or payout)	
After one year	27-208	3.1 hours per pay period 80 hours annually (2 weeks)	160 hours
After 8 years	209 - 390	4.6 hours per pay period 120 hours annually (3 weeks)	240 hours
After 15 years	391- 650	6.2 hours per pay period 160 hours annually (4 weeks)	320 hours
After 25 years	650 +	7.7 hours per pay period 200 hours annually (5 weeks)	400 hours

Upon completion of an employee's 8th, 15th or 25th year (as determined by pay periods in which compensation was received), the employee receives a credit of one week of vacation (i.e., 40 hours) added to his/her vacation balance.

Employees may not accrue vacation beyond the balance limit in the Vacation Accrual Table.

Employees must take vacation leave during the year in which it accrues and prior to the next recurrence of the anniversary date of the employee's employment, provided the Appointing Authority may, in special meritorious cases, permit employees to

accumulate and carry over vacation leave to the following year. However, in no case may vacation leave be carried over for more than three years. Each employee must check with their Appointing Authority as to their vacation carry over policy.

Employees do not earn additional vacation leave for hours in excess of 40 hours per week. However, employees accrue proportionately less vacation leave when on an unpaid leave of absence.

Employees must complete a Request for Leave form when requesting to use vacation time. Such request must have prior approval from the immediate Supervisor, Department Head and/or Appointing Authority. Vacation is charged in minimum units of one-quarter hours (.25 hours) or as designated by the Appointing Authority.

Employees cannot receive vacation pay and regular pay for the same hours. Employees are entitled to compensation for accumulated but unused vacation leave only at the time of separation of service. Payment for accumulated but unused vacation leave at separation is at the employee's current rate of pay. Employees who leave employment prior to the completion of their first year are not entitled to receive compensation for accrued vacation hours.

A person employed, by the State or any political subdivision of the State, earning vacation credits currently, is entitled to have prior service with any of these employers counted as service with the state or any political subdivision of the State, for purposes of computing the rate of vacation accrual. The employee must provide written proof of prior service calculated on compensated pay periods as required under the Prior Service section of this Handbook. Upon receipt of prior service verification, Wood County will confirm the rate of vacation accrual. Any employee who retired after June 24, 1987, and took part in any retirement plan offered by the state (i.e., OPERS, STRS, etc.), shall NOT have his/her prior service counted in the event he or she is re-employed by the County or other public employer.

## Ohio Public Employees Retirement System

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ORC 145

All County employees are required to become members of the Ohio Public Employees Retirement System (OPERS).

Contributions to OPERS may affect possible Social Security benefits, resulting in the Social Security Windfall Elimination Provision or the Government Pension Offset reducing federal benefits. Information regarding the Windfall and Offset provisions are available from the Social Security Administration, [www.socialsecurity.gov](http://www.socialsecurity.gov) or toll-free at 1-800-722-1213.

Employees may select from one of three retirement plan options within 180 days of their initial employment. (Employees hired prior to January 1, 2003, are automatically in the Traditional Pension Plan.)

**Traditional Pension Plan:** A defined benefit plan – retirement benefit is determined by a formula (based on years of service and highest years of salary).

**Member Directed Plan:** A defined contribution plan – retirement benefit is determined by employee and employer contributions and gains/losses of investment options.

**Combined Plan:** A defined benefit and defined contribution plan – retirement benefit is determined by reduced formula (for defined benefit component) and gains/losses or investment options (for defined contribution plan).

OPERS is funded by employee and employer contributions. The employee contribution is made through payroll deduction based on gross earnings. Contact your payroll officer for current deduction rates.

OPERS sends an enrollment kit to all employees to explain their benefits. Annual statements and publications are mailed by OPERS directly to members.

See the Employment Section for more information on Separation and Disability.

Additional retirement information can be obtained by writing to the Ohio Public Employees Retirement System, 227 East Town Street, Columbus, Ohio 43215; or by visiting their web site at [www.opers.org](http://www.opers.org); or calling toll free 1-800-222-PERS, or 614-466-2085.

## Deferred Compensation Programs

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BCC 4/4/77  
BCC 4/14/87

Under a Deferred Compensation Plan, income is deferred, and the resultant earnings are not subject to state or federal income tax at the time of withholding. Taxes are paid only when the money is withdrawn from the plan upon retirement or upon death, disability, or termination of employment, or if the employee experiences an unforeseeable emergency which qualifies for withdrawal of funds under the IRS regulations.

The total amount of compensation that can be set aside in any calendar year is limited by an amount indexed to the rate of inflation. Employees who are over 50 or who have failed to make maximum contributions in prior years may be able to make additional, "catch-up" contributions. Amounts deferred are not included on W-2 forms for state and federal income tax purposes; however, OPERS contributions are computed on the actual gross salary. Accordingly, participation in deferred compensation programs has no effect on OPERS benefits.

Wood County offers two deferred compensation programs: the County Commissioners Association of Ohio (CCAO) Deferred Compensation Program and/or the Public Employees Deferred Compensation Program. Participation is voluntary and all contributions are made through payroll deductions.

The programs require employees who separate from Wood County employment to contact the appropriate representative to select a payment schedule of contributions.

Information regarding both of these programs can be obtained from your payroll officer, the Commissioners' Office, or by contacting:

CCAO Deferred Compensation Program  
Administered by Great West Retirement Services  
800.284.0444  
Automated Keytalk System: 888.672.7240  
website: [www.ccao457.com](http://www.ccao457.com)

Ohio Public Employees Deferred Compensation Program  
257 East Town Street, Suite 457  
Columbus, Ohio 43215  
877.644.6457  
website: [www.ohio457.org](http://www.ohio457.org)

## Health Insurance and Wellness Benefits

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ORC 305.171

The Board of County Commissioners offers health benefits through the Wood County Employee Health Benefits Plan (Plan) and serves as the trustees of this self-insured plan. The Commissioners establish expectations for Plan administration, which is managed by Commissioners' Office staff. Appointing Authorities must comply with reporting requirements, policies and procedures, etc. as communicated by the Commissioners.

Upon hire, all employees shall receive information relative to the Plan which includes the Plan Document (Subscriber Booklet) or Summary Plan Description (SPD) eligibility guide, and related information. Employee acknowledgement of receipt is required.

All full-time permanent employees are eligible for enrollment in the Plan. Coverage options include medical, prescription, vision services plan, dental, and life insurance. To enroll, employees must complete an application for the type and level of coverage requested and complete a confidential wellness screening within the enrollment period.

Employees seeking to change their insurance coverage must make application within 30 days or as outlined in the Plan Document. The annual Open Election period is November 15 through December 15 with changes effective on January 1 of the following year.

The County also provides a variety of wellness programs to eligible employees. Refer to the SPD for a complete listing of available programs.

In the event of termination of benefits, the employee's insurance coverage will cease the end of the month..

Under Public Law 99-272 Title X, commonly referred to as COBRA, separating employees may be eligible to continue coverage at their own expense. Employees are notified of their COBRA rights upon enrollment in the health benefits program. When coverage terminates, employees must complete a COBRA personnel action report to determine COBRA eligibility. Written communication regarding COBRA offerings shall be mailed to the affected employee and/or spouse and dependents.

Protected Health Information (PHI) is deemed confidential by the Plan. Questions may be directed to the HR and Benefits Manager in the Commissioners' Office who serves as the Plan's Privacy Officer.

Employees should refer to the Plan Document for additional information, or visit the employee website at [www.co.wood.oh.us/employee](http://www.co.wood.oh.us/employee).

## Optional Insurance Program

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Other optional insurance programs are offered to employees, but the entire premium is paid by the employee. Group rates are provided. Contact your department's insurance representative or the Commissioners' Office for more information.

Representatives make annual visits to County offices to advise new employees of program options and update active accounts.

Employees who separate from Wood County employment should notify the appropriate insurance representative of their employment status.

## Employee Assistance Program

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Personal problems may affect not only an individual's health, family and job security, but also co-workers and job performance. Therefore, the Employee Assistance Program has been developed to assist employees with such problems.

The Wood County Employee Assistance Program (EAP) offers confidential assistance to Wood County employees and their families through four types of referrals: self, family member, supervisory and peer.

This no cost program can be accessed by calling the 24-hour EAP Crisis Intervention Hot-Line at 1.800.513.6733.

The EAP offers 24-hour emergency intervention and counseling, initial assessment, and up to five sessions with a professional counselor, job site intervention, and critical incident debriefing.

## Workers' Compensation

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ORC Chapter 4123  
Rev. 11-679

Wood County employees are covered by the Ohio Workers' Compensation plan administered by the Bureau of Workers' Compensation (BWC). The Commissioners' Office holds the policy with the BWC and coordinates the administration of Workers' Compensation claims.

Some claims may be medically managed by a Managed Care Organization (MCO). Employees who experience work-related injuries may be eligible for the following benefits:

- Payment of medical care including prescriptions, (at the level provided by law) provided by a clinic, physician, hospital or medical services, for the work-related injury or condition as approved by the County, BWC, Industrial Commission of Ohio, or MCO.
- Payment of compensation (at the level prescribed by law) for disability after seven or more calendar days away from work.
- Death benefits payable to the beneficiaries of any employee whose death is a direct result of a work-related accident or illness.

### **Employee Responsibilities**

Employees who are involved in a workplace accident/injury or who witness a workplace accident/injury must report the incident to their Supervisor promptly, but no later than the end of the employee's work shift. An Accident Injury Investigation Report must be completed by the injured worker even if a Workers' Compensation claim is not filed.

Employees shall complete all pertinent Workers' Compensation and/or accident report forms and submit to their Supervisor. Refer to the Workers' Compensation Packet, available on the Wood County employee website, for employee and provider instructions and appropriate forms. A delay in providing required information may result in a delay of processing the claim and disciplinary action. All claims for Workers' Compensation benefits must be filed within two years of the date of injury.

If medical attention is required, employees should seek professional care from Wood County's approved occupational medicine facility or a BWC participating provider. (A non-certified provider will be reimbursed only in an emergency or for initial treatment.) Employees must submit a proof of purchase to the Commissioners' Office to receive reimbursement for prescription drugs to treat a work-related injury or illness. Some prescriptions may require prior authorization. Submission for

payment of medical bills associated with a Workers' Compensation claim is the responsibility of the injured worker.

Employees must notify all service providers of the employer billing instructions and claim number when assigned.

Immediately following treatment, employees must provide written documentation from the treating physician including the employee's name, dates of leave, return to work date and any physical restrictions to their Supervisor. If the employee needs additional injury-related leave, the employee must submit medical documentation from the treating physician to substantiate the additional leave upon receipt or prior to the expiration date of the previously approved return to work date, whichever is earlier.

### **Supervisor Responsibilities**

Supervisors must immediately notify the Commissioners' Office of all employee workplace accidents/injuries. The employee Accident Injury Investigation Report and all other relevant records received by the Supervisor must be forwarded to the Commissioners' Office within 24 hours of receipt.

The Supervisor, in conjunction with the Risk Coordinator, shall thoroughly investigate the accident/injury, take corrective action, and document the removal of any dangerous condition in the workplace.

Supervisors must provide on-going updates to the Risk Coordinator of any changes to the employee's work status, work schedule and condition.

### **Claim Procedures**

The County or Medical Provider shall submit the claim to the BWC. The BWC will assign a claim number and forward notification and claim information to the employee's home address. The assignment of a claim number by the BWC is only an acknowledgement of the claim.

Providers shall bill Wood County for services unless directed by the Commissioners' Office to bill the MCO. Medical bills are paid using the usual, customary, and reasonable fee for each type of service.

### **Alcohol/Drug Related Injuries**

All Wood County workplaces shall post written notice to employees that the results of or a refusal to submit to a chemical test for alcohol and/or drugs as described in ORC 4123.54 may affect the employee's eligibility for compensation and benefits under Ohio's Worker Compensation Law Chapter 4123 of the Revised Code.

The employee must submit to an alcohol and/or drug test if the employer has a reasonable cause to suspect use or if the test is requested by a police officer or licensed physician.

An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.

Positive alcohol and/or drug testing, or an employee's refusal to test under the circumstances outlined in ORC 4123.54, creates a rebuttable presumption that the proximate cause of the employee's injury was alcohol or a controlled substance not prescribed by the employee's physician. The employee may dispute or prove the presumption untrue by producing sufficient credible evidence to the BWC.

### **Coordination with Other Policies**

All other County policies and procedures apply when an employee is involved in a Workers' Compensation claim.

**Insurance Benefits:** Insurance benefits for injured workers will continue for up to 60 days after the last day the employee was actively at work. The employee must pay any co-payments required by the plan.

**FMLA:** Employees on a Workers' Compensation claim may qualify for benefits under the Family Medical Leave Act (FMLA). Workers' Compensation and FMLA benefits commence on the same date.

**Transitional Duty:** Wood County seeks to return all injured workers to their original position immediately after a work related injury. Some injured employees may return to gainful employment in a temporary "bridge" assignment within the limitations of the injury. See the Transitional Work Program Policy and Procedures for additional information.

# Transitional Work Program Policy and Procedures

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BCC 99-1318 6/22/99 Rev. 04-2361

- I. Purpose: It is in the employee's physical and psychological best interests to remain active and productive within the limitations of a work related injury or illness. The Wood County Transitional Work Program (TWP) returns an employee with a work-related injury or illness to active employment through a temporary employment ("bridge") assignment. The temporary work assignment accommodates the limitations of the injury until the employee can return to full duty without restrictions or reaches maximum medical improvement.

- A. The benefits of Wood County's TWP are as follows:

1. The Employee provides a valued service without the stress of losing income or regular work contacts.
  2. The County reduces Workers' Compensation related expenses by promoting positive work relationships and by maintaining an experienced work force.
  3. The participating Physician(s) work within the framework of a transitional work program to make an informed decision about the type of work an employee can best handle within his/her physical capabilities.

## II. Eligibility

- A. All employees on leave from work due to a work-related injury or illness are eligible for participation in the program pending a medical evaluation. An employee may participate in the TWP program for three months, with one three month extension following a review by the TWP participating physician, the Appointing Authority, and/or the Board of County Commissioners.
- B. Drug and/or alcohol tests will be performed upon reasonable suspicion that drug and/or alcohol use was the cause of, or contributed to the work-related injury or illness. Employees testing positive may not be eligible for the program.

## III. Procedures

- A. After a work-related injury/illness, the employee shall notify his/her Supervisor who will immediately contact the Risk Coordinator in the Commissioners' Office to schedule an appointment with the designated Workers' Compensation Physician.

- B. If the employee is physically able to perform the responsibilities of his/her original classification with slight modification provided by the physician, he/she may be returned to that classification upon approval for accommodation by the Appointing Authority.
- C. If the employee is unable to return to his/her original classification, the physician will refer to the TWP manual to determine which bridge assignment within Wood County the employee can perform considering his/her injury. The physician will notify the Risk Coordinator within 24 hours of the compatible assignments approved for the injured worker.
- D. In consultation with the appropriate official/Supervisor, the Risk Coordinator will assign the injured employee to a temporary work assignment (bridge assignment). If more than one (1) bridge assignment is necessary to accommodate the employee's needs, placement within the office/department where the injury occurred will be given priority. If a medically compatible assignment is not available within the employee's office/department, a temporary placement within another county office/department may be arranged. The assignment will be based upon:
  1. The availability of work.
  2. Physician approval.
  3. Estimated length of the employee's recovery period.
  4. The employee's physical needs/condition.
  5. Approval of the Appointing Authority and/or the Board of County Commissioners.
- E. If the injured worker seeks initial treatment from his/her own physician, the Risk Coordinator will schedule an appointment for the injured worker with the County's designated Workers' Compensation Physician. In the event the two physicians reach different conclusions, the Risk Coordinator will contact the physicians in an effort to determine the most appropriate action.
- F. Once a "bridge" assignment is approved by the physician and the Appointing Authority, the Risk Coordinator will notify the employee of the bridge assignment. Failure to accept the assignment or respond to the employer will be treated as a refusal to work and Wood County will seek to terminate any compensation being awarded by the BWC.
- G. The employee must sign and return the Transitional Work Agreement prior to performing any duties. The Transitional Work Agreement between the employee and his/her Appointing Authority will include the following elements:

1. A specific start and stop date for the program. In no case will a contract be extended past six (6) months.
2. Work schedule.
3. Description of the “bridge” assignment work duties.

H. The employee will begin work on the next scheduled working day unless otherwise instructed by the physician. The Supervisor and the Risk Coordinator will explain the Transitional Work Program policy and procedures and the duties of the assignment, including a written description, oral instructions, photographs, and, if necessary, video tapes.

I. At the intervals set for each bridge assignment, the employee must see the County’s Workers’ Compensation Physician for reevaluation of assignments on the Bridge Assignment Matrix. The employee’s progress toward his/her original classification must meet the needs of the employee, the Appointing Authority, and temporary assignment availability.

J. With each new assignment, the employee will meet with the Risk Coordinator to review changing responsibilities and expectations. Any change of assignments, work hours, etc., must be noted on the Transitional Work Agreement and signed by the appropriate parties prior to duties being performed.

K. Only the physician can approve a change in “bridge” assignment for the injured worker. Any changes in the employee’s medical status must be reported to his/her Supervisor and the Risk Coordinator.

L. All records regarding the employee’s transitional work assignment(s) will be maintained by the Appointing Authority or Department Head and incorporated into the employee’s personnel file.

M. If at any time the Workers’ Compensation Physician determines that an employee will never be able to return to his/her regular duties, an assessment of his/her employment status will be made after a complete review of the case and consideration of a formal vocational rehabilitation plan.

#### IV. Compensation

- A. Employees in the program receive their current rate of compensation and schedule of benefits from their county office/department while recovering from their work-related injury/illness.

## V. Benefits During Program

- A. Coordination of health insurance benefits will follow all regular Workers' Compensation procedures.
- B. The employee must take Family Medical Leave, if available, for any time not worked.

# PERSONAL CONDUCT

## Personal Conduct of County Employees

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ORC 102.03  
Rev. 11-679 14-754

Employees represent their Appointing Authority and Wood County in performing their assigned duties and shall comply with all policies, procedures, rules and regulations set forth by the Appointing Authority. County employees shall comply with the laws of the State of Ohio and shall conduct themselves, both on and off the job, in a manner which will elicit confidence and respect from the citizens of Wood County.

### **Good Behavior**

Employees hold their position during “good behavior and efficient service.” An employee’s failure of good behavior can be the basis for discipline or termination. “Failure of good behavior” and “conduct unbecoming an employee” mean the one and the same thing. “Failure of good behavior” means bad behavior—e.g. behavior contrary to recognized standards of propriety and morality, misconduct, wrong conduct—and not necessarily corruption or criminal intent.

Disrespect for Supervisors and fellow employees, rude or hurtful comments about and discourteous treatment of the Wood County employees or customers, inappropriate language, public intoxication on and off the job and the like are examples of “failure of good behavior.”

Employees off duty conduct that could reasonably negatively impact the County may form the basis for discipline.

Employees and Supervisors shall report any incident or conduct they believe is inappropriate and/or in violation of County policies and procedures including incidents actually observed, reported by citizens, reported by staff, or suspected due to other facts to their immediate Supervisor.

Any comments or questions concerning the standard of conduct expected should be directed toward the employee’s immediate Supervisor or Department Head.

Supervisors shall direct their employees with courtesy and respect and shall not reprimand employees in the presence of other employees or the public.

## **Personal Appearance of Employees**

Wood County strives to maintain a professional work environment. Therefore, employees shall report to work well groomed and in clean, well-maintained attire which is appropriate to their employment. Employees must comply with any dress code requirements within their department.

## **Workplace Romances**

Relationships between employees are not prohibited. Employees shall notify their Supervisors of on-going romantic relationships with other employees in their workplace so that the Appointing Authority may determine if a conflict exists between the employees performance of the duties of their position and their personal relationship –e.g. one employee supervises another employee, the relationship disrupts the efficient operation of the office/agency, etc.

Supervisors may not engage in romantic or sexual relationships with any employee they directly, or indirectly supervise.

Supervisors or employees with supervisory duties shall immediately disclose conflicts to their Department Head.

## **Confidentiality**

ORC 1347.10, 102.02(B), 102.99

In the course of employment with Wood County, employees have direct knowledge of and contact with confidential information. Any negligent or intentional disclosure of confidential information obtained through such employment not only constitutes grounds for dismissal, but also may subject the employee to a penalty under Ohio law.

## **Social Media**

Personal conduct also includes employees' use of social media both while on-duty and off-duty. Free speech is not protected unless the speech is a matter of public concern. Employees may be disciplined for speech that negatively affects the workplace or reflects poorly on the County.

## **Misdemeanor and Felony Charges**

Employees charged with a misdemeanor or felony other than traffic offenses (see Motor Vehicle Policy for traffic citation reporting responsibilities) must immediately notify their Supervisor and provide a copy of the complaint within two business days. Employees shall provide ongoing information regarding court appearances and outcomes as requested by the Appointing Authority.

Employees convicted of a misdemeanor or felony may be subject to discipline.

## State of Ohio Fraud Contact Information

ORC 117.103 Eff. 5/4/12

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

1-866-FRAUD OH (1-866-372-8364) or [www.ohioauditor.gov](http://www.ohioauditor.gov)

Ohio Auditor of State's office, Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, OH 43215

## Use of County Property

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Rev. 07-2041, 11-679, 14-754

Wood County provides employees with equipment to perform the duties of their positions. County property includes keys, key fobs, vehicles, materials, tools, supplies, computers, equipment, telephones, copy machines, fax machines, cell phones, and all other equipment purchased with County funds or issued to the County for work related purposes. Employees shall only use County property for their work related duties and not for personal use except as allowed by this policy or the Appointing Authority.

County employees have no expectation of privacy when using County equipment, materials, or supplies for job-related purposes or limited, personal use as allowed by this policy.

### **Job Related Use of County Property**

Employees shall immediately report malfunctioning, damaged, defective or lost County property to their Supervisor. Employees shall reimburse the County for property lost, or damaged by negligent or intentional misuse. The Appointing Authority shall set the reimbursement amount not to exceed the County's costs to replace or repair the County property.

Unless the Appointing Authority permits removal of items without notice, employees shall notify their Supervisor or designee prior to using County equipment and supplies off-site for work-related purposes. The Supervisor or designee shall record the individual's name, item(s) removed, date of removal, anticipated date of return, and actual date of return.

Employees must return all County property upon termination of employment and pay for lost or unreturned County property.

### **Cell Phone and other Electronic Devices**

Employees shall have issued equipment charged for use and operational during scheduled work hours and on-call status.

Equipment with cameras, video, or audio recording devices shall only be used to photograph or record individuals with their consent, unless directly related to the duties of the employee's position.

Employees shall review monthly cell phone bills within 30 days of the County's receipt of the bill to identify all costs related to personal use. The following personal related costs must be identified:

- All cell phone minutes regardless of whether during "free minutes" time under a plan.

- Minutes in excess of the maximum under the cellular phone plan.
- Directory assistance, roaming charges, long distance charges, web usage, download fees, and text message charges.
- Any other charges above and beyond the regular monthly service charge established by the equipment's contract.

Employees shall reimburse the County within 30 days for all personal related cell phone costs.

- Wood County's reimbursement rate for personal cell phone use shall be 25¢ per minute; or
- Employees who separate service are responsible for reimbursement of personal phone calls. The County will invoice the employee for said charges.

### **Prohibited Use**

No employee may use and no Appointing Authority may authorize the personal use of County vehicles, heavy equipment, lawn equipment and tools, shop equipment and tools, custodial equipment and tools and the supplies and materials used with said equipment. Employees may not use the County name or tax exempt status for personal advantage.

The personal use of county-owned rewards (e.g., fuel or credit card points) by county officials or employees is prohibited. Any reward obtained by a county official or employee for purchases made by the official or employee on behalf of and reimbursed by the county is county property. Therefore, it cannot be used for personal purposes by the official or employee.

No employee shall take any property that is no longer needed for County use. Such property shall be disposed of in accordance with ORC 307.12.

### **Permitted Personal Use**

The Appointing Authority may authorize the limited personal use of County desktop and office equipment such as telephones, copy machines, fax machines, computers, cell phones, etc.

Employees must document the personal use of County equipment according to the Appointing Authority's policy and procedure. The employee shall reimburse the County for the use of the equipment or supplies as determined by the Appointing Authority. In the alternative, the personal use of County property shall be taxable income for IRS tax purposes and included as employee compensation for federal, state, and local taxes.

## Additional Employment and Compatible Positions

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To prevent secondary/self employment or board/commission service from creating a conflict of interest or incompatible position, employees seeking or engaged in such service shall notify their Department Head in writing by using the Notification of Additional/Self Employment or Board/Commission Service form.

### **Additional Employment**

The Department Head shall determine if:

- it is physically possible to perform the duties of both positions;
- the additional employment interferes with the duties of the employee's county position and the assigned hours of work; and

Employees shall not engage in or conduct outside private business during scheduled working hours.

### **Compatible Positions**

An "incompatible position" is one which:

- creates divided loyalties which are not remote or speculative and cannot be resolved by adjustments in either workplace.
- is subordinate to a position concurrently occupied by a classified or unclassified employee; or
- is in any way a check on a position concurrently occupied by a classified or unclassified employee; or
- it is physically impossible for one person to discharge the duties of both positions; or
- violates a specific constitutional or statutory provision prohibiting a person from serving in both positions.

Employees who accept a position which is incompatible with their existing public employment or service is deemed by Ohio law to have forfeited the first position held.

The Appointing Authority may request that the Prosecuting Attorney determine whether the positions are compatible.

## Political Activity

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ORC 124.57

"Political activity" and "politics" refer to partisan activities, campaigns, and elections involving primaries, partisan ballots or partisan candidates.

The following are 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. Circulation 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; and
9. Serving as a precinct election official under section 3501.22 of the Revised Code. Employees may use vacation leave, if available, to serve as a precinct election official.

The following activities 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 of 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 nonpartisan issues;
11. Service as, witness or challenger, for any party or partisan committee;
12. Participation in political caucuses of a partisan nature; and
13. Participation in a political action committee which supports partisan activity.

Employees in the classified service who engage in any of the activities listed above are subject to removal from their position in the classified service. The Appointing Authority may initiate such removal action in accordance with the procedures in section 124.34 of the Revised Code.

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 or statutory provisions.

# Conflicts of Interest

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ORC 102.03  
ORC 102.09 (D)  
ORC 2921.42

Rev. 07-2041

I. Purpose: Employment decisions and the purchase of goods and services for Wood County government shall comply with Ohio's Ethic Laws and avoid the appearance of partiality, preferential treatment, improper influence, or self-dealing. A copy of the Ohio Ethics Law and Related Statutes is located in Appendix A of this handbook.

## II. Definitions

A. For purposes of this policy, the following definitions apply:

1. "Anything of value" includes money, goods, chattels, future employment, interest in realty, and "every other thing of value".
2. "Immediate Family Member" includes the following regardless of where they reside: spouse, children (whether dependent or not), siblings, parents, grandparents, and grandchildren. It also includes any other person related by blood or by marriage and living in the same household.
3. "Significant Relationship" means people living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair their objectivity or independence of judgment.
4. "Business Associates" are parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.

## III. Policy

### A. Employment Decisions

1. Employment decisions shall be based solely on job-related qualifications.
2. Public officials and county employees may not authorize or use the authority or influence of his or her position in any of the following employment related decisions involving an Immediate Family Member, Significant Relationship or Business Associate which includes:

- a) Employment;
- b) Promotion;
- c) Discipline;
- d) Changes in compensation or benefits;
- e) Assignment of duties;
- f) Evaluations;
- g) Lay-off or job elimination; and/or
- h) Termination

3. Immediate Family Members, Significant Relations, and Business Associates working in an office of newly Elected Officials may continue their position but shall not be under the direct supervision of the Elected Official.

#### B. Public Contracts

- i. A public official or employee shall not award a contract to an Immediate Family member, Significant Relationship or Business Associate or have an interest in a public contract unless the requirements of ORC §2921.42 are met.
- ii. No public official or employee shall use the authority or influence of his or her office to secure nor shall they solicit, accept, give or promise anything of value that is of such character as to have a substantial or improper influence upon the official or employee with respect to his or her duties.

#### 3. Enforcement

- a. Employees and applicants shall immediately notify their immediate Supervisor or, if appropriate, the County Administrator in writing of a violation of this policy.
- b. Violations of this policy may result in disciplinary action and may be reported to the Ohio Ethics Commission.

# Public Records Policy

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ORC 149  
BCC 07-2041  
BCC 11-679, 14-754

## I. Purpose

- A. This Public Records Policy is adopted by Wood County to ensure that Ohio's citizens are entitled to access the records of their government. This policy shall be interpreted liberally in favor of disclosure and exemptions shall be narrowly construed.
- B. The Public Records Act imposes two primary obligations upon public offices, two corresponding rights upon the public:
  1. Prompt inspection of public records; and
  2. Copies of public records upon request within a reasonable period of time.

## II. Public Records

- A. Under Ohio law, a public office may only create records that are "necessary for the adequate and proper documentation of the organization, function, policies, decisions, procedures and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affected by the agency's activities."
- B. "Record" is defined as any item kept by a public office that meets all of the following:
  1. Is stored on a fixed medium, (such as paper, electronic – including but not limited to e-mail, and other formats);
  2. Is created or received by, or sent under the jurisdiction of a public office;
  3. Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

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

C. Internet & Email As A Public Record

1. Use of the Internet to access a website or to send or receive e-mail may constitute a “public record” if it “documents the organization, functions, policies, decisions, procedures, operation or activities of a public office.”
2. A particular use of the Internet or e-mail that is a “public record” is subject to inspection by the public or the media during regular business hours and a copy may be requested.
3. Wood County routinely preserves email and Internet use through Wood County’s Internet Connections. The preservation of this information is used to retrieve public records on the computer and also used to determine if computer is being used in violation of the email and internet policies.
4. Records in private email accounts used to conduct public business on public property (i.e. county computers) may be subject to disclosure and must be retained as records of the public office, according to records retention schedules, and made available for inspection and copying in accordance with the Public Records Act.

D. A public office is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.

E. All records are the property of the public office concerned and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or the approved records retention schedule.

III. Exemptions to Public Records Law

- A. The confidential nature of certain types of information or records precludes their release. Federal and state law provides numerous exceptions to the general rule that disclosure of public records is mandatory.
- B. Records whose release is found to be prohibited by state or federal law or which are not considered public records as defined by ORC 149.43(A)(1), are not subject to public inspection.
  1. Appendix A contains a list of records that may not be subject to release per ORC 149.43(A)(1). Appendix B is a non-exhaustive list of express exemptions found throughout the Ohio Revised Code. Appendix C lists

Attorney General Opinions interpreting Ohio's Public Records Act. (Please note that the appendices are accurate as of the revision date of this policy; refer to the Ohio Revised Code and the Attorney General's Office for updates.)

2. Appendix A, B and C of the Public Records Policy are available upon request from the Appointing Authority at no charge or on the County website at [www.co.wood.oh.us](http://www.co.wood.oh.us). They are also available through the Ohio Yellow Book (Sunshine Laws) at the Ohio Attorney General

#### IV. Records Management

- A. Records defined in Section II (B) and (C) of this policy are subject to records retention rules set forth in Records Retention Schedules. These schedules list records created or received by a County office and the length of retention based on administrative, fiscal, legal, and historical value. The Wood County Records Commission and the Ohio History Connection and/or the Ohio Auditor of State must review and approve each schedule. The Ohio Supreme Court Rule of Superintendence 26 establishes records management procedures for Ohio Courts and related divisions.
- B. When a record reaches the end of its retention period, the County office shall dispose of the record and properly document its disposal as set forth by ORC 149 or Rule 26. Records subject to litigation or potential litigation are to be retained.

#### V. Public Records Requests

- A. All public records maintained by the Appointing Authority shall be promptly prepared and made available for inspection to any person during regular business hours. The Appointing Authority also shall make a copy of the current record retention schedule available for inspection.
- B. Identification of Public Record. The requester must identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If a requester makes an ambiguous or overly broad request so that the exact public records cannot be reasonably identified, the request may be denied. If denied, the office will provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed in the ordinary course of business.
- C. Format of Request. A request may be oral or in writing based on the requester's choice. The office may seek a written request of the requester's identity and intended use if the facts demonstrate it would enhance the ability to identify, locate, or deliver the public records sought by the requester but only after the office advises the requester that:

1. a written request is not mandatory;
2. they may decline to reveal their identity or intended use;

D. Choice of Medium. The requester may choose to have the record duplicated:

1. On paper,
2. In the same form as the public office keeps it (e.g., on computer disk), or
3. On any medium upon which the public office determines the record can “reasonably be duplicated as an integral part of normal operations of the public office.”

E. Response Time to Request. Public records shall be made promptly available for inspection during regular business hours. A representative of the public office shall be present when a requester asks to inspect original public records. The office will provide copies if requested within a reasonable period of time based upon

- a. The circumstances of the public office at the time of the request;
- b. The breadth of the request;
- c. The necessity of legal evaluation prior to release

F. Prohibition Against Requesters Right to Make Copies Themselves. To protect the integrity of the original document, a person requesting the copies of public records shall not make their own copies of the requested records by any means.

1. A representative of the public office shall be present when a public record is being reviewed.

G. Limit to Number of Requests by Mail. The office may limit the number of record requests by a person to be transmitted by the United States mail to 10 per month, unless the person certified in writing of their intent not to use or forward the requested records or the information contained in them, for commercial purposes. “Commercial” shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit education research.

H. Requests by Incarcerated Persons. An incarcerated person may receive public records, but only if the records concern a criminal investigation and the request meets the following:

1. The record must be a public record which is not subject to an exemption from disclosure;
2. The judge who imposed the sentence of incarceration, or that judge's successor, finds the information sought in the public record is necessary to support a justifiable claim of the person.

## VI. Denial of Public Record Requests

- A. If a request is denied, in part or in whole, the public office shall provide the requester with a written explanation, including legal authority, setting forth why the request was denied.
- B. Denial of an Ambiguous or Overly Broad Request of Public Record. A request may be denied if it is ambiguous or overly broad. Prior to denying a request, the office will inform the requester of the manner in which records are maintained in the ordinary course of business and provide an opportunity to revise the request.
- C. Denial of a Public Record Not Maintained by the Appointing Authority. If a public office receives a request for a record that it does not maintain or the record is no longer maintained, it shall notify the requester in writing utilizing Form PR-1 that one of the following applies:
  1. The records have never been maintained by this office and if possible direct the requester to the proper office;
  2. The records are no longer maintained or have been disposed or transferred pursuant to applicable Records Retention Schedule (RC-2);
  3. The record has been disposed of pursuant to a One-Time Records Disposal of Obsolete Records (RC-1);
  4. The record is not a record used or maintained by the public office, and there is no obligation to create records to meet public record requests.
- D. Denial of a Public Record Maintained by the Appointing Authority. The public office may deny a records request if the release is prohibited by state or federal law.
  1. If the record request is denied in its entirety because of a statutory exclusion this office may check the appropriate box on Form PR-1.
  2. If only part of the record is not subject to release, this office will
    - a. Redact, i.e. black-out or otherwise remove, such information and release the non-exempted information;

- b. Requests that include redactions shall be made on a copy of the original record to preserve the authenticity and accuracy of the original document.
  - c. Check the appropriate box on Form PR-1 and cite the exemption under the Ohio Revised Code, applicable rulings of the Court, or State Attorney General Opinions with the corresponding redaction.
3. The office shall consult the Prosecutor if unsure of whether or not a part of the record requested is exempt from disclosure.
4. The public office may rely on additional reasons or legal authority in defending an action commenced pursuant to ORC 149.43.

E. Request for Personnel Records. Personal information unrelated to the employee's performance of public business such as Social Security number, home address, home phone number, information regarding spouse and children's names and ages, medical records, optional payroll deductions (i.e., United Way, optional insurance programs), or additional voluntary retirement contributions, should be redacted prior to inspection by anyone other than the employee or their written designee.

## VII. Costs for Public Records

- A. A requester must pay for the actual cost of reproduction which does not include employee time. If the nature of the request reasonably requires a copy by an outside contractor, the requester must pay said cost to this office to produce the copy.
- B. Payment in Advance. The public office may require a requester to pay in advance the cost to provide the copy of the public record, as requested.
  1. Photocopies of letter or legal sized documents are five cents (\$.05) per page/photocopy, unless statutes permit other charges which are posted in the office.
  2. Video tapes, cassette tape, computer disks, or other media shall be the cost of the media to the Appointing Authority and/or reproduction cost (i.e., copying costs if outside vendor is necessary.)
  3. Delivery costs as charged by the U.S. mail or other carrier.
  4. Costs incurred for other supplies (envelope, etc.) used in the mailing, delivery, or transmission.

## VIII. Failure to Respond to a Public Records Request

- A. If a requester believes they have been improperly denied public records due to the inability to inspect or to receive a copy of a record, the office representative shall advise the requester of their following options:
  1. Contact the Department Head or Appointing Authority;
  2. Request a meeting to be called with the County Prosecutor;
  3. If the requester is not satisfied after exercising options 1 and 2, the Ohio Revised Code provides a legal means for addressing their complaint.

## E-mail Retention Policy

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ORC 149, 1306.01

Data Processing Board/Records Commission

BCC 10-284, 10-387, 14-754

I. **Purpose:** This policy establishes standards for the retention of email stored centrally on the Wood County e-mail system maintained by the Wood County IT Department.

This Policy applies to all employees, interns, volunteers or contractors provided with an email account and all electronic mail systems, services and records provided by or owned by Wood County and maintained by the IT Director.

II. **Definitions**

- A. **E-mail Messages:** Electronic documents created and sent or received by a computer system, including the contents of the communication, the transactional information, and any attachments associated with such communication.
- B. **Records:** Any document, device, or item, regardless of physical form or characteristic, including an electronic record (as defined in §1306.01 of the Ohio Revised Code) created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (ORC 149.011(G)).
- C. **Litigation Hold:** The suspension of record destruction when the office has knowledge of a potential claim, lawsuit, government investigation, subpoena, summons or other ongoing matter.
- D. **Records Destruction:** The timely destruction/deletion of a record once it has exceeded the associated retention period.

III. **Record Retention under Applicable Retention Schedule**

- A. E-mail messages that meet the above of a “record” must be scheduled, retained, and disposed according to the retention schedules for each office or, if none, the “All County” schedule.
- B. E-mail messages that are “public records” must be maintained and made available to the public upon request through the appropriate retention period.

#### IV. Retention and Scheduling Requirements

- A. Simply backing up the e-mail system onto backup tapes or other media or purging all messages after a set amount of time are not appropriate strategies for managing e-mail.
- B. E-mail itself is not considered a record series or category. It is a means of transmission of messages or information. An office cannot simply schedule all e-mail as a single record series. Rather, retention or destruction of e-mail messages must be related to the information they contain or the purpose they serve. The content, transactional information, and any attachments associated with the message are considered a record (if it meets ORC criteria). Evaluate e-mail content to determine if the e-mail should be retained and the length of the time that each message should be retained.
  1. Non-Record Materials: E-mail messages that do not meet the criteria of the Ohio Revised Code definition of a record may be deleted at any time, unless they become part of some official record as a result of special circumstances.
  2. Personal Correspondence: Any e-mail not received or created in the course of county business, may be deleted immediately, since it is not an official record: the “Let’s do lunch” (not a county-business lunch) or “Can I catch a ride home” type of e-mail messages.
  3. Non-County Publications: Publications, promotional material from vendors, and similar materials that are “publicly available” to anyone, are not official records. This includes listserv messages (other than those you post in your official capacity), unsolicited promotional material (“spam”), files copied or downloaded from Internet sites, etc. These records may be immediately deleted, or maintained in a “Non-Record” mail box folder and deleted later, just as you might dispose of the unwanted publication or promotional flyer.

#### V. Litigation Hold

- A. A litigation hold is issued by the Wood County Prosecuting Attorney’s Office to the appropriate elected official or department head. The elected officials or department head is responsible for notifying all personnel in their office or department who may be custodians of records. Any official or department head who receives notice of a litigation hold must promptly acknowledge receipt of a litigation hold to the Wood County Prosecuting Attorney’s Office and ensure that the subject records are retained until the Prosecuting Attorney’s Office provides notice that the litigation hold has been released. A litigation hold shall apply to all relevant records,

regardless of the format in which they are retained.

VI. Scanned Images of Hardcopy Documents

- A. Hardcopy documents that are scanned by copiers and sent via email, do not qualify as a public record since the e-mail is the delivery system (similar to an interoffice envelope) and the attached scanned document is a copy of an original. The original hardcopy document would need to be retained accordingly, if it qualifies for the department's retention schedule.

VII. Drafts of Electronic Office Documents

- A. E-mails that contain drafts of documents that are created electronically (Microsoft Word, Excel, Adobe Acrobat, etc...) are not required to be retained as a public record. The e-mail system is being used as a medium to transfer the documents between revisions. The final version of the document should be stored electronically outside of the email system and a hardcopy retained if necessary. The exception to this would be if the draft document is being modified by a private entity (contractor, vendor, etc...). E-mails regarding the draft revisions need to be retained if the body of the e-mail contains comments pertaining to the attached draft.

VIII. Voicemail Attachments in E-mail

- A. Voicemails are considered to be voice related messages. A voicemail may qualify as a public record if it serves to document the activities of the office associated with the voicemail account. Voicemails that do not qualify as a public record can be deleted when they have no administrative value.

IX. Responsibility

- A. Office administrators, individual office employees, records managers, information technology (IT) directors, managers or administrators share the responsibility for managing electronic records. Offices, departments and agencies should clearly identify the roles of each, adopt procedures, train staff and monitor compliance on a regular basis (refer to the recommendation for Authorized Public E-mail Senders in Appendix B of this handbook). The creator or recipient should make decisions regarding e-mail messages. The office, department or agency should take appropriate measures to preserve data integrity, confidentiality, and physical security of e-mail records.
  1. For recommended guidelines and best practices for managing e-mail, see Appendix B of this handbook.

# Internet and Email (Internal/External) Use Policy and Procedures

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Data Processing Board

ORC 2913.04

BCC 01-2627, 14-754

I. Purpose: The Wood County Internet and Email Use Policy and Procedures preserve the integrity of information sent to or received from the Wood County Network from the unregulated nature of the Internet and the possibility of attacks on Wood County's internal computer network.

II. General Internet Use Policy

- A. Internet access is available to all offices connected to the Wood County Computer Network.
- B. Offices with connection to the Internet must comply with the policies and procedures outlined in this document and/or any additions or modifications made by a Wood County Appointing Authority official or department head under the procedure in Subsection VI below.

III. Proprietary Interest

- A. All data and information stored on a Wood County computer is the property of Wood County.
- B. Wood County Appointing Authorities and department heads reserve the right to inspect and monitor individual computers and any electronic information stored, transmitted, or received using Wood County's computers or computer network.
- C. "Employees do not have an expectation of privacy in any data stored on Wood County computer systems except as required by law."

IV. Use Restrictions

A. General Restrictions

1. To ensure data integrity and prevent the possibility of sabotage to the Wood County electronic data and computer systems, every Wood County Office or department must only use Wood County's Internet access.
2. All users of the Wood County electronic data and computer systems must have a user name and confidential password in excess of eight (8) characters to access any network resource.

3. The use of encryption technology must be approved by an employee's Appointing Authority.
4. An Appointing Authority or department head may grant or restrict employee email use or Internet access to certain websites consistent with the Policy Additions and Modification guidelines in subsection VI below.
5. Employees who want to use a secondary email system such as Gmail, Yahoo, etc. for official Wood County business must submit a written request to their Appointing Authority or Department Head for approval by the Data Processing Board.
6. To prevent slow overall network speed and server performance, county network users must obtain prior approval from their department head or Appointing Authority and the Information Technology office prior to sending a mass email message or an email message with large attachments to multiple recipients.
7. Employees and computer users shall not use curse words, obscene language, libelous statements or other unprofessional or inappropriate language on County Internet communications.
8. Copyrighted stories, music, pictures, letters, memos and other materials must be used and transmitted in compliance with the Copyright laws.

#### **B. Personal Use**

1. Employees may access the County Internet connection for personal use only during personal time (lunch and breaks) and before and after work hours or as allowed by the employee's Appointing Authority or department head.
2. Appointing Authorities or department heads may limit or restrict employee personal time use of Wood County's Internet consistent with the Policy Additions and Modification guidelines in subsection VI below.

#### **V. Prohibited Uses**

County computer network users shall not use Wood County computers or Internet access:

- A. To receive or transmit harassing, embarrassing, sexually oriented, libelous, defamatory, and unlawful information, including but not limited to text, pictures, videos, any other media formats or presentations, etc., of a harassing, defamatory, sexually oriented, fraudulent, obscene or

otherwise unlawful nature, unless directly related to the duties of the employee's position.

- B. For personal gain—i.e. personal business transactions for profit, solicitation of money for religious or political organizations, and political agendas unless approved by their Appointing Authority or Department Head.
- C. To cause damage to any County computer system, including, but not limited to, loss of or distortion of data stored on any Wood County computer system, or damage to the network infrastructure, email system, internet connection, computers, etc.
- D. To transmit account names, passwords, credit card information, and any other information deemed “sensitive” by a Wood County Appointing Authority or department head in any Internet correspondence.

## VI. Policy Additions and Modifications

- A. Individual offices and departments may modify this policy. Amendments or modifications must adhere to the following criteria:
  - 1. Policy additions must be in writing and signed by the elected official(s) or board of that department or office.
  - 2. The addition is attached to this document.
  - 3. The addition affects only that department or office.

- B. Any modifications must be submitted in writing to the Wood County Data Processing Board.

## VII. Employee Discipline & Prosecution

- A. Disciplinary, criminal and/or civil proceedings may be brought against any person who deliberately damages the Wood County Computer Network, the Wood County Internet connections, email system, or deliberately damages a non-county computer or computer network by using Wood County's computer systems or computer network.
- B. Wood County will cooperate with local, state, or federal officials in any investigation related to any illegal activities conducted through the Wood County computer systems or network.

## Smoke/Tobacco Free Policy

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BCC 92-410 2/25/92  
Rev. 04-2361, 11-679, 14-754  
ORC Chapter 3794

Wood County prohibits smoking and tobacco use of any kind on all county owned and/or leased locations/premises and in all county-owned vehicles. This includes the use of vapors, electronic cigarettes, etc.

Employees or visitors who wish to smoke may do so at the city sidewalk around the perimeter of the Courthouse Complex and in other designated smoking areas.

Employees in violation of this policy are subject to disciplinary action by their Supervisor or Appointing Authority.

# Drug Free Workplace Policy

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Drug-Free Workplace Act of 1988  
BCC 00-1828 8/31/00 Rev. 04-2361, 08-2184, 11-679, 14-754

I. Purpose: The Wood County Drug Free Workplace Policy provides a safe, drug-free work environment to ensure an employee's health and job performance and guidelines for the consistent handling of drug use violations in the workplace.

II. Definitions

- A. County Property: Any premises owned, leased, or under the control of Wood County.
- B. Controlled Substance: Any mind-altering substance not legally prescribed by a licensed physician (illegal drugs such as marijuana, crack, cocaine, downers, uppers, etc.) or legally prescribed but not taken as directed by the physician
- C. Reasonable Suspicion: Belief based upon specific, contemporaneous, articulable, observations of the appearance, behavior, speech, or body odor of an employee.
- D. Certified Testing Facility: Testing facility which is certified and operated in accordance with Federal regulations.

III. Policy

A. Prohibited Drug Use

- 1. Employees shall not manufacture, sell, or otherwise distribute, dispense, possess, or use alcohol or controlled substances on County property or while acting in any official capacity as a Wood County employee.
- 2. Employees shall not work or report to work under the influence of alcohol or controlled substances.
- 3. Employees shall not use prescribed controlled substances other than as directed by a physician while at work or on County property.
  - a. A County employee must advise his/her Supervisor of any prescription or non-prescription medications he/she uses which may impair judgment, coordination, or any other sensory ability necessary to perform job duties. Employees must submit written medical documentation for prescription medications. Reasonable accommodations will be made when possible for any employee on medications.

## B. Voluntary Drug Dependency Treatment

1. Employees may request assistance with any drug or alcohol problem before disciplinary action is necessary. Conscientious efforts to seek help will not jeopardize an employee's job and will not be noted in any personnel records. An employee may take sick leave or vacation for counseling or treatment or if leave is unavailable, the employee may request to take an unpaid leave of absence.
2. County sponsored health insurance may provide coverage for treatment of chemical dependency for eligible employees. The employee must follow applicable insurance procedures regarding treatment and payment. Consult the Insurance Subscriber Booklet for more information.

## IV. Procedure

### A. Reporting of Drug Violations

1. Employees must provide written notification to their Supervisor or Appointing Authority within two business days of any criminal drug statute charge and/or conviction.
  - a. The Employee shall provide copies of all court documents related to the charge to the Appointing Authority within three days of the action, including but not limited to, the complaint or indictment, changes in court dates, or final outcomes of court proceedings.
2. Supervisors shall notify their Appointing Authority in writing within 24 hours of an employee's violation of this policy.
3. If the drug related violation occurs within the workplace, or while acting as a Wood County employee/representative, Supervisors shall forward the written notification and all ongoing case information received from the employee to the Commissioners' Office within two business days for insurance related purposes
  - a. If the agency receives federal grant funds, the Supervisor or Appointing Authority must notify the federal agency providing the funds of the conviction within 10 calendar days.

### B. Drug/Alcohol Testing

1. Cause for testing
  - a. If "reasonable suspicion" exists that an employee is working or has reported to work under the influence of alcohol or a controlled

substance, the Supervisor or Appointing Authority shall require that the employee submit to a drug and/or alcohol test immediately.

- b. The Supervisor or Appointing Authority may require testing after a work-related motor vehicle accident which results in bodily injury, property damage or if other reasonable suspicion exists for testing.

## 2. Documentation and Testing Procedures

- a. The Supervisor, Appointing Authority or other witness shall make a written record of the observable facts supporting "reasonable suspicion" for a drug and/or alcohol test. The report must be signed by the Supervisor and/or witnesses within 24 hours of the incident or before the results of the test are released, whichever is earlier. A copy of the report will be given to the employee.
- b. Supervisors shall notify the employee of the decision to require a drug and/or alcohol test in the presence of a witness, preferably by another departmental Supervisor.
- c. County personnel will transport the employees to the certified testing facility.
- d. Employees must sign an authorization form permitting the physician or lab to conduct the tests (urine and breath) and release the results to the testing employee's Appointing Authority.
- e. The standard for a positive initial test and for confirmation tests shall be those set forth in Federal regulations, 49 CFR, Part 40, and as amended. The cut off level for alcohol will be as set forth in Federal regulations which is currently an alcohol concentration of 0.04 or greater.
- f. An employee shall remain on active duty for pay purposes during testing.
- g. A positive test will result in the employee being relieved from duty until such time as the employer determines that rehabilitation and or discipline is appropriate. Employees may use sick or vacation leave, if available. If neither is available, said time shall be considered unpaid.
- h. An employee who refuses to be tested or tampers with test results will be presumed to test positive for drug or alcohol use.

3. Test Results

- a. Wood County shall maintain all test results in a confidential medical file.
- b. Wood County will retain negative test results for one year and positive test results for five years.
- c. The employee will be given a copy of the test results.

4. Appeal

- a. The employee may request another test on the split sample in accordance with Federal regulations at his/her own expense.
- b. Any employee may appeal action taken by the County under this policy through the grievance procedure.

5. Disciplinary Action

- a. Employees in violation of this policy and related procedures shall be subject to disciplinary action, including but not limited to termination of employment.
- b. The type and severity of discipline will depend on all the circumstances, including but not limited to, type and amount of drug or alcohol used, employee's explanation, employment record, and willingness to enter a rehabilitation program if treatment is appropriate.
- c. An employee who fails to comply with any portion of this policy including a refusal to sign the drug/alcohol test authorization form, or to take a requested drug/alcohol test can be discharged for insubordination.

6. Rehabilitation and Counseling

- a. Treatment programs shall be accredited by the Joint Commission on the Accreditation of Hospitals and/or licensed through an appropriate State licensing agency.
- b. Employees must provide written evidence of enrollment in a bona fide rehabilitation program within 48 hours of acceptance to their immediate Supervisor.
- c. The employee must complete the treatment program within 45 days of admission. The treatment can be extended with written medical

justification, but in no event for longer than six months from the date of the original positive test.

- d. The employee must provide written verification that he/she has completed the program and is fit to return to work. The employee must pass a drug/alcohol screen prior to returning to active duty.
- e. If the treatment requires a leave of absence, the employee will be considered on sick leave or FMLA if available. The employee must provide written documentation from the treatment provider that the employee is cooperating and making reasonable progress in the treatment program
- f. County sponsored health insurance may provide coverage for treatment of chemical dependency for eligible employees. The employee must follow applicable insurance procedures regarding treatment and payment. Consult the Insurance Subscriber Booklet for more information.
- g. Failure to meet any provisions of this section will result in termination of employment.

## 7. Distribution of Policy and Training

- a. All employees shall receive or have access to a copy of the Drug Free Workplace Policy.
- b. Supervisors shall receive two hours of initial training in accordance with the FHWA regulations regarding the detection of the use of controlled substances or alcohol as set forth in the Federal regulations. Training records shall be maintained for five years.

## Americans With Disabilities Act

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BCC 14-754

### **Disabilities in the Workplace**

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

Wood County will provide reasonable accommodation to a qualified applicant or employee with a disability. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis.

An employee who wishes to request an accommodation shall direct such request to the Appointing Authority to investigate and take appropriate action. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered.

The employer and employee will meet in an “interactive process” to discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given. Wood County can ask the employee relevant questions that will enable it to make an informed decision about the request. Wood County may also require documentation about the employee’s disability and its functional limitations from an appropriate health care or rehabilitation professional. Wood County shall make reasonable accommodation unless the accommodation would pose an undue hardship to Wood County or is otherwise not required by law.

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

### **Facility Access Under ADA**

Wood County provides an organized process for handling citizen complaints of discrimination on the basis of disability in public services, programs, or employment provided by Wood County, Ohio.

The County Administrator is the designated ADA Coordinator for Wood County. Questions regarding this process may be directed to the County Administrator located in the Commissioners’ Office or by calling 419.354.9100.

## Unlawful Discrimination

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ORC Chapter 4112  
42 USC §2000(e)  
BCC 98-749 4/9/98 Rev. 04-2361 Rev. 08-2184 Rev. 14-754

Wood County shall provide employees with workplaces free from unlawful discrimination because of the employee's membership in a protected class such as: race, color, religion, sex, age, national origin, ancestry, disability, veteran status, military status, genetic information, or other unlawful reason.

This policy applies to all employees, Supervisors, Department Heads, Elected Officials/Appointing Authorities and all suppliers, subcontractors, residents, visitors, clients, volunteers, and other individuals who conduct business on County property or who receive services from County personnel. Since an individual's employment may extend beyond the confines of the workplace, conduct that occurs off duty and off premises may also be subject to this policy.

### Types of Unlawful Discrimination

Unlawful discrimination occurs when:

1. Employment Action: An individual subject to this policy is treated less favorably in their employment - e.g. terms and conditions of employment, such as hiring, promotions, raises, discipline, benefits, and other job opportunities - because of their membership in a protected class.
2. Hostile Work Environment: An individual is the subject of unwelcome conduct based upon membership in a protected classification such that:
  - a. Enduring the offensive conduct becomes a condition of continued employment; or
  - b. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
3. Sexual Harassment is a type of sex discrimination and is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, used as the basis for employment decisions affecting such individual, or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile, or offensive work environment."
  - a. Two types of sexual harassment:

- i. Quid Pro Quo Harassment occurs when there is submission to or rejection of unwelcome sexual conduct either explicitly or implicitly which is used as the basis for employment decisions affecting such individual.
- ii. Hostile Work Environment is created by unwelcome sexual advances, or other sexually offensive conduct that does not involve a specific reward or punishment, but which unreasonably interferes with an individual's job performance, or creates an intimidating, hostile, abusive, or offensive working environment.

b. Sexual Harassment can include, but is not limited to:

- i. Verbal:
  - 1. Sexual innuendo
  - 2. Suggestive comments
  - 3. Threats
  - 4. Insults
  - 5. Obscene joke telling
  - 6. Unwelcome humor and jokes about sex or gender-specific traits.
  - 7. Sexual proposals
  - 8. Unwanted and repeated requests for association
- ii. Non Verbal:
  - 1. Making sexual or suggestive or insulting noises
  - 2. Obscene gestures
  - 3. Whistling
  - 4. Leering
  - 5. Written or electronically transmitted messages and/or letters
  - 6. Pictures, photographs
- iii. Physical:
  - 1. Touching
  - 2. Pinching
  - 3. Squeezing
  - 4. Patting
  - 5. Coerced sexual activity

6. Assault
7. Repeated brushing against body
- c. Sexual Harassment does not include simple teasing, offhand comments, or isolated incidents. Incidents must be so frequent or so severe as to create a hostile or offensive work environment or results in adverse employment decision.
4. Retaliation: An adverse employment action taken against an employee who reports, files a complaint, participates in an investigation, or testifies concerning unlawful discrimination in the workplace.

## Employee Responsibilities

- 1. Discriminatory Acts:**
  - a. Employees shall not initiate, engage in alone, or with others, or encourage another to discriminate against another employee or against a supplier, subcontractor, resident, visitor, client, volunteer or other individual doing business with or receiving services from Wood County due to their membership in a protected class.
  - b. Employees shall not initiate, engage in alone, or with others, or encourage another to engage in quid pro quo sexual harassment or create a hostile work environment for persons to whom this policy is applicable based on membership in a protected class.
  - c. Employees shall report acts of discrimination and sexual harassment as set forth in the Complaint Procedure.
  - d. Employees shall not make false complaints of discrimination or sexual harassment. Failure to prove unlawful discrimination or harassment does not by itself constitute a “false complaint.”
- 2. Complaint Procedure**
  - a. Employees subject to unlawful discrimination or sexual harassment by a fellow employee, Supervisor, or other individual otherwise affiliated with the County or who have knowledge of discrimination or harassment in their workplace shall immediately report the conduct in writing to their Supervisor or to the next level Supervisor if the offender is the Supervisor.
  - b. Employees may initially notify their Department Head or Appointing Authority verbally or in writing.

- c. Employees shall submit a written report of discriminatory incidents or acts to the person notified within three days following initial disclosure of discrimination or sexual harassment.
- d. Department Heads and Appointing Authorities shall notify the Board of Commissioners of alleged discrimination and sexual harassment and assist with and/or conduct investigations.
  - i. Determination of discrimination and sexual harassment shall be made on a case-by-case basis.
  - ii. The investigation may include private interviews of the employee allegedly harassed, the employee committing the alleged harassment, and any and all witnesses.
  - iii. All employees shall cooperate in any investigation.
  - iv. Information will be kept as confidential as practicable, although confidentiality is not guaranteed.

### **3. Retaliation**

- a. The County and its Supervisors and employees shall not retaliate against an individual who:
  - i. Files a complaint, reports harassment, or participates or testifies in an investigation, proceeding, or lawsuit alleging discrimination or harassment;
  - ii. Opposes employment practices that he/she reasonably believes discriminate against members of a protected class or subject employees or other persons covered by this policy to harassment; or
  - iii. Reports retaliatory conduct to their Department Head or Appointing Authority.
- b. Disciplinary action for filing a false complaint, or not filing a complaint, is not a retaliatory act.

### **Penalties/Disciplinary Action**

Disciplinary action for violation of this policy may be taken against:

- a. An employee who engages in unlawful discrimination, sexual harassment, or retaliation, up to and including termination.

- b. An employee who has knowledge of but does not report unlawful discrimination, sexual harassment, or retaliation.
- c. If appropriate, law enforcement agencies or other licensing bodies will be notified.

## Investigations and Discipline

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ORC 124.34, 124.388  
Rev. 07-2041 Rev. 14-754

The purpose of discipline is to correct an employee's performance and/or conduct. Due to its serious and formal nature, discipline shall be initiated only when other methods of correcting the employee's performance have been tried and have failed to result in improved performance. Such methods can include a mandatory referral to the Employee Assistance Program. Any corrective action/discipline shall be documented in writing and placed in the employee's personnel file.

While classified employees hold their positions during good behavior and efficient service, poor job performance or inappropriate behavior including incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the Appointing Authority, violation of Chapter 124 of the Ohio Revised Code, any other failure of good behavior, any other acts of misfeasance, malfeasance, nonfeasance in the office, or conviction of a felony, can lead to disciplinary action against an employee.

### **Investigations**

Wood County has the right to investigate all alleged disciplinary violations. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented, and advised by an attorney. Failure to respond, to respond truthfully, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees who are witnesses to or the subject of an investigation shall not discuss facts of the investigation during the pendency of the investigation.

At the discretion of their Appointing Authority, classified employees may be placed on a paid leave of absence pending an investigation only where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected.

An Appointing Authority may place a classified employee on unpaid leave for up to two months pending an investigation; however, if the employee subsequently does not plead guilty to or is not found guilty of a felony with which the employee is charged or any other felony, the Appointing Authority shall pay the employee at the employee's base rate of pay, plus interest, for the period the employee was on the unpaid administrative leave.

The filing or prosecution of criminal charges against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate

disciplinary action, if any, under this policy. The County may investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending criminal charges. However, the County may utilize information obtained during a criminal investigation in its disciplinary investigation or action.

## **Disciplinary Procedures**

### Predisiplinary Hearing

Classified employees are entitled to a pre-disciplinary hearing before any suspension, discharge, execution of a last chance agreement, reduction in pay or position, or fine becomes effective. Written notice of the charges will be provided prior to the hearing. Failure to attend the pre-disciplinary hearing shall be deemed a waiver of the hearing.

At the hearing, the employee or his/her chosen representative may respond to the charges.

The Appointing Authority will review the independent pre-disciplinary decision before deciding upon appropriate disciplinary action.

Employees in their probationary period are not entitled to pre-disciplinary hearings.

### Types of Disciplinary Action

Disciplinary action includes the following: removal, suspension, fine, reduction in pay, reduction in position, and a last chance agreement.

Normally, discipline will be progressive in nature as noted below.

- 1<sup>st</sup> Verbal Warning
- 2<sup>nd</sup> Written Reprimand
- 3<sup>rd</sup> Suspension/Reduction in Pay or Position/Fine
- 4th Discharge/Termination

Serious infractions can result in immediate discharge without intermediate discipline. Examples of such offenses include but are not limited to:

- Intoxication on County property during work hours
- Possession of intoxicants or illegal substances on County property for use during work hours
- Gambling on County property
- Fighting on County property
- Harassment

Theft  
Immoral behavior  
Destruction of property  
Insubordination  
Conviction of a criminal charge  
Dishonesty  
Possession of unauthorized firearms on County property  
Personal Harassment  
Falsification of attendance and/or time records or sick leave abuse  
Unauthorized leave of absence

#### Disciplinary Action; Documents

In the case of a reduction, suspension or fine of 40 or more work hours in the case of an FLSA exempt employee, a suspension or fine of 24 or more work hours in the case of a non-exempt employee, or removal, except for the reduction or removal of a probationary employee, the Appointing Authority shall serve the employee with a copy of the Order of Reduction, Fine, Suspension, or Removal, which shall state the reasons for the action. A copy of the action shall become part of the employee's permanent personnel file.

The Appointing Authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

#### Last Chance Agreements

At the discretion of the Appointing Authority, a last chance agreement shall be signed by both the Appointing Authority and an employee of the Appointing Authority that describes the type of behavior or circumstances that, if it occurs, will automatically lead to removal of the officer or employee without the right of appeal to the state personnel board of review or the appropriate commission.

#### **Unclassified Employees**

Unclassified employees are held accountable for their job performance. Inappropriate activities such as employee misconduct or non-compliance with policy and procedures may lead to disciplinary action against the employee. The Appointing Authority has the discretion to impose sanctions immediately ranging from verbal warnings to immediate discharge without due process. The use of due process does not alter the status of an unclassified employee.

## Reductions in Pay or Position (Demotions)

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ORC 124.34

A demotion is the placement of an employee to a lower level position with the same or lower salary. A demotion may be imposed as a disciplinary action or may be requested by the employee. The salary of the employee is governed by the salary range established for the new position.

Voluntary demotions, those done at the request of the employee, are not detrimental to the employee's work record and generally do not affect opportunities for future promotions.

## Grievance Procedures

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An employee with a work-related complaint regarding an assignment or other workplace issue may bring the matter to his/her immediate Supervisor for resolution.

If the matter is unresolved, the employee may submit the complaint, in writing, to the next responsible Supervisor or Department Head.

If the complaint is not resolved by the next responsible Supervisor or Department Head, the employee may submit the complaint, in writing, to the Appointing Authority. The Appointing Authority may conduct an investigation to gather information to resolve the matter.

## Performance Reviews

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Upon the order of the Appointing Authority, employees shall meet with their Supervisors for a performance review at the completion of their probationary period and on an annual basis. The evaluation records the overall quality of employees' work performance, indicates desirable capabilities, sets goals and identifies the work, attitude, and/or behavior needing improvement.

A Supervisor may recognize unusual excellence or deficiencies in an employee's work with a special performance evaluation conducted at any time.

# SAFETY PROCEDURES

## Risk Reduction Policy

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ORC 4167.01 et seq

OAC 4167-4-01

BCC 94-1409 Rev. 04-2361, 11-679, 14-754

The Board of County Commissioners will provide a safe and healthy working environment free from recognized hazards for employees and visitors in all Wood County offices, departments, boards, etc. Each employee must comply with all safety and health standards, rules, and regulations in their workplace to maintain a safe workplace.

Employees shall immediately (or prior to the end of the employee's work shift) report all injuries, hazardous work environments, and/or unsafe or unhealthful conditions to their immediate Supervisor for proper documentation.

Any employee acting in good faith may refuse work under conditions reasonably believed to present an "imminent danger of death or serious physical harm," provided that the condition is not such as normally exists or reasonably might be expected to occur in the normal and regular duties of the public employee.

Prior to the refusal to work, the employee must follow these steps:

1. Notify his or her immediate Supervisor that the condition poses imminent danger.
2. Submit a written statement of the imminent danger to the Public Employee Risk Reduction Program (PERRP) as soon as practicable.

Any employee or employee representative may file a complaint with PERRP, regarding unresolved hazardous or unhealthful condition or practice by letter or by fax.

Public Employment Risk Reduction Program (PERRP)

13430 Yarmouth Drive, Pickerington, Ohio 43147

Phone: 800.671.6858; Fax: 614.644.3133; Refusal to Work Phone: 614.731.4380

Employees cannot be discharged or otherwise discriminated against in any manner for filing a complaint or by instituting or causing to be instituted any provision of the Act. Discrimination complaints must be filed with the State Personnel Board of Review within 60 days of the discriminatory act or be pursued through provisions under a collective bargaining agreement.

The Board of County Commissioners may periodically perform safety audits in county departments and make recommendations regarding safety policies/procedures for purposes of liability insurance and workers' compensation coverage. Appointing authorities shall implement all safety recommendations and/or procedures identified by the Board of County Commissioners.

## Work Safety in the Workplace

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BCC 11-679

All new employees shall receive a copy of the Basics of OSHA manual or have access to the manual via the employee website. Supervisors or their designee shall review the questions contained in the manual with employees.

In order to provide updates regarding safety issues, the Work Safety Committee distributes monthly safety subjects for employees to review.

# Violence in the Workplace Policy

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ORC Chapter 2903  
BCC 97-2707 12/23/97  
BCC 00-1828 8/31/00 Rev. 04-2361, 07-2041, 14-754

- I. Wood County will provide and maintain a safe workplace for all employees and citizens on County property and prohibits any act of violence, either implied or direct.
  - A. No person shall knowingly possess, or have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto County property or while performing services for Wood County, unless such possession, or use of a weapon, is a necessary and approved job requirement.
  - B. Any employee or person who threatens or engages in violent behavior also violates this policy.
- II. Definitions
  - A. Act of Violence: Any physical action, verbal abuse or threat, whether intentional or reckless, that harms or threatens the safety of another individual in the workplace including, but not limited to:
    1. Any physical assault including but not limited to hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
    2. Verbal or written threats toward persons or property, the use of vulgar or profane language towards others, disparaging or derogatory comments or slurs, offensive sexual flirtations and propositions, verbal intimidation, exaggerated criticism, and name calling.
    3. Derogatory or offensive gestures, posters, cartoons, publications, or drawings.
  - B. Dangerous Weapon or Ordnance: Any weapon, device, ordnance, or item as defined by O.R.C. 2923.11 and as later amended – Weapons Control Definitions.
  - C. Violent Behavior
    1. Direct threats of physical intimidation
    2. Implications or suggestions of violence

3. Stalking
4. Possession of weapons of any kind on Wood County property, including parking lots, other exterior premises or while engaged in activities for Wood County in other locations, or at Wood County sponsored events, unless such possession or use is a requirement of the job
5. Assault of any form
6. Physical restraint, confinement
7. Dangerous or threatening horseplay
8. Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment
9. Blatant or intentional disregard for the safety or well-being of others
10. Commission of a violent felony or misdemeanor on Wood County property
11. Any other act that a reasonable person would perceive as constituting an act of violence

D. Workplace: All areas where employees perform job related duties including all County work areas, whether owned or leased by the County, including parking lots, or other places where County employees are engaged in Wood County business. This also includes remote worksites, as well as County-owned vehicles and personal vehicles on County property.

E. Lock Down: A method used to secure the building and personnel from threats of violence as deemed necessary.

### III. Sources of Violence

- A. Disgruntled Customers/Clients. A current or former customer, client or patient, an individual being transported, a criminal suspect or prisoner receiving a service provided by Wood County. The violence can be committed in the workplace, or as with service providers, outside the workplace but while the worker is performing a job-related function.
- B. Past and Present Employees. A current or former employee, a prospective employee, a current or former Supervisor or a manager with an employment relationship to the workplace.

- C. Personal Relationships. An individual who has a personal relationship with an employee such as a current or former spouse or partner, a relative or a friend who has a personal dispute with the worker and enters the workplace to harass, threaten, injure or kill.
- D. Unknown Citizens. An individual with no legitimate relationship to the worker or the workplace who enters the workplace, or off-site duty area, usually on the pretense of being a customer to commit a robbery or other violent act.

#### IV. Types of Violence

- A. Physical Harm to Person. The intentional infliction of physical harm including impairment of physical condition or substantial pain to another person, with or without a weapon or dangerous ordnance.
- B. Damage to Property. Intentional or reckless damage to county or employee personal property without permission.
- C. Verbal or Written Threats. The intentional use of abusive, derogatory, threatening, annoying, discriminatory or obscene language to an employee either in person, by written communication or by telecommunication.
- D. Threatening Gestures and Behavior. The intentional use of conduct with the purpose of causing another to believe that the offender will cause physical harm to the other person or property or cause mental distress.

#### V. Security Measures

##### A. Violence-proofing the Workplace

1. All employees shall receive a copy of this policy upon beginning employment with Wood County.
2. County employees and frequent county vendors shall display identification cards during working hours on county property where required. Visitors shall display identification cards if requested.
3. Appointing Authorities and Department Heads shall predesignate the following for all offices and work areas under their jurisdiction in the event of an emergency and notify employees of the same:
  1. a safe room/area in the event of a lockdown; and
  2. a meeting location in the event of an evacuation.

4. Appointing Authorities and Department Heads shall review work areas, grounds and common areas to identify and implement security improvements.

B. Notification of Suspicious Behavior

1. County officials and employees shall immediately report all suspicious behavior and acts of violence to their Supervisor or appropriate law enforcement agency.

VI. Emergency Threat Assessment

- A. If the threat of violence is obvious and imminent, the employee experiencing or observing imminent violence shall implement the appropriate emergency response procedure.
- B. In all other instances, the employee shall immediately report the incident to the Appointing Authority, Department Head or designee who shall evaluate the reported behavior or incident to determine whether a potential emergency or actual emergency exists. The Appointing Authority, Department Head or designee shall determine the necessary action, including implementation of the Emergency Response Procedure.

VII. Emergency Response Procedure

- A. Based on an obvious or imminent threat, designated personnel in each building shall determine which emergency response procedure is appropriate for the particular infrastructure design (i.e., lock down or evacuation).
  1. Lock Down Procedure
    1. If an emergency warrants a complete lock down, employees will activate the office panic button if able, and then employees and visitors shall proceed to the designated safe room or area and secure all doors within the area.
    2. Personnel shall make an announcement through the PA system (each Department Head or designee outside of the Courthouse Complex shall instruct staff on this procedure). If possible, this announcement should include the location and type of emergency. Once lock down notification has occurred, immediately report the emergency by dialing 911.
    3. Employees shall attempt to barricade the entryway to the safe room or area, gather items that could be used in defense, take a headcount of employees present, and remain in their designated

safe room or area until the law enforcement response team declares that an emergency no longer exists.

## 2. Evacuation Procedure

1. In the event of a violent act or imminent threat, and if the Appointing Authority, Department Head or designated personnel has determined that the infrastructure design facilitates, or the location of the incident makes it possible, an evacuation of the building or office may take place.
2. Utilizing available communication methods, designated personnel shall notify employees to evacuate.
3. Following evacuation to a safe area, designated personnel shall immediately report the emergency by dialing 911.
4. A predetermined evacuation plan, along with any updates to the plan, shall be communicated to the Commissioners' Office by the Appointing Authority, Department Head, or designated personnel. The following shall be included in the evacuation plan.
  - i. Method of notification (i.e., all page, code word, etc.)
  - ii. A predetermined exterior safe area for employees and visitors to move toward.
  - iii. Procedures to account for all evacuated personnel once reaching the predetermined safe area.
  - iv. Procedures for employees and visitors to distinguish themselves as victims to the responding emergency personnel.
  - v. Egress routes within the building leading to the exterior safe area.

B. Immediately following an emergency response procedure, the Appointing Authority, Department Head, or designated personnel implementing the lock down or evacuation shall document all emergency and non-emergency incidents by completing an Accident/Injury Investigation Report and any necessary documentation. Copies shall be forwarded to the Sheriff's Office for assessment and to the County Administrator.

## VIII. Assistance

- A. Appointing Authorities, Department Heads or their designees may refer employees who are victims of or who have threatened violence in the workplace for assessment by the Employee Assistance Program.

Participation in the Employee Assistance Program is not in lieu of prosecution and/or disciplinary action if warranted.

## IX. Discipline and Prosecution

### A. Employees shall be subject to discipline for the following:

1. Committing or participating in acts of violence while performing the duties of their position or while on county property.
2. Failing to report suspicious behavior or threats against Wood County or its employees.
3. Engaging in intimidating or threatening behavior.
4. Intentionally and falsely alleging a violation of this policy.
5. The employee may also be prosecuted under applicable federal or state law.

B. Any non-employee who commits or participates in acts of violence or who engages in intimidating behavior against county employees while performing the duties of their position or against citizens on county property will be prosecuted under applicable federal or state law.

# Emergency Closing Policy and Procedure

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BCC 5/17/82

BCC 10/26/93

BCC 99-270 2/2/99 Rev. 04-2361, 07-2041, 14-754

## **Building Closings**

The Wood County Board of County Commissioners can close the County's office buildings for various reasons, including severe weather conditions.

### **Closing Notification**

The Commissioners' Office is responsible for advising Appointing Authorities and Department Heads of any closing by using the Elected Official and Department Head Emergency Notification List. The Commissioners' Office will provide exact time of the closing in order to calculate vacation/comp-time/overtime for those employees that left early or stayed late.

Each Elected Official and Department Head shall then notify those departments under their jurisdiction.

The closing will also be reported to the area media.

### **Snow Emergency Closing**

In the event that a Level 3 snow emergency is in place for Wood County at 6:00 a.m., the Board of County Commissioners shall determine, in consultation with the Sheriff and Engineer, whether to close the County's office buildings. The determination to close all nonessential operations during regular business hours will be made no later than 6:15 a.m. during a regular business day (Monday - Friday). Several County offices require employees to report to work during a snow emergency as they are essential to the operations of department. Check with your Supervisor if you are in doubt.

In the event that a Level 3 snow emergency is in place for Wood County at 6:00 a.m. on Saturday, the Wood County Clerk of Courts shall determine whether to close the Wood County Auto Title Department for regular business hours.

### **Absence of Employee due to Inclement Weather for Commissioners' Related Departments**

Except when the Board of County Commissioners officially closes offices under its jurisdiction due to severe weather conditions, employees unable to get to work will not be compensated for hours not worked or may use available vacation and/or compensatory time. An employee unable to report to work must advise the Department Head as early as possible on the day of absence.

In the event an employee reports in sick on such a day, it will be determined by the Department Head if such sick leave is to be allowed unless a Doctor's certification of illness is provided.

## Building Evacuation for Bomb Threat or Fire

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BCC 00-1828 8/31/00  
BCC 01-2268 10/16/01 Rev. 04-2361, 14-754

I. Wood County will provide a copy of the Bomb Threat Procedure and the Fire Procedure to all employees and will provide training on the same. Each department shall post an evacuation route designated the fire/bomb safe area.

II. Procedure if Bomb is Found or Suspect Item Identified

A. Suspect Item:

1. Obtain all information regarding suspect item. Do not touch or move item.
2. Pull fire alarm.
3. Evacuate to designated bomb/fire safe area.
4. Person making the discovery must report to the designated staging area to report the situation.

B. Procedure if Bomb Threat is Received

1. Telephone Threat:

- a. Obtain all information possible from the individual who is making the phone threat by completing the "Bomb Threat Aid" form below. Form should be located directly under bottom of every phone. Employee receiving threat or suspect item shall immediately call extension **1111**, advise Supervisor/Department Head or Law Enforcement Officer on the premises of the situation, and report to the designated staging area with the Bomb Threat Aid card for assessment.
- b. If the threat is determined to be credible, the most senior Department Head or Law Enforcement Officer shall evacuate all personnel to the designated fire/bomb safe area and direct operations until relieved by outside law enforcement.

III. Fire Identification Procedure

A. If a fire is suspected, the employee shall activate the fire alarm.

B. Evacuate to designated fire/bomb safe area.

- C. Call 911 to report situation.

IV. Evacuation Procedures in the event of fire, bomb threat, or discovery of a bomb in the work area

- A. Employee Responsibility
  - 1. Prior to leaving the building, visually check your immediate work area for anything that may appear to be "unusual".
  - 2. DO NOT touch any item that is out of the ordinary.
  - 3. DO NOT use cellular phones or two-way radios which could activate the device.
  - 4. Report all suspicious items/activity to your Supervisor immediately.
  - 5. Secure all funds, work station and office.
  - 6. Take personal items with you such as purses, briefcases, and backpacks.
  - 7. All personnel/visitors shall evacuate to bomb/fire safe area.
  - 8. Always use stairways to get to your bomb/fire safe area. DO NOT use elevators.
  - 9. Remain at the bomb/fire safe area as an office/department unit for further instructions from a County official or emergency response personnel.
- B. Office/Building Monitor Responsibilities
  - 1. Each office/department shall have a primary and secondary Office Monitor who will be responsible for the following:
  - 2. Maintain a working flashlight.
  - 3. Obtain an accurate count of all personnel/visitors in the office.
  - 4. Assign one person to each physically challenged person in the office.
  - 5. Direct the people in the office to the appropriate exits and control the speed of the evacuation to avoid panic.
  - 6. Report to the bomb/fire safe area.
  - 7. Conduct a second count of all personnel/visitors in the office upon reaching the bomb/fire safe area.

8. Report to the designated staging area and advise the building monitor that the office has been evacuated.

C. Each building shall have a primary and secondary Building Monitor who will be responsible for the following:

1. Maintain a working flashlight.
2. Evacuate to the fire/bomb safe area.
3. Verify with the office monitors that all persons have been evacuated.
4. Report employee/visitor counts to the county representative at the staging area.

V. Bomb Search (By specially designated personnel only)

- A. By the direction of law enforcement officials, specially trained volunteers shall assist the emergency responders in the search of said facility.
- B. All search operations will be coordinated via an Incident Command Post.
- C. A representative of the affected facility shall report to the incident command post in order to provide access to building.

VI. Re-Entry

- A. After an "All Clear" is issued by law enforcement officials, employees/visitors may return to their office or work.



## Tornado Watch/Warning Procedure

BCC 95-2571 12/14/95

BCC 00-1828 8/31/00 Rev. 07-2041, 14-754

- I. Wood County will provide a copy of the Tornado Watch/Warning Procedures to all employees and training on the same. Each department shall post an evacuation route designating the tornado safe area.
- II. Tornado Watch Procedure
  - A. Upon notification of a Tornado Watch issued by the National Weather Service, Court Security or other designee shall provide notification over the Courthouse and Office Building intercom system which states that Wood County has been put under a Tornado Watch, and provide the beginning and ending times of the watch.
  - B. If the Tornado Watch is extended or canceled, Court Security or other designee will provide notification over the intercom system.
  - C. Areas not covered under the County's intercom system shall be notified by their existing communications system, or by weather monitors located in a staffed area of the department.
- III. Tornado Warning Procedure
  - A. Upon notification of a Tornado Warning issued by the National Weather Service or other authorized source, Court Security or other designee will provide notification over the Courthouse and Office Building intercom system stating that, a Tornado Warning has been issued for Wood County. Please report to your tornado safe area until further notice.
  - B. Those areas not covered by the County's intercom system shall be notified by their existing communication system, or by weather monitors located in a staffed area of the department and the designated safe area.
- IV. Evacuation Procedures (Tornado Warning)
  - A. Employee Responsibility
    1. All personnel/visitors shall evacuate to their designated tornado safe area.
    2. Always use stairways to get to your tornado safe area. Do not use elevators.
    3. Remain at the tornado safe area as an office/department unit for further instruction from a County official or emergency response personnel.

**B. Office/Building Monitor Responsibilities**

1. Each office/department shall have a primary and secondary Office Monitor who will be responsible for the following:
  - a. Maintain a working flashlight.
  - b. Obtain an accurate count of all personnel/visitors in the office.
  - c. Assign one person to each physically challenged person in the office.
  - d. Direct the people in the office to the appropriate exits and control the speed of the evacuation to avoid panic.
  - e. Report to the tornado safe area.
  - f. Conduct a second count of all personnel/visitors in the office upon reaching the tornado safe area.
  - g. Report to the designated staging area and advise the building monitor that the office has been evacuated.
2. Each building shall have a primary and secondary Building Monitor who will be responsible for the following:
  - a. Maintain a working flashlight.
  - b. Maintain a working weather monitor radio at the designated tornado safe area.
  - c. Evacuate to the tornado safe areas designated staging area.
  - d. Verify with the office monitors that all persons have been evacuated.
  - e. Report employee/visitor counts to the county representative at the staging area.

**V. RE-ENTRY**

- A. After an "All Clear" has been issued or the tornado warning has expired, employees/visitors may return to their office or workplace.

# TRAVEL AND MOTOR VEHICLES

## Travel Reimbursement Policy

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ORC 325.20

BCC 97-2351, 04-1337, 05 -1743, 07-2041, 14-754

I. Policy: Wood County provides reimbursement for expenses incurred by County employees and non-paid Board and Commission members on official Wood County business. This policy does not apply to expenditures for training expenses and related travel expenses incurred under the Furtherance of Justice and Pursuit & Transportation of Prisoner.

II. Approval of Travel

A. The Elected Official or Department Head must submit a Travel Purchase Order to the Board of County Commissioners prior to incurring any expenses for business, training, and travel.

1. Out-of State Travel

- a. All out-of-state travel is prohibited unless state or federally mandated or is essential to properly perform job duties.
- b. Requests for out-of-state travel must be submitted with written documentation and rationale and a Travel Purchase Order prior to incurring expenses.
  - i. Rental car expenses are reimbursable at the compact car rate. Personal use and insurance costs are excluded and employees must submit a copy of the itemized rental agreement.
  - ii. If the travel is 200 miles or more one way, Wood County will reimburse airfare if the total cost is less than the mileage reimbursement cost.

B. The Board of County Commissioners or County Auditor may deny any request and refuse reimbursement of any expenses incurred without prior approval and/or proper documentation.

### III. Reimbursable Expenses

#### A. Transportation Reimbursement

1. Carpooling is strongly encouraged.
2. Employees must use a County owned vehicle for work related travel when available and submit itemized receipts for reimbursement of gas, oil and/or emergency repair expenses.
  - a. If a county owned vehicle is not available, employees using their personal vehicle for work related travel must submit an itemized Mileage Log documenting the number of miles and purpose of the travel for mileage reimbursement.
3. When calculating the number of miles for work related travel, the County will reimburse from the point of departure from the office or the individual's home, whichever is less.
4. The Board of County Commissioners, after review of the IRS mileage reimbursement rate and Wood County's current fiscal status, authorizes a mileage reimbursement rate for Wood County. This rate may be adjusted.
5. All other policies and procedures apply when seeking reimbursement, e.g. Motor Vehicle Policy.

#### 6. Tax Consequences

- a. Mileage reimbursement for work related travel, as defined by the IRS, is not considered a taxable fringe benefit.
- b. If an Appointing Authority reimburses employees for mileage to commute to and from work, e.g. on call travel, the mileage reimbursement is a taxable fringe benefit and reported as income to the employee for federal, state and local taxes.

#### B. Meal Reimbursement

1. Wood County reimburses employees for meal expenses for breakfast, lunch and/or dinner incurred during work related travel when submitted with an itemized receipt showing food and gratuity.
  - a. Half Day - Breakfast and lunch only, or dinner only - \$20.00 plus up to 15% gratuity
  - b. Full day - \$35.00 plus up to 15% gratuity

2. If travel involves more than one full day, meal reimbursement will be calculated per trip (i.e., two full days equals \$70) with no set dollar amount per meal.

3. Excluded Meals

- a. Meals included as part of registration fees or paid by a third party.
- b. Meals within Wood County.
  - i. Exceptions include those that are included as part of the registration fee or associated with legislative or governmental functions; e.g., Mayors Association, Township Association, Elected Officials Associations.
- c. Meals purchased for others.
- d. Snacks.

4. Tax Consequences

- a. The value of the reimbursed meal is a taxable fringe benefit when not accompanied by a required overnight stay as part of the travel. The value of the meal(s) is taxable income for IRS tax purposes and included as employee compensation for federal, state and local taxes.
- b. Employees seeking reimbursement must complete the Wood County Employee Fringe Benefit Report.

#### C. Lodging

1. The County reimburses for employee lodging at a single room rate.
2. A government rate must be requested when making lodging reservations.
3. The County's federal tax exempt status for sales tax purposes must be presented when making reservations. Wood County's sales tax exempt status is available from the Wood County Commissioners' Office.

#### D. Travel Related Expenses

1. Registration fees for work related seminars, conventions, etc. are reimbursable or may be billed directly to the County
2. The County will reimburse for work related expenses such as parking, taxi, business telephone calls, tolls, faxing, wi-fi, and other necessary

expenses when accompanied by receipts and approved by the Elected Official or Department Head

#### IV. Non-Reimbursable Expenses

- A. Expenses attributable to non-employees (food, lodging, transportation, etc.) must be paid by the employee or other party.
  - 1. Typical non-reimbursable expenses include:
    - a. Alcoholic Beverages and Snacks
    - b. Cosmetic Needs
    - c. Entertainment
    - d. Entertainment Commuting Expenses
    - e. Laundry and Dry Cleaning
    - f. Personal Telephone Calls
    - g. Private Vehicle Repairs
    - h. Rental Car Upgrades
    - i. Tobacco Products

#### V. Accounting Procedure

- A. All business, training and travel expenses are subject to departmental appropriations.
  - 1. Employees must provide an itemized receipt for all approved expenses in order to receive reimbursement.
  - 2. Blanket Travel Purchase Orders are not permitted for travel except for routine mileage reported on a Mileage Log.
  - 3. Exceptions to the need for prior approval only include expenses for mileage, parking and tolls in which case a Mileage Log is required along with a two-part purchase order (i.e., daily bank deposits, mail delivery, Auditor pay-ins, etc.).
  - 4. Contact your department's fiscal officer for additional guidelines for submitting travel expenses for reimbursement.

# Motor Vehicle Policy

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ORC 2913.03

BCC 3/29/88 Rev. 9/26/89, 95-291, 97-1385, 00-1828, 01-1220, 04-2361, 05-1961, 07-2041, 08-2184, 11-679  
Rev. 14-754

I. This policy is promulgated to ensure the safety of all operators of motor vehicles while on County business and to maintain favorable motor vehicle insurance rates for Wood County motor vehicles.

A. Employee's insurability with Wood County is based on their personal driving record. Any and all activity on an employee's driving record within the prior three years weighs equally toward driving privileges while performing duties for Wood County.

## II. Definitions

A. Motor vehicles: All automobiles and off-road equipment including but not limited to lawn tractors, backhoes, gators, front-end loaders, compactors, etc. This policy does not apply to mobile equipment operated in a limited access, designated work site.

## III. Motor Vehicle Operator Rules

A. All Wood County employees operating motor vehicles to perform employment duties must comply with the following requirements and procedures:

1. Possess a valid driver's license.
2. Must wear safety belts while the motor vehicle is in operation whether they are a passenger or a driver.
3. Operate motor vehicles in a lawful manner.
4. Sign a release permitting a driving and criminal record check at any time throughout their employment with Wood County. Random driving checks may be administered. Wood County and/or its insurance carrier will review motor vehicle operation records for the prior three years when determining driving privileges.
5. May not operate a Wood County motor vehicle for personal use.
6. May not permit anyone other than an authorized Wood County employee to operate a Wood County motor vehicle.

7. May only transfer passengers in a County vehicle for reasons directly related to official Wood County business. Such passengers must wear their safety belts while the motor vehicle is in operation.
8. May only use communication equipment in a parked vehicle or in vehicles with hands free communication equipment. Employees shall not dial the cellular phone, text, or take notes while driving. Emergency personnel performing safety sensitive functions are exempt, e.g., Sheriff or EMA personnel.
9. May not consume nor permit any other person to consume alcohol or drugs while in a motor vehicle on County business.
10. Keep County vehicles clean and current with maintenance and repairs. Maintenance and repairs will be paid by the County.
11. Make no alterations to a Wood County motor vehicle, i.e. vehicle accessories, etc.
12. Maintain a copy of the Wood County Motor Vehicle Policy, insurance identification card, and Wood County Incident Report Form in the County motor vehicle.
13. Shall not knowingly damage the County vehicle through neglect, misuse, carelessness, or failure to follow instructions.
14. If a County-owned vehicle is not available, employees operating their personal motor vehicle to perform their duties of employment may request reimbursement for mileage, parking and toll fees, etc., if authorized prior to use. Such expenses shall be reported on a mileage reimbursement form submitted to the employee's Supervisor.
15. If authorized to operate a personal motor vehicle, complete the "Certification of Compliance with Ohio's Financial Responsibility Law" form. The County's insurance carrier does not provide insurance coverage for an employee's personal vehicle while driving on County business.

B. Failure to comply with items listed above may result in disciplinary action.

#### IV. Accidents

- A. In the event of an accident with a Wood County motor vehicle or a personal vehicle on County business, employees must follow the procedures below:
  1. Stay at the scene of an accident and identify yourself and render assistance if possible.

2. Turn on four-way flashers and set out flags or flares, if available, to warn traffic.
3. Assist injured persons, if possible, giving immediate attention to severe bleeding. Do not move injured persons unless necessary for their protection against further injury. Send for an ambulance, if necessary.
4. Do not admit responsibility or make any offer of settlement to the other party. Representatives of the County or the County's insurance carrier are responsible for settlements involving County vehicles. The employee or his/her insurance company is responsible for settlements involving personal vehicles.
5. Obtain and record the name, address and license number of the other driver, car license plate number, and the name of car owner and insurance company.
6. When requested, give your name, address, County affiliation and show your driver's license to the other party.
7. Record names and addresses of witnesses and, if possible, get statement.
8. Notify the police having jurisdiction (state, county or city) where the accident occurred. Record the name and badge number of any officer present.
9. Take pictures if possible or sketch the location showing the position of vehicles, pavement markings, traffic control devices, witness locations and any special conditions such as obstructions, parked cars or skid marks. Show date, time of day, weather and road conditions, and any other useful information.
10. Provide your Supervisor with all information within 24 hours after the accident
11. Complete a written Incident Report.
12. Complete a "Traffic Violation/Accident Notice", as per Section VII of this policy.
13. Notify your Supervisor if the fire extinguisher or first-aid kit has been used and replace as necessary.

B. All Supervisors must contact the Board of County Commissioners' Office immediately upon notification of an accident. The Commissioners' Office will notify the insurance carrier.

## V. Fines

- A. Any fines incurred as a result of driving or parking violations shall be the responsibility of the employee.

## VI. New Employees

- A. Appointing Authorities or Supervisors shall obtain a traffic record check for prospective employees who may operate a motor vehicle for County related business prior to permitting new employees to drive for County business. This check includes any violations within the last three years. For assistance, contact the Commissioners' Office. The insurance carrier will determine the driver's insurability.

## VII. Reportable Events

- A. Employees who operate a county-owned or personal vehicle for county related business must report any accident that occurs during or outside of work hours regardless of fault and any arrests, citations, license suspensions or revocations resulting from moving violations, including, but not limited to: speeding, reckless operation, traffic control devices, assured clear distance, driving under the influence (DUI), driving under suspension (DUS), operating a vehicle while intoxicated (OVI), etc.
  - 1. Employees shall complete and return the "Traffic Violation/Accident Notice" by the next working day to their Supervisor.
    - i. Employees must provide copies of the citation and/or indictment, court disposition of the charges, and any other court related documentation to their Supervisor within three days of the action: changes in court dates, extensions, final outcome of court proceedings, etc.
  - 2. The Appointing Authority or Department Head shall forward a copy of the "Traffic Violation/Accident Notice" and any other court related documentation upon receipt from the employee to the Board of County Commissioners.
- B. Employees may be restricted from operating a county-owned or personal vehicle for county related business until a review of their driving record is complete.

## VIII. Review of Employee Driving Record

- A. The Board of County Commissioners shall consult with the County's insurance carrier to determine whether the County can maintain coverage on employees based on the County's policy and the following:
  - 1. A review of the employee's driving record including but not limited to the accumulation of:

- i. four or more points (which may include moving violations, OVI/DUI, reckless operation, etc); and/or
  - ii. two or more at fault accidents and/or moving violations regardless of points assigned.
2. Any appropriate court determination including but not limited to court-ordered driving privileges or a license suspension.

B. The Commissioners' Office will communicate any potential liability to the Appointing Authority.

## IX. Evaluation of Reportable Event

- A. The Appointing Authority will determine whether the employee can continue to perform the essential functions of the position based on the potential liability communicated by the Commissioners' Office and the insurance carrier.
  1. Based on the potential liability communicated, the Appointing Authority and the employee shall comply with the following:
    - i. If an employee's license is suspended, the employee is restricted from driving a County motor vehicle as part of his/her employment for one year periods, not to exceed three years.
    - ii. If the employee receives court ordered driving privileges during a license suspension or following an alcohol or drug related conviction, the employee may be permitted to drive his/her personal vehicle if the following requirements are met:
      - (a) Obtain a personal automobile liability policy with minimum limits of \$500,000 combined single limit, bodily injury and property damage. The policy must list Wood County as an additional insured party and be acceptable to the County's insurance carrier.
      - (b) Increase insurance limits to \$1,000,000 if transporting clients.
      - (c) Provide a certificate of insurance and full copy of the policy to the employer for review by the County's insurance carrier upon each period of coverage.
      - (d) The County's insurance carrier reserves the right to amend the above requirements at any time. Any exception to these requirements must be approved in writing by the County's insurance carrier.

- iii. An employee convicted of an OVI/DUI offense shall not operate a Wood County motor vehicle or his/her own motor vehicle on Wood County business until he/she has completed the following requirements:
  - (a) Undergo at his/her own expense an acceptable alcohol dependency assessment within two weeks of conviction or other time period determined by the court.
  - (b) Release the results of the drug/alcohol assessment in writing within five working days to his/her respective Appointing Authority/Department Head and the Commissioners' Office for insurance related purposes.
  - (c) Complete any recommended treatment as outlined in the assessment. The employee shall provide written documentation of the successful completion of treatment within five working days of completing treatment to his/her respective Appointing Authority/Department Head and the Commissioners' Office for insurance related purposes.
  - (d) Upon written certification of the successful completion of all assessment recommendations and if the court allows, the individual may drive his/her own vehicle while working for Wood County, but may not operate a Wood County motor vehicle for a three year period.
- iv. A second conviction of any major violation, including an OVI/DUI or any other "6 point" violation or a suspension of license, in the three year period immediately following the initial conviction will result in a permanent restriction from operation of a county-owned vehicle.

- 2. If the Appointing Authority determines that the employee is unable to perform the duties of his/her position without operating a motor vehicle, disciplinary action may be taken, up to and including termination.
- 3. If the employee can continue to perform the essential functions of the position, the Appointing Authority shall notify the employee in writing if any driving restrictions are imposed.
  - i. Notification shall include the duration of the restrictions and the employee's reporting responsibilities.

**CERTIFICATION OF COMPLIANCE  
WITH OHIO'S FINANCIAL RESPONSIBILITY LAW  
AND  
DRIVING AND CRIMINAL RECORD CHECK RELEASE**

I, \_\_\_\_\_, an employee of \_\_\_\_\_  
(Employee Name) (Office/Department)

of Wood County, Ohio, do hereby certify that when using my personal vehicle(s) for County business, I am in compliance with Ohio's Financial Responsibility Law.

I understand that I have a responsibility to report any and all accidents, arrests, violations, license suspensions or revocations to my Supervisor and to the County Commissioners' Office using the Traffic Violation/Accident Notice form. Failure to do so could result in disciplinary action.

I further permit Wood County and its insurance carriers to perform driving and criminal record checks as they relate to my operating a motor vehicle during the course of my employment.

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Employee Signature

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Date

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Witness

cc: Employee

Original to personnel file

## TRAFFIC VIOLATION/ACCIDENT NOTICE

I am hereby submitting a notice of a reportable event as per Section VII of the Wood County Motor Vehicle Policy. A copy of the violation/accident citation (if issued) must be attached.

Name of Employee: \_\_\_\_\_

Office/Department: \_\_\_\_\_

Date Violation Occurred: \_\_\_\_\_

Violation Occurred During Work Time: Yes  No

Description of Violation/Accident: \_\_\_\_\_

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Court Date (If applicable): \_\_\_\_\_

I understand and acknowledge that I must provide copies of all initial and ongoing court documentation related to this reportable event to my Supervisor within three days of the action: changes in court dates, extensions, final outcome of court proceedings, etc.

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Employee Signature Date

Received by \_\_\_\_\_ Date: \_\_\_\_\_

All documentation received regarding this reportable event shall be copied to the Board of County Commissioners upon receipt from the employee. Supervisors shall check with the Commissioners' Office regarding the employee's ability to operate a motor vehicle while on County business.

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Supervisor's Signature

Date

cc: Employee  
BCC  
Original to personnel file

# CDL Substance Abuse Policy and Procedure

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Omnibus Transportation Employee Testing Act of 1991

BCC 95-2129 Rev. 10-1548, 14-754

I. **Policy:** All County employees in a position requiring a commercial driver's license (CDL) will be subject to alcohol and controlled substances testing in the following circumstances: pre-employment/pre-duty testing, reasonable suspicion testing, post-accident testing, random testing and return-to-duty testing.

II. **Definitions:**

A. **Safety Sensitive Function**

1. All time at any facility, owned or otherwise, waiting to be dispatched unless the driver has been relieved from duty by the County. This includes any "on-call" time.
2. All time inspecting equipment as required by the regulations.
3. All driving time as defined by the regulations.
4. All time, other than driving, in any commercial motor vehicle except time spent resting in a sleeper berth.
5. All time loading or unloading a vehicle, supervising or assisting in this process.
6. All time spent performing the requirements specified in section 4509.02, 4509.021, and 4549.03 of the Ohio Revised Code as they relate to accidents.
7. All time repairing, obtaining assistance or remaining in attendance of a disabled vehicle.
8. All time spent providing a breath or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident or follow-up testing required by this policy when directed by the County.
9. Time spent performing any other work in the capacity of, or in the employ or service of, a common, contract or private carrier.
10. Time spent performing any compensated work for any non-motor carrier entity.

B. Illegally used controlled substances or drugs

1. "Illegally used controlled substances or drugs" are any illegal drugs or any substances identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and further defined by 21 CFR 1308.11 through 1308.15. This includes, but is not limited to marijuana, amphetamines, opiates, phencyclidine (PCP), cocaine, and ecstasy, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs and use of illegally obtained prescription drugs.

C. Legal Drugs

1. Legal Drugs are legally prescribed drugs and non-prescription medications. A "legally prescribed drug" means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the physician's name, the name of the substance, quantity/amount to be taken and period of authorization.

D. Alcohol

1. Alcohol means the intoxicating agent in beverage-alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

E. Commercial Motor Vehicle

1. Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
  - a. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds.
  - b. Has a gross vehicle weight rating of 26,001 or more pounds.
  - c. Is designed to transport 16 or more passengers, including the driver.
  - d. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placed

under the Hazardous Materials Regulations (40 CFR part 172, subpart F).

F. Driver

1. Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.

G. Refusal to Test

1. Refuse to submit (to an alcohol or controlled substances test) means that a driver:
  - a. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part.
  - b. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing.
  - c. Engages in conduct that clearly obstructs the testing process.

III. Prohibited Conduct for CDL Employees Performing Safety Sensitive Functions

A. "Prohibited conduct" addressed by this policy includes the following:

1. Perform a safety-sensitive function while having a breath alcohol concentration of 0.02 or greater.
2. Perform a safety-sensitive function within four (4) hours after using alcohol. No Supervisor having actual knowledge that an employee has used alcohol within four (4) hours shall permit an employee to perform or continue to perform safety-sensitive functions.
3. Possess any quantity of alcohol while on duty unless the alcohol is manifested and transported as part of the load. This includes any medicines, both prescription and over-the-counter, that contain alcohol, unless the packaging seal is unbroken.

4. Use alcohol while on duty including lunch periods and breaks.
5. Report for or remain on duty when his/her ability to perform assigned functions is adversely affected or when his blood alcohol concentration is 0.04 or greater.
6. When involved in an accident that requires a post-accident alcohol test, use alcohol within eight (8) hours of the accident or prior to submitting for the post-accident test, whichever comes first.
7. Use any substance that indicates that mental functioning, motor skills or judgment may be adversely affected without reporting such to his/her Supervisor.
8. Perform a safety-sensitive function when the employee uses controlled substances, except when prescribed by a physician who has determined that the substance will not adversely affect the employee's ability to safely perform his/her work duties.
9. Perform a safety-sensitive function, if the employee has tested positive for controlled substances.

#### IV. Supervisor's Duty to Implement Policy and Report Criminal Drug Convictions

- A. Supervisors of County employees subject to this policy shall apply this policy in an unbiased and impartial manner. Any Supervisor/manager who knowingly disregards the requirements of this policy, or who deliberately misuses the policy shall be subject to disciplinary action.
- B. Supervisors shall report all violations of this policy to the Wood County Commissioners' Office.
- C. Supervisors shall record all criminal drug convictions for employees covered by this policy in the employee's personnel file and report the same to the Commissioners' Office.

#### V. Testing for Prohibited Substances

##### A. General Procedures

1. All employees subject to this policy shall be subject to pre-employment, post-accident, reasonable suspicion, random and return-to-duty testing.
2. Any employee who is reasonably suspected of being intoxicated, impaired under the influence or not fit for duty shall be suspended from his/her job duties pending an investigation and verification of his/her condition.

3. The County will contract for drug and alcohol testing services to comply with DOT regulations.
4. Testing shall be conducted to assure a high degree of accuracy and reliability and will use techniques, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, and as amended.
5. Tests will be conducted for substances set forth in 49 CFP Part 40, and as amended. This includes, but is not limited to marijuana, cocaine, opiates, amphetamines, phencyclidine, and ecstasy. Upon reasonable cause, the county will test for other illegal drugs. In such event, a second urine sample will be provided by the employee.
6. An initial drug screen will be conducted on each specimen. For those specimens that are not negative, a confirmatory gas Chromatography/Mass Spectrometry (GC/MC) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR 40, as amended.
7. Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) - approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test.
  - a. An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will result in removal from his/her position for twenty-four (24) hours unless a re-test results in a concentration measure of less than 0.02.
  - b. During the twenty-four (24) hour period of time that an employee has been removed from his/her position, he/she will have the option of utilizing accrued leave time, i.e., sick leave, vacation leave, compensatory time, or other appropriate time, in order to remain in a paid status. If the employee elects not to utilize his/her accrued leave, then he/she will be placed in an unpaid status.
  - c. If the employee has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 on any subsequent alcohol test, then he/she will be subject to termination.
8. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. Any employee who has a confirmed positive drug or alcohol (0.04 or greater) test will be removed from his/her position, informed of educational and

rehabilitation programs available and evaluated by a substance abuse professional (SAP). Employee assessment by a SAP is detailed in Section VII(D) of this policy.

## VI. When Testing is Required

### A. Pre-Employment Testing

1. Prior to the first time an employee performs safety-sensitive functions for the County, the driver shall undergo testing for alcohol and controlled substances. No driver shall perform safety-sensitive functions unless the driver has been administered an alcohol test with a result indicating an alcohol concentration less than 0.04, and has received a controlled substances test result from the medical review officer indicating a verified negative test result.
2. Exceptions to pre-employment testing shall be granted in accordance with 49 CFR section 382.301.

### B. Post-Accident Testing

1. As soon as practicable following an accident involving a commercial motor vehicle, each surviving driver shall be tested for alcohol or controlled substances, if:
  - a. He/she was performing safety sensitive functions with respect to the vehicle if the accident involved the loss of human life; or
  - b. He/she receives a citation under state or local law for a moving traffic violation arising from the accident.
2. A driver will be tested for alcohol within two (2) hours of an accident. If an alcohol test is not accomplished within two (2) hours of an accident, then a written record shall be made stating the reasons the alcohol test was not promptly administered. If the alcohol test has not been accomplished within eight (8) hours following notification, the County shall stop its attempt to administer the alcohol test and it shall make and retain in the file a record of the reasons the alcohol test was not properly administered.
3. If a driver has not submitted a controlled substance test within thirty-two (32) hours of an accident, the County shall stop its attempt to administer the controlled substance test. It shall then make and retain in file a record of the reasons a controlled substance test was not properly administered.
4. A driver who is involved in an accident must refrain from alcohol use for eight (8) hours following an accident or until he/she undergoes a

post-accident alcohol test. Drivers who leave the scene of an accident without a justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test, and they will be subject to termination.

5. A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining medical reports and other documents which would indicate whether there were any alcohol or controlled substances in his/her system at the time of the accident.
6. The County can use, by permission from the Federal Highway Administration, post-accident tests conducted by federal, state or local officials as meeting the requirements of this section under the following conditions:
  - a. The official must have independent authority to conduct the test.
  - b. The test must conform to federal, state, or local requirements.
  - c. Alcohol tests require blood or breath samples.
  - d. Controlled substance tests require a urine sample.

#### C. Random Testing

1. Except as may be charged by the Federal Highway Administration, the minimum annual percentage rate for random alcohol testing shall be 25 percent of the average number of driver positions.
2. The minimum annual percentage rate for random controlled substances testing shall be 50 percent of the average number of driver positions.
3. Employees will only be tested randomly for alcohol when they are performing safety-sensitive functions, immediately prior to, or after performing safety-sensitive functions.
4. After an employee has been randomly selected for a test, the employee must immediately proceed to the testing site upon notification of being selected.
5. If an employee, who has been randomly selected for a test is on vacation or other pre-approved form of leave, the County may either select another employee, as an alternate, or keep the original selection confidential until the employee returns to duty.

#### D. Reasonable Suspicion Testing

1. Alcohol: A driver must submit to urine and/or breath testing when reasonable suspicion exists that the driver has an alcohol concentration between 0.02 and 0.04 or greater or has consumed alcohol within four hours of performing a safety sensitive function. The County's "reasonable suspicion" must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.
2. Controlled substances: A driver must submit to a controlled substance test when reasonable suspicion exists that a driver has used or is under the influence of controlled substances. The County's reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver and may include indications of the chronic and withdrawal effect of controlled substances.
3. Alcohol testing is authorized by this section only if the observations required are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this part. A driver may be directed by the employer to only undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
4. Reasonable suspicion determinations will be made by a Supervisor. The County will provide Supervisors with a minimum of 60 minutes of training on alcohol misuse, and a minimum of 60 minutes of training on controlled substance abuse. Training shall include: physical behavior, speech and performance indicators consistent with alcohol and controlled substance use and misuse.
5. Once an employee has been notified that a reasonable suspicion test will be conducted it must take place within two (2) hours of the notification. If the test is not accomplished within two (2) hours a written record shall be made stating the reasons the alcohol test was not promptly administered. If the test has not been accomplished within eight (8) hours following notification, the County shall stop its attempt to administer the test and make and retain in file a record of the reasons the alcohol test was not properly administered.
6. A written record shall be made documenting the employee's conduct with respect to an alcohol and/or controlled substance reasonable suspicion test and must be signed by the Supervisor or official who observed the behavior.

#### E. Return-to-Duty Testing

1. Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited Section III of this part concerning alcohol, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.
2. Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by Section IV undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

### VII. Test Related Procedures

#### A. Follow-up Testing

1. Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, that driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional.
2. Follow-up alcohol testing shall be conducted only when the driver is performing safety- sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.
3. There will be a minimum of six follow-up controlled substance and/or alcohol tests in the first 12 months following re-entry to the job. Follow-up testing may be extended for up to 60 months following an employee's return-to-duty.

#### B. Employee Requested Split Sample Test

1. Any driver who questions the results of a required drug test may request that an additional test be conducted. This test must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are paid by the employee, unless the second test invalidates the original test.
2. The employee's request for a split sample test must be made within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

### C. Refusal to Test

1. Any driver who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify the test results through tampering, contamination, adulteration or substitution shall be subject to termination.

### D. Employee Assessment and Treatment

1. Any driver who tests positive for the presence of controlled substances or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be evaluated by a Substance Abuse Professional (SAP). The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse. SAP services will be provided by an appropriate certified professional who implements an employee assistance program for the County.
2. The County will consider employees who test positively to be medically unqualified and they shall be disqualified from working for the County until they have been released to return-to-duty by the SAP. Drivers will be allowed to elect rehabilitation through available sources in lieu of discipline the first time that they have a positive result on an alcohol or controlled substance test. However, rehabilitation in lieu of discipline may not be available where the offense giving rise to the discipline is so severe as to make the employee ineligible for continued employment.
3. For those seeking treatment, whether voluntarily or by reason of mandatory rehabilitation in lieu of discipline, the employee benefits that would otherwise be available to the employee shall continue--for example, sick leave, leases of absence, vacation leave, personal business leave, compensatory leave, Family Medical Leave, and group health insurance benefits.
4. If an employee is allowed to return-to-duty, he/she must follow the rehabilitation program prescribed by the SAP. The employee must pass return-to-duty drug and alcohol tests and unannounced follow-up tests for a period of one to five years. The costs associated with any treatment for rehabilitation services shall be paid directly by the employee or his/her insurance provider.
5. Assessment by a SAP does not shield an employee from disciplinary action or guarantee employment or reinstatement with the County.

## E. Employee Discipline

1. A driver with an alcohol concentration more than 0.02 or greater or a positive controlled substance test will be subject to discipline and/or termination.
2. A driver who is eligible for assessment and treatment in lieu of termination will still be subject to discipline.
3. Any driver who refuses to test for alcohol or controlled substances will be terminated.
4. Any employee who refuses or fails to comply with County requirements for treatment, after care, or return-to-duty shall be subject to termination.
5. If a driver is permitted to undergo treatment in lieu of termination and he subsequently tests positive on any alcohol or controlled substance test, he will be terminated.

## F. Record Retention and Release

1. A Medical Review Officer (MRO) will serve as the sole custodian of individual test results and will retain individual test results for the time periods listed below:
  - a. Records maintained for a minimum of five (5) years:
    - i. Records of drivers alcohol test results indicating an alcohol concentration of 0.02 or greater.
    - ii. Records of drivers verified positive controlled substance test results.
    - iii. Documentation of refusals to take required alcohol and/or controlled substances tests.
    - iv. Driver evaluations and referrals.
  - v. Annual calendar year summaries of the results of alcohol and controlled substances testing programs.
- b. Records maintained for a minimum of two (2) years:
  - i. Records related to the alcohol and controlled substances collection process and training.
- c. Records maintained for a minimum of one (1) year:

- i. Records of negative and canceled controlled substances test results.
  - ii. Alcohol test results with a concentration of less than 0.02.
2. The County will retain personnel records of only the following information:
  - a. Circumstance prompting test (e.g., random testing, post-accident, reasonable suspicion).
  - b. The date of the test.
  - c. The location of the test.
  - d. The identity of the person or entity conducting the test.
  - e. Whether the test finding was positive or negative.
3. The County will notify an employee of the results of pre-employment alcohol and/or controlled substance tests, provided the employee requests said test results within 60 days of being notified of the County's decision as to whether or not it will enter into employment or lease contract with him/her.
4. The County will notify incumbent employees of the results of random, reasonable suspicion, and post-accident alcohol and/or controlled substance tests, provided that the results are positive and will also advise the employee what controlled substance was detected or the alcohol level that was discovered.
5. The County will not release driver testing information retained in this section except upon the written consent of the driver and except:
  - a. When requested by the Department of Transportation or any state or local officials with regulatory authority over the County or its drivers.
  - b. In the event an employee initiates a grievance, hearing, lawsuit or other action as a result of an alcohol and/or controlled substance test conducted pursuant to this policy.
6. The annual calendar year summary of the results of the alcohol and drug testing programs must be completed by March 15 of the following year. This will be completed by the Board of County Commissioners or its designee.

## VIII. Information from Previous Employers

- A. The County may obtain, pursuant to a driver's written consent, any of the information concerning the driver which is maintained under this part by the driver's previous employers.
- B. The County shall obtain, pursuant to a driver's consent, information on the driver's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding five years, which are maintained by the driver's previous employers under Section 382.401.
- C. The information in paragraph (b) of this section must be obtained and reviewed by the County no later than 14 calendar days after the first time a driver performs safety-sensitive functions for the County, if it is not feasible to obtain the information prior to the driver performing safety-sensitive functions. The County will not permit a driver to perform safety-sensitive functions after 14 days without obtaining the information.
- D. If the driver stops performing safety-sensitive functions for the employer before expiration of the 14 day period or before the County has obtained the information in paragraph (B) of this section, the employer must still obtain the information.
- E. The County will provide to each of the driver's employers within the two preceding years the driver's specific, written authorization for release of the information in paragraph (B).
- F. The release of any information under this part may take the form of personal interviews, telephone interviews, letters, or any other method of obtaining information that ensures confidentiality. The County will maintain a written, confidential record with respect to each past employer contacted.
- G. The County will not use a driver to perform safety-sensitive functions if it obtains information from the employee's previous employer on the driver's alcohol test with a concentration of 0.04 or greater, verified positive controlled substances test result, or refusal to be tested, by the driver, without obtaining information on a subsequent substance abuse professional evaluation and/or determination under Section 382.401(c)(4) and compliance with Section 382.309.

## GENERAL INFORMATION

### Newsletter

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The employee newsletter, "Round the Courthouse Square", is published and distributed quarterly to all County employees.

### United Way

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The County sponsors an annual United Way Campaign. Employees are encouraged to make contributions. Payroll deduction is available.

### Employee Recognition Program

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The Employee Recognition Program is an awards ceremony that recognizes employees for their service to Wood County. The program is traditionally held in January for service completed in the previous year.

### Employee Website

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An employee website contains links to employee related information, miscellaneous forms, and updates for employees, [www.co.wood.oh.us/employee](http://www.co.wood.oh.us/employee).

## APPENDIX

- A. Ohio Ethics Law and Related Statutes
- B. Recommended Guidelines and Best Practices for Managing Public Records Emails

# Ohio Ethics Law and Related Statutes



The Ohio Ethics Commission

Merom Brachman, Chairman  
Maryann Gall, Vice Chair  
Bruce E. Bailey  
Betty Davis  
Michael A. Flack

Paul M. Nick, Executive Director

February 2013

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# THE OHIO ETHICS LAW: CHAPTER 102. OF THE REVISED CODE

## Section 102.01 As used in this chapter:

(A) "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.

(B) "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency. "Public official or employee" does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention. "Public official or employee" does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.

(C) "Public agency" means the general assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a county, city, village, or township, the five state retirement systems, or any other governmental entity. "Public agency" does not include a department, division, institution, board, commission, authority, or other instrumentality of the state or a county, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated. "Public agency" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(D) "Immediate family" means a spouse residing in the person's household and any dependent child.

(E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.

(F) Except as otherwise provided in division (A) of section 102.08 of the Revised Code, "appropriate ethics commission" means:

(1) For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, and candidates for the office of member of the general assembly, and public members appointed to the Ohio constitutional modernization commission under section 103.63 of the Revised Code, the joint legislative ethics committee;

(2) For matters relating to judicial officers and employees, and candidates for judicial office, the board of commissioners on grievances and discipline of the supreme court;

(3) For matters relating to all other persons, the Ohio ethics commission.

(G) "Anything of value" has the same meaning as provided in section 1.03 of the Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Revised Code.

(H) "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official's or employee's office or position of employment.

(I) "Employer" means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.

(J) "Executive agency decision," "executive agency lobbyist," and "executive agency lobbying activity" have the same meanings as in section 121.60 of the Revised Code.

(K) "Legislation," "legislative agent," "financial transaction," and "actively advocate" have the same meanings as in section 101.70 of the Revised Code.

(L) "Expenditure" has the same meaning as in section 101.70 of the Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Revised Code when used in relation to activities of an executive agency lobbyist.

## Section 102.02

(A) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed pursuant to section 105.41 of the Revised Code; all members of the Ohio casino control commission, the executive director of the commission, all professional employees of the commission, and all technical employees of the commission who perform an internal audit function; the individuals set forth in division (B)(2) of section 187.03 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement board who is a state retirement system investment officer licensed pursuant to section 1707.163 of the Revised Code; the members of the Ohio retirement study council appointed pursuant to division (C) of section 171.01 of the Revised Code; employees of the Ohio retirement study council, other than employees who perform purely administrative or clerical functions; the administrator of workers' compensation and each member of the bureau of workers' compensation board of directors; the bureau of workers' compensation director of investments; the chief investment officer of the bureau of workers' compensation; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; all members appointed to the Ohio livestock care standards board under section 904.02 of the Revised Code; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

The disclosure statement shall include all of the following:

(1) The name of the person filing the statement and each member of the person's immediate family and all names under which the person or members of the person's immediate family do business;

(2)(a) Subject to divisions (A)(2)(b), and (c) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(a) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients,

including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(b) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(c) Except as otherwise provided in division (A)(2)(c) of this section, division (A)(2)(a) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

(4) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation;

(5) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(5) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

(6) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(3) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(6) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

(7) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

(8) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in the person's own name or by any other person for the person's use or benefit and that is incurred in connection with the person's official duties, except for expenses for travel to meetings or conventions of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues;

(9) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(10) If the disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on. A person who holds elective office shall file the statement on or before the fifteenth day of April of each year unless the person is a candidate for office. A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office. Other persons shall file an annual statement on or before the fifteenth day of April or, if appointed or employed after that date, within ninety days after appointment or employment. No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement on or before the fifteenth day of April under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement by the fifteenth day of February of each year the filing is required unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Except for disclosure statements filed by members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation, disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by the individuals set forth in division (B)(2) of section 187.03 of the Revised Code shall be kept confidential. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

(C) No person shall knowingly fail to file, on or before the applicable filing deadline established under this section, a statement that is required by this section.

(D) No person shall knowingly file a false statement that is required to be filed under this section.

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of sixty dollars.

(2) The statement required by division (A) of this section shall be accompanied by the following filing fee to be paid by the person who is elected or appointed to, or is a candidate for, any of the following offices:

For state office, except member of the state board of education.....	\$95
For office of member of general assembly.....	\$40
For county office .....	\$60
For city office.....	\$35
For office of member of the state board of education .....	\$35
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board.....	\$30
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center.....	\$30

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.

(G)(1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

(3) The joint legislative ethics committee shall deposit all receipts it receives from the payment of financial disclosure statement filing fees under divisions (E) and (F) of this section into the joint legislative ethics committee investigative fund.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

## **Sec. 102.021**

(A)(1) For the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, except as provided in division (B) or (D) of this section, each former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code shall file, on or before the deadlines specified in division (D) of this section, with the joint legislative ethics committee a statement that shall include the information described in divisions (A)(2), (3), (4), and (5) of this section, as applicable. The statement shall be filed on a form and in the manner specified by the joint legislative ethics committee. This division does not apply to a state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code, who leaves service or public employment, and who takes another position as a state elected officer or staff member who files or is required to file a disclosure statement under that section.

No person shall fail to file, on or before the deadlines specified in division (D) of this section, a statement that is required by this division.

(2) The statement referred to in division (A)(1) of this section shall describe the source of all income received, in the former state elected officer's or staff member's own name or by any other person for the person's use or benefit, and briefly describe the nature of the services for which the income was received if the source of the income was any of the following:

(a) An executive agency lobbyist or a legislative agent;

(b) The employer of an executive agency lobbyist or legislative agent, except that this division does not apply if the employer is any state agency or political subdivision of the state;

(c) Any entity, association, or business that, at any time during the two immediately preceding calendar years, was awarded one or more contracts by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more, or bid on one or more contracts to be awarded by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more.

(3) If the former state elected officer or staff member received no income as described in division (A)(2) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(4) If the former state elected officer or staff member directly or indirectly made, either separately or in combination with another, any expenditure or gift for transportation, lodging, or food or beverages to, at the request of, for the benefit of, or on behalf of any public officer or employee, and if the former state elected officer or staff member would be required to report the expenditure or gift in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made, the statement referred to in division (A)(1) of this section shall include all information relative to that gift or expenditure that would be required in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made.

(5) If the former state elected officer or staff member made no expenditure or gift as described in division (A)(4) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(B) If, at any time during the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, a former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code becomes a legislative agent or an executive agency lobbyist, the former state elected officer or staff member shall comply with all registration and filing requirements set forth in sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, and, the former state elected officer or staff member also shall file a statement under division (A)(1) of this section except that the statement filed under division (A)(1) of this section does not need to include information regarding any income source, expenditure, or gift to the extent that that information was included in any registration or statement filed under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code.

(C) Except as otherwise provided in this division, division (A)(2) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose in the brief description of the nature of services required by division (A)(2) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(D)(1) Each state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall file an initial statement under division (A)(1) of this section not later than the day on which the former state elected officer or staff member leaves public service or public employment. The initial statement shall specify whether the person will, or will not, receive any income from a source described in division (A)(2)(a), (b), or (c) of this section.

If a person files an initial statement under this division that states that the person will receive income from a source described in division (A)(2)(a), (b), or (c) of this section, the person is required to file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, except as otherwise provided in this division, the person is not required to file statements under division (A)(2), (4), or (5) of this section or to file subsequent statements under division (A)(3) of this section. If a person files an initial statement under this

division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, and, subsequent to the filing of that initial statement, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division, and the person thereafter shall file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

(2) After the filing of the initial statement under division (D)(1) of this section, each person required to file a statement under division (A)(2), (3), (4), or (5) of this section shall file it on or before the last calendar day of January, May, and September. The statements described in divisions (A)(2), (3), and (5) of this section shall relate to the sources of income the person received in the immediately preceding filing period from each source of income in each of the categories listed in division (A)(2) of this section. The statement described in division (A)(4) of this section shall include any information required to be reported regarding expenditures and gifts of the type described in division (A)(4) of this section occurring since the filing of the immediately preceding statement.

If, pursuant to this division, a person files a statement under division (A)(2) of this section, the person is required to file statements under division (A)(4) of this section, and subsequent statements under division (A)(2), (3), or (5) of this section, at the times specified in this division. In addition, if, subsequent to the filing of the statement under division (A)(2) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section that was not listed on the statement filed under division (A)(2) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source.

If, pursuant to this division, a person files a statement under division (A)(3) of this section, except as otherwise provided in this division, the person thereafter is not required to file statements under division (A)(2), (4), or (5) of this section, or to file subsequent statements under division (A)(3) of this section. If, subsequent to the filing of the statement under division (A)(3) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source, and the person thereafter shall file statements under division (A)(4) of this section, and subsequent statements under division (A)(2) or (3) of this section, at the times specified in this division.

(3) No fee shall be required for filing an initial statement under division (D)(1) of this section. The person filing a statement under division (D)(2) of this section that is required to be filed on or before the last calendar day of January, May, and September shall pay a ten dollar filing fee with each such statement not to exceed thirty dollars in any calendar year. The joint legislative ethics committee may charge late fees in the same manner as specified in division (G) of section 101.72 of the Revised Code.

(E) Any state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall provide a forwarding address to the officer's or staff member's last employer, and the employer shall provide the person's name and address to the joint legislative ethics committee. The former elected state officer or staff member shall provide updated forwarding addresses as necessary to the joint legislative ethics committee during the twenty-four month period during which division (A)(1) of this section applies. The public agency or appointing authority that was the last employer of a person required to file a statement under division (A)(2) of this section shall furnish to the person a copy of the form needed to complete the initial statement required under division (D)(1) of this section.

(F) During the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, no person required to file a statement under this section shall receive from a source described in division (A)(2)(a), (b), or (c) of this section, and no source described in division (A)(2)(a), (b), or (c) of this section shall pay to that person, any compensation that is contingent in any way upon the introduction, modification, passage, or defeat of any legislation or the outcome of any executive agency decision.

(G) As used in this section "state elected officer or staff member" means any elected officer of this state, any staff, as defined in section 101.70 of the Revised Code, or any staff, as defined in section 121.60 of the Revised Code.

## Sec. 102.022

Each person who is an officer or employee of a political subdivision, who receives compensation of less than sixteen thousand dollars a year for holding an office or position of employment with that political subdivision, and who is required to file a statement under section 102.02 of the Revised Code; each member of the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code; and each individual set forth in division (B)(2) of section 187.03 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code, shall include in that statement, in place of the information required by divisions (A)(2), (7), (8), and (9) of that section, the following information:

(A) Exclusive of reasonable expenses, identification of every source of income over five hundred dollars received during the preceding calendar year, in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code or patients of persons certified under section 4731.14 of the Revised Code. This division shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of the business or profession.

(B) The source of each gift of over five hundred dollars received by the person in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, received from parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor.

## Section 102.03

(A)(1) No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the public official or employee personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(2) For twenty-four months after the conclusion of service, no former commissioner or attorney examiner of the public utilities commission shall represent a public utility, as defined in section 4905.02 of the Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency.

(3) For twenty-four months after the conclusion of employment or service, no former public official or employee who personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the public official or employee personally participated as a public official or employee.

(4) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A)(4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A)(4) of this section "person" does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes, resolutions, or constitutional

amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

(6) Nothing contained in division (A) of this section shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the public official or employee was employed or on which the public official or employee served.

(7) Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.

(8) Division (A) of this section does not prohibit a nonelected public official or employee of a state agency, as defined in section 1.60 of the Revised Code, from becoming a public official or employee of another state agency. Division (A) of this section does not prohibit such an official or employee from representing or acting in a representative capacity for the official's or employee's new state agency on any matter in which the public official or employee personally participated as a public official or employee at the official's or employee's former state agency. However, no public official or employee of a state agency shall, during public employment or for twelve months thereafter, represent or act in a representative capacity for the official's or employee's new state agency on any audit or investigation pertaining to the official's or employee's new state agency in which the public official or employee personally participated at the official's or employee's former state agency through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(9) Division (A) of this section does not prohibit a nonelected public official or employee of a political subdivision from becoming a public official or employee of a different department, division, agency, office, or unit of the same political subdivision. Division (A) of this section does not prohibit such an official or employee from representing or acting in a representative capacity for the official's or employee's new department, division, agency, office, or unit on any matter in which the public official or employee personally participated as a public official or employee at the official's or employee's former department, division, agency, office, or unit of the same political subdivision. As used in this division, "political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(10) No present or former Ohio casino control commission official shall, during public service or for two years thereafter, represent a client, be employed or compensated by a person regulated by the commission, or act in a representative capacity for any person on any matter before or concerning the commission.

No present or former commission employee shall, during public employment or for two years thereafter, represent a client or act in a representative capacity on any matter in which the employee personally participated as a commission employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(B) No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings.

This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other public official or employee who seeks elective office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(H)(1) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept, and no person shall give to that public official or employee, an honorarium. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which any state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under

section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c) (3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use the public official's or employee's official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

As used in this division, "chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(L) No present public official or employee with a casino gaming regulatory function shall indirectly invest, by way of an entity the public official or employee has an ownership interest or control in, or directly invest in a casino operator, management company, holding company, casino facility, or gaming-related vendor. No present public official or employee with a casino gaming regulatory function shall directly or indirectly have a financial interest in, have an ownership interest in, be the creditor or hold a debt instrument issued by, or have an interest in a contractual or service relationship with a casino operator, management company, holding company, casino facility, or gaming-related vendor. This section does not prohibit or limit permitted passive investing by the public official or employee.

As used in this division, "passive investing" means investment by the public official or employee by means of a mutual fund in which the public official or employee has no control of the investments or investment decisions. "Casino operator," "holding company," "management company," "casino facility," and "gaming-related vendor" have the same meanings as in section 3772.01 of the Revised Code.

(M) A member of the Ohio casino control commission, the executive director of the commission, or an employee of the commission shall not:

(1) Accept anything of value, including but not limited to a gift, gratuity, emolument, or employment from a casino operator, management company, or other person subject to the jurisdiction of the commission, or from an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission;

(2) Solicit, suggest, request, or recommend, directly or indirectly, to a casino operator, management company, or other person subject to the jurisdiction of the commission, or to an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission, the appointment of a person to an office, place, position, or employment;

(3) Participate in casino gaming or any other amusement or activity at a casino facility in this state or at an affiliate gaming facility of a licensed casino operator, wherever located.

In addition to the penalty provided in section 102.99 of the Revised Code, whoever violates division (M)(1), (2), or (3) of this section forfeits the individual's office or employment.

## Sec. 102.031

(A) As used in this section:

(1) "Business associate" means a person with whom a member of the general assembly is conducting or undertaking a financial transaction.

(2) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.

(3) "Employee" does not include a member of the general assembly whose nonlegislative position of employment does not involve the performance of or the authority to perform administrative or supervisory functions; or whose nonlegislative position of employment, if the member is a public employee, does not involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or execution of other public trusts.

(B) No member of the general assembly shall vote on any legislation that the member knows is then being actively advocated if the member is one of the following with respect to a legislative agent or employer that is then actively advocating on that legislation:

(1) An employee;

(2) A business associate;

(3) A person, other than an employee, who is hired under contract to perform certain services, and that position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

(C) No member of the general assembly shall knowingly accept any of the following from a legislative agent or a person required to file a statement described in division (A)(2) of section 102.021 of the Revised Code:

(1) The payment of any expenses for travel or lodging except as otherwise authorized by division (H) of section 102.03 of the Revised Code;

(2) More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member at a meeting at which the member participates in a panel, seminar, or speaking engagement, at a meeting or convention of a national organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or at a dinner, party, or function to which all members of the general assembly or all members of either house of the general assembly are invited;

(3) A gift of any amount in the form of cash or the equivalent of cash, or a gift of any other thing of value whose value exceeds seventy-five dollars. As used in division (C)(3) of this section, "gift" does not include any contribution or any gifts of meals and other food and beverages or the payment of expenses incurred for travel to destinations either inside or outside this state that is received by a member of the general assembly and that is incurred in connection with the member's official duties.

(D) It is not a violation of division (C)(2) of this section if, within sixty days after receiving notice from a legislative agent that the legislative agent has provided a member of the general assembly with more than seventy-five dollars aggregated in a calendar year as payment for meals and other food and beverages, the member of the general assembly returns to that legislative agent the amount received that exceeds seventy-five dollars.

(E) The joint legislative ethics committee may impose a fine of not more than one thousand dollars upon a member of the general assembly who violates division (B) of this section.

## Section 102.04

(A) Except as provided in division (D) of this section, no person elected or appointed to an office or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(B) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall sell or agree to sell, except through competitive bidding, any goods or services to the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(C) Except as provided in division (D) of this section, no person who is elected or appointed to an office of or employed by a county, township, municipal corporation, or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.

(D) A public official who is appointed to a nonelective office or a public employee shall be exempted from division (A), (B), or (C) of this section if both of the following apply:

(1) The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;

(2) Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the public official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such public official or employee in any matter involving any public official or employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending or to which the goods or services were to be sold. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

(E) No public official or employee who files a statement or is required to file a statement under division (D) of this section shall knowingly fail to disqualify himself from any participation as a public official or employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending or of a public agency that purchased or agreed to purchase goods or services.

(F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

## Section 102.05

There is hereby created the Ohio ethics commission consisting of six members, three of whom shall be members of each of the two major political parties, to be appointed by the governor with the advice and consent of the senate. Within thirty days of the effective date of this section, the governor shall make initial appointments to the commission. Of the initial appointments made to the commission, one shall be for a term ending one year after the effective date of this section, and the other appointments shall be for terms ending two, three, four, five, and six years, respectively, after the effective date of this section. Thereafter, terms of office shall be for six years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term.

No person shall be appointed to the commission or shall continue to serve as a member of the commission if the person is subject to section 102.02 of the Revised Code other than by reason of his

appointment to the commission or if the person is a legislative agent registered under sections 101.70 to 101.79 of the Revised Code or an executive agency lobbyist registered under sections 121.60 to 121.69 of the Revised Code. Each member shall be paid seventy-five dollars for each meeting held in the discharge of his official duties, except that no member shall be paid more than eighteen hundred dollars in any fiscal year. Each member shall be reimbursed for expenses actually and necessarily incurred in the performance of his official duties.

The commission shall meet within two weeks after all members have been appointed, at a time and place determined by the governor. At its first meeting, the commission shall elect a chairman and other officers that are necessary and shall adopt rules for its procedures. After the first meeting, the commission shall meet at the call of the chairman or upon the written request of a majority of the members. A majority of the members of the commission constitutes a quorum. The commission shall not take any action without the concurrence of a majority of the members of the commission.

The commission may appoint and fix the compensation of an executive director and other technical, professional, and clerical employees that are necessary to carry out the duties of the commission.

The commission may appoint hearing examiners to conduct hearings pursuant to section 102.06 of the Revised Code. The hearing examiners have the same powers and authority in conducting the hearings as is granted to the commission. Within thirty days after the hearing, the hearing examiner shall submit to the commission a written report of his findings of fact and conclusions of law and a recommendation of the action to be taken by the commission. The recommendation of the hearing examiner may be approved, modified, or disapproved by the commission, and no recommendation shall become the findings of the commission until so ordered by the commission. The findings of the commission shall have the same effect as if the hearing had been conducted by the commission. Hearing examiners appointed pursuant to this section shall possess the qualifications the commission requires. Nothing contained in this section shall preclude the commission from appointing a member of the commission to serve as a hearing examiner.

## **Section 102.06**

(A) The appropriate ethics commission shall receive and may initiate complaints against persons subject to this chapter concerning conduct alleged to be in violation of this chapter or section 2921.42 or 2921.43 of the Revised Code. All complaints except those by the commission shall be by affidavit made on personal knowledge, subject to the penalties of perjury. Complaints by the commission shall be by affidavit, based upon reasonable cause to believe that a violation has occurred.

(B) The appropriate ethics commission shall investigate complaints, may investigate charges presented to it, and may request further information, including the specific amount of income from a source, from any person filing with the commission a statement required by section 102.02 or 102.021 of the Revised Code, if the information sought is directly relevant to a complaint or charges received by the commission pursuant to this section. This information is confidential, except that the commission, in its discretion, may share information gathered in the course of any investigation with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate ethics commission. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, or is a member of the bureau of workers' compensation board of directors, the appropriate ethics commission, in its discretion, also may share information gathered in the course of an investigation with, or disclose the information to, the attorney general and the auditor of state. The person so requested shall furnish the information to the commission, unless within fifteen days from the date of the request the person files an action for declaratory judgment challenging the legitimacy of the request in the court of common pleas of the county of the person's residence, the person's place of employment, or Franklin county. The requested information need not be furnished to the commission during the pendency of the judicial proceedings. Proceedings of the commission in connection with the declaratory judgment action shall be kept confidential except as otherwise provided by this section. Before the commission proceeds to take any formal action against a person who is the subject of an investigation based on charges presented to the commission, a complaint shall be filed against the person. If the commission finds that a complaint is not frivolous, and there is reasonable cause to believe that the facts alleged in a complaint constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a hearing. If the commission does not so find, it shall dismiss the complaint and notify the accused person in writing of the

dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of its finding. The person against whom the complaint is directed shall be given reasonable notice by certified mail of the date, time, and place of the hearing and a statement of the charges and the law directly involved and shall be given the opportunity to be represented by counsel, to have counsel appointed for the person if the person is unable to afford counsel without undue hardship, to examine the evidence against the person, to produce evidence and to call and subpoena witnesses in the person's defense, to confront the person's accusers, and to cross-examine witnesses. The commission shall have a stenographic record made of the hearing. The hearing shall be closed to the public.

(C)(1)(a) If, upon the basis of the hearing, the appropriate ethics commission finds by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall report its findings to the appropriate prosecuting authority for proceedings in prosecution of the violation and to the appointing or employing authority of the accused. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, the commission also shall report its findings to the Ohio retirement study council.

(b) If the Ohio ethics commission reports its findings to the appropriate prosecuting authority under division (C)(1)(a) of this section and the prosecuting authority has not initiated any official action on those findings within ninety days after receiving the commission's report of them, the commission may publicly comment that no official action has been taken on its findings, except that the commission shall make no comment in violation of the Rules of Criminal Procedure or about any indictment that has been sealed pursuant to any law or those rules. The commission shall make no comment regarding the merits of its findings. As used in division (C)(1)(b) of this section, "official action" means prosecution, closure after investigation, or grand jury action resulting in a true bill of indictment or no true bill of indictment.

(2) If the appropriate ethics commission does not find by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code or if the commission has not scheduled a hearing within ninety days after the complaint is filed or has not finally disposed of the complaint within six months after it has been heard, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of the finding, but in this case all evidence and the record of the hearing shall remain confidential unless the accused person also requests that the evidence and record be made public. Upon request by the accused person, the commission shall make the evidence and the record available for public inspection.

(D) The appropriate ethics commission, or a member of the commission, may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The commission shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of these subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The commission or the accused person may take the depositions of witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

(E) At least once each year, the Ohio ethics commission shall report on its activities of the immediately preceding year to the majority and minority leaders of the senate and house of representatives of the general assembly. The report shall indicate the total number of complaints received, initiated, and investigated by the commission, the total number of complaints for which formal hearings were held, and the total number of complaints for which formal prosecution was recommended or requested by the commission. The report also shall indicate the nature of the inappropriate conduct alleged in each complaint and the governmental entity with which any employee or official that is the subject of a complaint was employed at the time of the alleged inappropriate conduct.

(F) All papers, records, affidavits, and documents upon any complaint, inquiry, or investigation relating to the proceedings of the appropriate ethics commission shall be sealed and are private and confidential, except as otherwise provided in this section and section 102.07 of the Revised Code.

(G)(1) When a complaint or charge is before it, the Ohio ethics commission or the appropriate prosecuting authority, in consultation with the person filing the complaint or charge, the accused, and any other person the commission or prosecuting authority considers necessary, may compromise or settle the complaint or charge with the agreement of the accused. The compromise or settlement may include mediation, restitution, rescission of affected contracts, forfeiture of any benefits resulting from a violation or potential violation of law, resignation of a public official or employee, or any other relief that is agreed upon between the commission or prosecuting authority and the accused.

(2) Any settlement agreement entered into under division (G)(1) of this section shall be in writing and be accompanied by a statement of the findings of the commission or prosecuting authority and the reasons for entering into the agreement. The commission or prosecuting authority shall retain the agreement and statement in the commission's or prosecuting authority's office and, in the commission's or prosecuting authority's discretion, may make the agreement, the statement, and any supporting information public, unless the agreement provides otherwise.

(3) If a settlement agreement is breached by the accused, the commission or prosecuting authority, in the commission's or prosecuting authority's discretion, may rescind the agreement and reinstitute any investigation, hearing, or prosecution of the accused. No information obtained from the accused in reaching the settlement that is not otherwise discoverable from the accused shall be used in any proceeding before the commission or by the appropriate prosecuting authority in prosecuting the violation. Notwithstanding any other section of the Revised Code, if a settlement agreement is breached, any statute of limitations for a violation of this chapter or section 2921.42 or 2921.43 of the Revised Code is tolled from the date the complaint or charge is filed until the date the settlement agreement is breached.

## **Section 102.07**

No member, employee, or agent of the Ohio ethics commission, board of commissioners on grievances and discipline of the supreme court, or joint legislative ethics committee shall divulge any information or any books, papers, or documents presented to the commission, joint legislative ethics committee, or board of commissioners on grievances and discipline without the consent, in writing, of the appropriate ethics commission, unless such books, papers, or documents were presented at a public hearing, except as provided in section 102.06 of the Revised Code.

No person shall divulge information that appears on a disclosure statement and is required to be kept confidential under division (B) of section 102.02 of the Revised Code.

## **Section 102.08\***

\* *See also following version of this section and explanation after that version.*

(A)(1) Subject to division (A)(2) of this section, the board of commissioners on grievances and discipline of the supreme court and the house and senate legislative ethics committees may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and shall render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the appropriate ethics commission renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. Except as otherwise provided in division (A)(2) of this section, the appropriate ethics commission shall include in every advisory opinion it renders a statement as to whether the set of circumstances described in the opinion constitutes a violation of section 2921.42 or 2921.43 of the Revised Code. The appropriate ethics commission shall provide a continuing

program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. As used in division (A) of this section, "appropriate ethics commission" does not include the Ohio ethics commission.

(2) The board of commissioners on grievances and discipline of the supreme court shall issue advisory opinions only in a manner consistent with Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.

(B) The Ohio ethics commission may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and may render advice with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the Ohio ethics commission renders a written formal or staff advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 285, effective 03-02-94.]

## **Section 102.08\***

\* *See also preceding version of this section and explanation below.*

(A) The Ohio ethics commission, the board of commissioners on grievances and discipline of the supreme court, and the joint legislative ethics committee may recommend legislation relating to ethics, conflicts of interest, and financial disclosure, and render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission.

(B) When the Ohio ethics commission or the board of commissioners on grievances and discipline of the supreme court renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code.

(C) When the joint legislative ethics committee renders an advisory opinion that has been publicly sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on the facts and circumstances covered by the opinion, if the opinion states that there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. When the joint legislative ethics committee renders an advisory opinion that has been publicly sought, the advisory opinion is a public record available under section 149.43 of the Revised Code.

(D) When the joint legislative ethics committee renders a written opinion that has been privately sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the written opinion does not have the legal effect of an advisory opinion issued under division (C) of this section. When the joint legislative ethics committee renders a written opinion that has been privately sought, the written opinion is not a public record available under section 149.43 of the Revised Code. The proceedings of the legislative ethics committee

relating to a written opinion that has been privately sought shall be closed to the public and records relating to these proceedings are not public records available under section 149.43 of the Revised Code.

The person to whom a written opinion is issued under this division may request the committee to issue the written opinion as an advisory opinion. Upon receiving such a request and with the approval of a majority of the members of the committee, the committee may issue the written opinion as an advisory opinion. If the committee issues the written opinion as an advisory opinion, the advisory opinion has the same legal effect as an advisory opinion issued under division (C) of this section and is a public record available under section 149.43 of the Revised Code.

(E) The joint legislative ethics committee shall issue an advisory opinion under division (C) of this section or a written opinion under division (D) of this section, whether it is publicly or privately sought, only at a meeting of the committee and only with the approval of a majority of the members of the committee.

(F) The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 492, effective 05-12-94.]

\* *R.C. 102.08 was amended by Am. Sub. H.B. 285 (eff. 03-02-94) and Am. Sub. H.B. 492 (eff. 05-12-94). Harmonization pursuant to R.C. 1.52 is in question. Both versions are presented here.*

## **Section 102.09**

(A) The secretary of state and the county board of elections shall furnish, to each candidate for elective office who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission, within fifteen days of the name of the candidate, and of the subsequent withdrawal, disqualification, or death of the candidate. The candidate shall acknowledge receipt of the financial disclosure form in writing.

(B) The secretary of state and the county board of elections shall furnish to each person who is appointed to fill a vacancy for an unexpired term in an elective office, and who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission within fifteen days of being notified by the appointing authority, of the name and position of the public official and the date of appointment. The person shall acknowledge receipt of the financial disclosure form in writing.

(C) The public agency or appointing authority that employs, appoints, or promotes any public official or employee who, as a result of such employment, appointment, or promotion, is required to file a financial disclosure statement by section 102.02 of the Revised Code, shall, within fifteen days of the employment, appointment, or promotion, furnish the public official or employee with a financial disclosure form, and shall notify the appropriate ethics commission of the name and position of the public official or employee and the date of employment, appointment, or promotion. The public official or employee shall acknowledge receipt of the financial disclosure form in writing.

(D) Within fifteen days after any public official or employee begins the performance of official duties, the public agency with which the official or employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The official or employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

## **Section 102.99**

(A) Whoever violates division (C) of section 102.02 or division (C) of section 102.031 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (D) of section 102.02 or section 102.021, 102.03, 102.04, or 102.07 of the Revised Code is guilty of a misdemeanor of the first degree.

## CHAPTER 2921.

### Section 2921.01 As used in sections 2921.01 to 2921.45 of the Revised Code:

(A) “Public official” means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers. “Public official” does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.03 of the Revised Code.

(B) “Public servant” means any of the following:

(1) Any public official;

(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;

(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person’s name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election. “Public servant” does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.03 of the Revised Code.

(C) “Party official” means any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which the person directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.

(D) “Official proceeding” means any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.

(E) “Detention” means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state into this state by a private person or entity, pursuant to a contract entered into under division (E) of section 311.29 of the Revised Code or division (B) of section 5149.03 of the Revised Code. For a person confined in a county jail who participates in a county jail industry program pursuant to section 5147.30 of the Revised Code, “detention” includes time spent at an assigned work site and going to and from the work site.

(F) “Detention facility” means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

(G) “Valuable thing or valuable benefit” includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.

(H) “Campaign committee,” “contribution,” “political action committee,” “legislative campaign fund,” “political party,” and “political contributing entity” have the same meanings as in section 3517.01 of the Revised Code.

(I) “Provider agreement” and “medical assistance program” have the same meanings as in section 2913.40 of the Revised Code.

**Sec. 2921.42.**

(A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest;

(2) Authorize, or employ the authority or influence of the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the public official, a member of the public official's family, or any of the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission, or board of which the public official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected;

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family, or any of a public official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal

corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

(G) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of the township trustee's business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year;

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of the township trustee's family, or the township trustee's business associate.

(H) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(I) As used in this section:

(1) "Public contract" means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

## Sec. 2921.421

(A) As used in this section:

(1) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(2) "Political subdivision" means a county, a municipal corporation, or a township that adopts a limited home rule government under Chapter 504. of the Revised Code.

(B) A prosecuting attorney may appoint assistants and employees, except a member of the family of the prosecuting attorney, in accordance with division (B) of section 309.06 of the Revised Code, a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation may appoint assistants and employees, except a member of the family of the chief legal officer or official designated as prosecutor, in accordance with section 733.621 of the Revised Code, and a township law director appointed under section 504.15 of the Revised Code may appoint assistants and employees, except a member of the family of the township law director, in accordance with section 504.151 of the Revised Code, if all of the following apply:

(1) The services to be furnished by the appointee or employee are necessary services for the political subdivision or are authorized by the legislative authority, governing board, or other contracting authority of the political subdivision.

(2) The treatment accorded the political subdivision is either preferential to or the same as that accorded other clients or customers of the appointee or employee in similar transactions, or the legislative authority, governing board, or other contracting authority of the political subdivision, in its sole discretion, determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision.

(3) The appointment or employment is made after prior written disclosure to the legislative authority, governing board, or other contracting authority of the political subdivision of the business relationship between

the prosecuting attorney, the chief legal officer or official designated as prosecutor in a municipal corporation, or the township law director and the appointee or employee thereof. In the case of a municipal corporation, the disclosure may be made or evidenced in an ordinance, resolution, or other document that does either or both of the following:

(a) Authorizes the furnishing of services as required under division (B)(1) of this section;

(b) Determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision as required under division (B)(2) of this section.

(4) The prosecuting attorney, the elected chief legal officer, or the township law director does not receive any distributive share or other portion, in whole or in part, of the earnings of the business associate, partner, or employee paid by the political subdivision to the business associate, partner, or employee for services rendered for the political subdivision.

(C) It is not a violation of this section or of section 102.03 or 2921.42 of the Revised Code for the legislative authority, the governing board, or other contracting authority of a political subdivision to engage the services of any firm that practices the profession of law upon the terms approved by the legislative authority, the governing board, or the contracting authority, or to designate any partner, officer, or employee of that firm as a nonelected public official or employee of the political subdivision, whether the public office or position of employment is created by statute, charter, ordinance, resolution, or other legislative or administrative action.

## **Section 2921.43**

(A) No public servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a public servant, either of the following:

(1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Revised Code or other provisions of law, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;

(2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(B) No public servant for the public servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(C) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(D) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(E) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

(F) Divisions (A), (B), and (C) of this section do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, from accepting voluntary contributions.

**FOR MORE INFORMATION, OR ADDITIONAL MATERIALS ON THE OHIO ETHICS LAW, PLEASE CONTACT:**

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**William Green Building**  
**30 West Spring St., L3**  
**Columbus, Ohio 43215-2256**  
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[Rev. 2/13]

## Appendix B

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### **Recommended Guidelines and Best Practices for Managing Public Record E-mails**

#### **I. Authorized Public E-mail Senders**

Generally speaking, the individual sending a qualifying e-mail message should be knowledgeable on the qualifications of a public record and know what the office retention schedule is. Additionally, they should maintain the e-mail record; due to the varied uses of e-mail, each e-mail should be dealt with on a per-office basis.

Every office is to have designated (by Elected Official or Department Head) e-mail users that can receive e-mail from outside of the County system (public). All other non-designated e-mail users, in each office, will be blocked from receiving emails from public e-mail sources. Restricted e-mail users will still retain the ability to send/receive emails to other Wood County offices that use the same e-mail system.

Restricted e-mail users should refrain from sending e-mails that qualify as a public record. Public correspondence via e-mail should only be done by the designated users that have public record knowledge so that the e-mails can be retained correctly. As a recommendation, all offices should have a general e-mail address (*officename@co.wood.oh.us*) that can be used to receive public correspondence and monitored by more than one employee.

#### **II. Methods of Filing Record Qualifying E-mail**

After a brief period in your Inbox/Sent Items e-mail folders, messages should be transferred to folders to facilitate categorizing for the appropriate retention schedule.

E-mail messages that qualify as public records are also governed by the records retention schedule. They may be maintained in several ways:

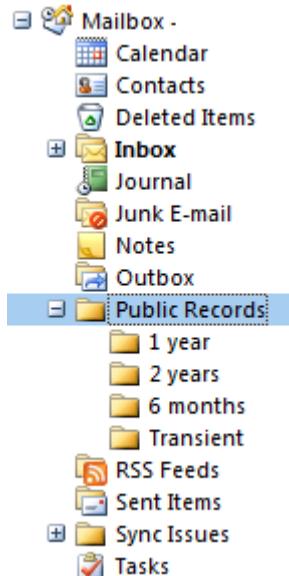
- A. Off Line Storage: Printing the e-mails for filing.
- B. On Line Storage: E-mail on the County e-mail system is filed electronically for a designated period (refer to the appropriate office retention schedule) unless deleted. Deleted e-mails can only be recovered for 30 days. After that time period, they cannot be recovered.
  - 1. Employees should set up folders in the e-mail folder structure to organize messages according to the record retention schedules of their

Appointing Authority. Then, such messages assigned according to this folder structure can be handled based on those retention schedules. These designated folders must be stored inside the user's mailbox and cannot be stored in any archive or personal folder. Periodically (daily or weekly), the retention folders should be viewed to determine if any emails in the folders have expired. All expired emails should be deleted and not retained past their designated expiration period unless a litigation hold has been communicated to the office/user.

E-mail messages that have significant administrative, legal and/or fiscal value and are scheduled in excess of 2 years should be printed and filed according to the office retention schedule. The associated e-mails could be filed electronically in a folder designated for a 2 year retention period, then deleted after that time period has expired.

## 2. Example of an On Line E-mail Storage System

Handlers of public record e-mails should create folders in their mailbox to sort emails based on their type of record (transient, 6 months, 1 year, 2 years, etc...). Example shown below:



Copies of public record emails that are **sent** should also be saved in folders based on their type of record.

## C. Mixed Storage: Storing a printed copy of the e-mail for filing as well as the original electronic version in the County e-mail system.

### III. Subject Lines

Subject lines should be as descriptive as possible for future searches and identification. Always fill in the subject line when creating an e-mail. Filling in the subject line on an e-mail helps both the recipient identify and file messages, and to help file messages that must be retained.