

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2020-0004

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

WHEREAS, pursuant to Section 9.01 of the County Charter it is County Council's authority to establish personnel policies by ordinance, and Council has previously approved prior versions of the County's Personnel Policies and Procedure Manual, which is amended herein and may be amended in the future by Council; and

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

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

**SECTION 1.** Adoption of Revised Human Resources Personnel Policies and Procedures Manual: Council hereby adopts the amended version of the County's Human Resources Personnel Policies and Procedures Manual as set forth in Exhibit A attached hereto, effective for all County employees, and shall remain in full force and effect and shall be followed by County employees under the authority of the County Council and the County Executive. The Department of Human Resources shall disseminate the amended manual to all employees subject to the manual in accordance with the Department's usual method of dissemination.

**SECTION 2.** Policies applicable to bargaining employees shall be effective as permitted under state law and the Collective Bargaining Agreements.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that

resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Brown, seconded by Mr. Miller, the foregoing Ordinance was duly enacted.

Yeas: Schron, Conwell, Jones, Brown, Stephens, Simon, Baker, Miller, Tuma, Gallagher and Brady

Nays: None

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: January 14, 2020

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

Committee Report/Second Reading: January 28, 2020

Journal CC037

February 11, 2020

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# 1 INTRODUCTION

## ***1.01 Profile of the County***

The County is an independent political subdivision of the State of Ohio and operates subject to the provisions of the Ohio Constitution, the Charter and various sections of the Revised Code. The County is located on the southern shore of Lake Erie in northeastern Ohio. The County covers an area of 458.3 square miles and contains two townships and 57 cities and villages. The State established the County on February 8, 1808, and the first meeting of the Cuyahoga County Board of County Commissioners was held in June 1810. The County is substantially fully developed and, according to the 2010 census, had a population of 1,280,122, making it one of the most populous counties in the State.

On November 6, 2009, the voters of the County adopted a County Charter that changed the form of the County's government. The Charter was effective January 1, 2010, with 2010 being a year of transition to the new form of government. The Charter eliminated the elected positions of County Commissioners, County Auditor, County Treasurer, County Recorder, Clerk of Courts, County Coroner, County Engineer and Sheriff. In place of the previously elected officers, the Charter provides for an elected County Executive, an elected 11-member County Council and an elected Prosecuting Attorney. The County Executive and the Prosecuting Attorney are elected by all the voters of the County, and each member of Council is elected by voters in one of 11 districts established by the Charter. As a charter government, the county has the same home-rule powers as are vested in charter municipal governments.

The County Executive is the chief executive officer of the county and, with the approval of the Council, appoints the following: (i) a Fiscal Officer who has the duties of an elected county auditor, an elected county recorder and an elected clerk of courts (other than those related to the operations of the County Courts); (ii) a Medical Examiner who performs the duties of an elected county coroner; (iii) a Clerk of Courts to carry out the duties of an elected clerk of courts related to the operations of the courts; (iv) a Director of Public Works who performs the duties of an elected county engineer and a sanitary engineer; (v) a Director of Law who serves as the legal advisor and representative to the County Executive and Council; (vi) a Treasurer who performs the duties of an elected county treasurer; (vii) a Sheriff who performs the duties of an elected county sheriff; and (viii) a Director of Health and Human Services who manages the administration of the County's various human service agencies, programs and activities. The County Executive has powers and duties of an administrative nature, including overseeing most personnel and collective bargaining matters, executing contracts, conveyances and indebtedness on behalf of the County, introducing ordinances and resolutions for Council's consideration and submitting tax and operating budgets, capital improvement plans, a five-year financial forecast for County operating funds and a related written message annually.

The 11 member Council holds the legislative power and is the taxing authority of the County. The Council elects a President, and has authority to establish procedures governing the making and administration of County contracts and public improvements. Council also has authority to adopt the annual tax budget and the County's operating and capital budgets, to make appropriations to provide for the acquisition, construction and maintenance of property, and to establish a procedure for the levying of special

assessments. The Council may override a veto of the County Executive if at least eight members of Council vote to approve the vetoed measure. The Council has investigative as well as legislative powers.

This handbook is intended to govern employees under the authority of the County Executive and County Council.

## **2 PURPOSE OF EMPLOYEE HANDBOOK**

This handbook is intended as a reference to inform employees of the county's human resources policies and systems, including the guidelines and resources employees need to know in their role at Cuyahoga County. Employees are expected to know the policies and guidelines contained in this handbook, as well as any additional policies and guidelines set by their department.

All matters relating to the administration of the policies and procedural guidelines in this handbook are under the general supervision of the Director of Human Resources. Questions regarding interpretation and application of this handbook should be directed to Human Resources.

Bargaining employees are expected to know the terms of their Collective Bargaining Agreement (CBA). The terms and conditions of that agreement supersede this handbook on any subject covered by their CBA.

The procedural guidelines covered in this handbook do not diminish the County's management rights and should not be considered a waiver of these rights. Unless limited or prohibited in this handbook, or otherwise restricted by law, the County reserves all rights to manage its workforce. The policies and procedural guidelines contained in this handbook are intended to promote equity, consistency, and standardization of benefits, but do not reflect or represent every conceivable situation but addresses those that are often encountered. Situations may differ and will be handled on a case-by-case basis, at the discretion of the County as permitted by applicable law. Whenever this discretion is used to justify a managerial decision by the County, such action will be logged by Human Resources.

The procedural guidelines outlined in this handbook will be applied at the discretion of the County in accordance with the law. The County reserves the right to change by ordinance, for any reason, at any time and without prior notice, the procedures, benefits, and working conditions described in this handbook to the extent permitted by law. The latest version of this handbook will be available on the Human Resources website. Every effort will be made to notify employees when an official change in the procedural guideline has been made. Upon said notification it is the responsibility of the employee to review and familiarize themselves with any changes.

Any violations of the procedural guidelines outlined herein are subject to discipline up to and including removal.

## **3 EQUAL OPPORTUNITY & COMMITMENT TO DIVERSITY**

### ***3.01 Commitment to Diversity & Inclusion***

The County is committed to fostering a diverse and inclusive workforce, which includes building an environment that respects the individual, promotes innovation and offers opportunities for all employees to develop to their full potential.

A diverse workforce helps the County realize its full potential. The County benefits from creativity and innovation that results when people who have different experiences, perspectives, and cultural backgrounds work together.

### ***3.02 Equal Employment Opportunity***

The County is committed to providing equal employment opportunities for all individuals regardless of race, color, ancestry, national origin, language, religion, citizenship status, sex, age, marital status, sexual preference or orientation, gender identity/expression, military/veteran status, disability, genetic information, membership in a collective bargaining unit, status with regard to public assistance, or political affiliation.

Equal opportunity extends to all aspects of the employment relationship, including but not limited to hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

### ***3.03 Accommodations for Religious Beliefs***

The County respects the religious beliefs and practices of all employees and, upon written request, will make accommodations that are reasonable (accommodations that do not create an undue hardship on the County's business operations), as required by law.

#### Requesting a Religious Accommodation

Employees who seek a religious accommodation must submit a written request for the accommodation to Human Resources. The written request should include the type of religious conflict that exists and the requested accommodation. Human Resources will respond to the employee's request within a reasonable time.

### ***3.04 Americans with Disabilities Act***

The County is committed to complying with the Americans with Disabilities Act (ADA) and its amendments and ensuring equal opportunity in employment for qualified persons with disabilities. The ADA and its amendments make it unlawful for an employer to discriminate against qualified applicants or employees with a disability.

The County will accommodate qualified applicants or employees with disabilities to enable them to perform the essential job duties, unless such accommodation(s) would impose an undue hardship on the operation of the County.

This policy is neither exhaustive nor exclusive. The County is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

#### Definitions

**Qualified employees and applicants with disabilities** are employees or applicants with disabilities who can perform the essential functions of the position they are pursuing or currently hold with or without reasonable accommodation.

**Employees and applicants with disabilities** are persons whose impairments substantially limit one (1) or more of their major life activities (e.g., walking or hearing), who have a history of such impairments, or who are regarded as having such impairments.

**Reasonable accommodations** are modifications to work environment or schedule that allow applicants or employees to perform the essential functions of the position they pursue or currently hold, that do not create an undue hardship for the County.

#### Requesting an Accommodation

An employee with a disability in need of an accommodation must complete an *accommodation request form*. The accommodation request form includes a section for medical documentation from the employee's healthcare provider. The accommodation request form is available online, or a paper copy can be requested from Human Resources.

Upon submission of medical documentation presenting a disability, the County will engage with the employee and their healthcare provider to identify reasonable accommodations for the employee.

Medical information obtained by the County regarding applicants or employees is maintained in a separate file and disclosed only in accordance with the ADA and its amendments, as well as applicable federal and Ohio laws. The County may be required to release this information under Ohio Public Records laws or subpoenas.

### **3.05 Reporting Harassment, Discrimination, or Retaliation**

Employees who believe they are the victim of harassment, discrimination or retaliation must immediately report the issue to Human Resources. An employee can also report their concern to their supervisor or department director. Any supervisor or department director made aware of an employee concern regarding harassment, discrimination or retaliation must immediately contact Human Resources.

Employees who are aware of or witness potential harassment, discrimination or retaliation must report such conduct immediately. Supervisors and department directors must immediately report any potential instances of harassment, discrimination or retaliation involving employees or others to Human Resources. Classified employees may appeal retaliatory adverse employment actions to the Personnel Review Commission.

### Investigation

The County will investigate all reported concerns. An investigation may include conducting interviews, obtaining written statements, and reviewing records. The County will complete investigations in a prompt manner. The length of the investigation will vary based on the circumstances involved.

After obtaining and reviewing all available information, the County will determine if any employee violated any County policy. The employee who made the report and the accused employee(s) will be notified in writing of this determination.

If the County finds that an employee has violated any County policy then Human Resources, in consultation with the employee's department director or designee, will determine the appropriate action, which may include corrective action (see section 6.09), disciplinary action (see section 7.11), mediation, training, or transfer.

### Confidentiality of Reports

The County will maintain the confidentiality of all investigations, to the extent possible and allowable under applicable Ohio law and may share information on a need-to-know basis. The County will advise all concerned parties to keep information relating to the investigation confidential. Employees should be aware that information obtained during an investigation may be released to comply with a subpoena, public records request, or other disclosure required by law.

Unauthorized disclosure of information about a harassment, discrimination, or retaliation report, its participants, investigation or resolution, whether accurate or not, is prohibited and may subject an employee to disciplinary action. Employees, however, are not prohibited from cooperating with county or law enforcement officials as part of an ongoing investigation, nor are employees prohibited from exercising their whistleblower rights under the county ethics code or general law.

### False Allegations

Employees are prohibited from making a report the employee knows is not true. If an investigation reveals that an employee knowingly made a false allegation, the employee may be subject to disciplinary action.

### **3.06 Prohibited Retaliation**

The County strictly prohibits retaliation against any individual who:

- Reports discrimination or harassment
- Cooperates with an investigation of reported discrimination or harassment
- Complains about discrimination or harassment
- Threatens to report discrimination or harassment
- Refuses to obey a directive the employee reasonably believes to be discriminatory
- Pickets in opposition to discrimination
- Requests a reasonable accommodation based on a religion or disability

Retaliation includes, but is not limited to:

- Any negative employment action, such as termination, refuse to hire, or denial or promotion
- Other actions impacting employment such as threats, unjustified negative evaluations, unjustified negative references or increased surveillance
- Any other action, such as assault or unfounded civil or criminal charges likely to deter a reasonable person from pursuing their rights

Any individual who experiences prohibited retaliation should immediately report the issue using the procedures outlined in section 3.05.

## **4 ETHICS AND SUNSHINE LAWS**

### ***4.01 Code of Ethics***

All employees are required to demonstrate a high standard of ethical conduct. New employees are required to complete ethics training within the first thirty (30) days of their employment. All employees are required to complete ethics training annually. The County has an Ethics Code, which is administered by the Agency of the Inspector General. The Ethics Code can be found in Title 4 of the County Code.

### ***4.02 Sunshine Laws and Records***

Ohio's Public Records and Open Meetings laws, collectively known as the "Sunshine Laws," give members of the public access to government meetings and records. The County has also adopted, by ordinance, a public records policy. Employees should be aware that their work, including emails, voicemails, and other written communications may be open to public inspection, and that their work must be preserved for public inspection consistent with the county's records retention policies,

Each department has a public records policy and a public records manager. Departments also have records retention schedules, which list what records the department keeps, and for how long. Employees must comply with the law and their department's policies regarding records. Employees should consult with their supervisor or public records manager for assistance. The County's public records policy can be found in Chapter 106 of the Cuyahoga County Code ([code.cuyahogacounty.us](http://code.cuyahogacounty.us)) and the State public records law can be located in the Ohio Attorney General's Sunshine Law Manual. ([www.ohioattorneygeneral.gov/Sunshine](http://www.ohioattorneygeneral.gov/Sunshine))

#### **Privacy Expectations**

Employees do not have a right, nor should they have an expectation, of privacy while using any County electronic equipment. Records created by an employee when using County electronic equipment (including emails, Internet usage history, etc.) may be released to the public, consistent with state law.



## 5 TALENT MANAGEMENT

### 5.01 Filling of Job Vacancies

The County encourages employees to apply for new and vacant positions as they become available. The County is committed to fairly evaluating its employees' qualifications against external candidates' qualifications and selecting the best qualified candidate for the position. The County considers interested applicants' qualifications, abilities, quality of past work performance, discipline, attendance and all other relevant factors. Job vacancies are typically filled as a new hire, promotion, lateral transfer, demotion or a temporary work level (TWL) assignment. In each, the employee must meet the minimum requirements of the job.

- A **new hire** is when a job candidate who does not currently work at the County is hired to fill a vacant, or soon to be vacant position.
- A **promotion** is when an employee moves from one classification or job to another classification or job in a higher pay grade.
- A **lateral transfer** is when an employee moves from one classification or job to another classification or job in the same pay grade.
- A **demotion** is when an employee moves from one classification or job to another classification or job in a lower pay grade.
- A **temporary working level** (TWL) is when an employee is temporarily assigned duties of a position with a higher pay grade for a minimum of a two (2) week period, but not to exceed one (1) year. TWLs are described in section 9.05.

#### Job Announcement Postings

Job announcements are posted on the Human Resources website and may also be posted on designated bulletin boards throughout the County. They may also be posted on other organizational and recruiting websites, and/or sent to various external recruitment agencies, advertised in newspapers or other media when applicable. These announcements summarize minimum qualifications, and key job duties of the position being filled, but may not be all inclusive. Announcements will also include information about any required civil service testing.

#### Application Process

Non-employees apply for posted vacancies through the Human Resources website. The website allows applicants to view current vacancies, create a profile and apply for one or more vacancies.

All job openings will be posted on the Human Resources website. Certain posted vacancies are for current employees only, but all openings will be posted publicly. Any restriction on who can apply will be noted on the posting.

Vacancies for positions covered under a CBA will follow the application process outlined in the CBA.

## Selection Process

### Classified Positions

The Personnel Review Commission screens applicants for minimum qualifications, conducts civil service examinations, and certifies eligibility lists to the hiring managers. For internal promotions, Human Resources may conduct a screening process and determine candidates to interview utilizing an alternative process approved by the Personnel Review Commission.

Human Resources may conduct additional screenings, which may include, but are not limited to, physical agility assessments, criminal record checks, driving record checks, background checks, past work record reviews, job knowledge assessments/tests, job performance prediction assessments, etc.

The hiring manager, along with an interview panel, interviews selected applicants from the eligibility list. The department identifies the preferred candidate to Human Resources, which makes a recommendation to the County Executive. Once approved, Human Resources extends a job offer to the candidate.

### Unclassified Positions

Human Resources screens resumes and applications for minimum qualifications and refers qualified applicants' information to the hiring manager.

Human Resources may conduct additional screenings, which could include physical agility assessments, criminal record checks, driving record checks, background checks, past work record reviews, job knowledge assessments/tests, job performance prediction assessments, etc.

The hiring manager, along with an interview panel, interviews selected qualified candidates. The department identifies the preferred candidate to Human Resources, which makes a recommendation to the County Executive. Once approved, Human Resources extends a job offer to the candidate.

Certain unclassified positions are appointed directly by elected officials (e.g., the County Executive and County Council), and these positions may be filled through a separate process managed by the elected official, in consultation with Human Resources.

## **5.02 Background Checks**

The County conducts appropriate background checks on applicants who have received a conditional offer of employment, employees, trainees, paid and unpaid interns/co-ops/fellows, volunteers, and appropriate non-employees performing work on County premises or otherwise on behalf of the County as permitted or required by law.

The County may perform the following background checks, in compliance with relevant laws, including but not limited to:

- Personal Background
- Criminal Background
- Financial Background
- Work History Background
- Educational History Background
- Other Backgrounds as required

Pursuant to County Code, the County does not ask applicants about their criminal background as part of the application process, except as permitted by law. The County may ask applicants who have received a conditional offer of employment about their criminal background. When evaluating an applicant or employee with criminal convictions, the County will consider the nature of the offense, the length of time since conviction, the relationship between the conviction and the duties and responsibilities of the position, and any positive changes demonstrated since the conviction.

### ***5.03 Newly Hired Employees***

#### Orientation

The County provides an orientation process, facilitated by Human Resources, to prepare newly hired individuals to succeed as County employees. All new employees will receive orientation during their first year of employment. This will assist new employees in learning about the County and understanding the County's core values, mission, vision and goals.

During the orientation process, new employees will submit all new-hire paperwork and receive relevant information that will assist them in making a smooth and effective transition to the County. As part of the orientation process, Human Resources provides a new hire orientation meeting to new employees. New hire orientation meetings are typically completed within the first thirty (30) days of employment.

#### Identification Badge

Upon hire, employees receive an identification badge from the County at no cost. Employees are required to visibly wear their identification badges while on County property, and/or while performing County business. Employees must notify their supervisor as soon as practical if their identification badge is lost, stolen, damaged or stops working. The employee or supervisor can submit a *request for ID badge replacement form* to ID Card Services to have a new identification badge issued. The request for ID badge replacement form is available from ID Card Services.

Employees may be charged a replacement fee if their badge is lost, stolen, damaged, or stops working. The County may waive the replacement fee for inoperable identification badges. The County may collect and issue, at no cost, a new identification badge to an employee who transfers departments. Employees must return to their identification badge to their supervisor or Human Resources upon end of employment.

### Probation Period

The employee probation period is a time devoted to the development and evaluation of the employee in their new position with the County. All full-time and part-time employees that are newly hired, transferred, promoted or demoted shall be subject to an initial probation period of one hundred eighty (180) calendar days, beginning the first day of their assignment.

No appointment is final until the employee satisfactorily completes their probation period. An employee may be removed or displaced at any time for failure to successfully complete their probation period or for any other lawful reason. The removal or displacement of an employee in their probation period is not subject to appeal. The Director of Human Resources may extend an employee's probation period to allow additional time to review the employee's performance, up to a maximum of one (1) year. Neither days spent on any unpaid leave of absence, nor days spent on a paid leave of absence for more than five (5) consecutive working days will be counted towards the probation period. Probationary periods and related requirements for bargaining employees are set forth in each applicable CBA.

## **6 GENERAL EMPLOYMENT PRACTICES**

County employees are expected to perform their jobs and to conduct themselves in a professional manner in a way that advances the goals of the County and boosts public confidence in County government. County employees must exercise the required care for the safety and security of persons and property. County employees must refrain from any behavior which might be harmful to the County's interests, or conflict with County policy. For this reason, the County is committed to selecting individuals for employment who are committed to achieving and supporting the goals and objectives of the County.

It is the desire of County government that all employees have a successful and rewarding tenure and maximize their potential both personally and professionally. Identifying strengths and areas of needed improvement help to prepare employees for promotional opportunities.

### ***6.01 Employment Status***

The employment status of County employees includes full-time, part-time benefits eligible, part-time non-benefits eligible, and temporary. As defined in the Fair Labor Standards Act (FLSA), employees are overtime non-exempt or exempt. Per the Ohio Revised Code, non-bargaining County employees are also designated as classified in the civil service or unclassified. For the purposes of this handbook, elected County officials are not considered employees of the County.

#### Full-Time

Full-time employment is defined as scheduled to work a yearly average number of hours greater than or equal to forty (40) per workweek. Full-time employment is generally based on a pre-arranged schedule and full-time status is indicated during an initial job offer or change in employment status. Full-time employees are eligible for benefits (see section 10).

#### Part-Time Benefits-Eligible

Part-time benefits-eligible employment is defined as scheduled to work a yearly average number of hours less than forty (40) per workweek and up to and including thirty-nine (39) per work week but not less than thirty (30) hours per workweek. Part-time benefit-eligible employees are eligible for certain benefits (see section 10).

#### Part-Time Not Benefits-Eligible

Part-time employment that is not benefits-eligible is defined as working a yearly average number of hours fewer than thirty (30) hours per workweek and are not eligible for healthcare benefits.

#### Temporary Employment

Temporary employment is defined as employment for a specified project or time frame, not to exceed one hundred eighty (180) continuous days. Temporary employment may be designated as part-time or full-time. Temporary employees are not eligible for benefits.

#### Exempt or Non-Exempt

The Fair Labor Standards Act (FLSA) and its amendments provide rules to determine whether a position is designated as exempt or non-exempt. Non-exempt employees receive overtime pay or compensatory

time off calculated at time and one-half (1.5) their regular rates for hours worked more than forty (40) in a workweek (see section 9.06). Exempt employees do not receive overtime pay (i.e., time and one-half) but may, in extraordinary circumstances, receive exchange time or straight pay for hours worked more than forty (40) in a workweek (see section 9.07)

#### Classified or Unclassified

Classified positions are subject to the civil service provisions of the Ohio Revised Code, the Ohio Administrative Code, the County Charter and the County Code. Classified employees may file appeals with the Personnel Review Commission (PRC) if they feel their civil service protections have been violated.

Unclassified positions are exempt from civil service examination and are not subject to civil service protections. Unclassified employees are at will employees and serve at the pleasure of the County.

#### Bargaining or Non-bargaining

A position is considered bargaining if it is covered under a CBA. Non-bargaining positions are not covered under a CBA. The terms and conditions of a CBA supersede this handbook on any subject covered by the CBA.

## **6.02 Job Descriptions**

#### Classified Positions

The PRC maintains the County's class plan. Each classified position has a classification specification that describes the classification's function, distinguishing characteristics, essential job functions, and minimum requirements. All classification plan change requests must be made to the PRC by completing a *non-bargaining classification plan revision request form*, found in the PRC's website. Departments are responsible for communicating any proposed job function changes, in advance of any change to employees' duties, to the PRC. Classification specifications are located on the PRC's website, and can be requested from Human Resources or the PRC.

#### Unclassified Positions

Human Resources maintains job descriptions for unclassified positions. Job descriptions consist of essential job functions, including job duties, responsibilities and requirements. Job descriptions will be updated when substantial changes are made.

Departments are responsible for communicating any proposed job description changes for unclassified positions, in advance, to Human Resources. Human Resources will work with the supervisor and others to ensure suggested changes are appropriately incorporated.

Employees who believe their job has significantly changed should notify their supervisor and Human Resources for a position audit (see section 6.03). Unclassified job descriptions can be requested from Human Resources.

### **6.03 Position Audit**

A position audit is a formal process to evaluate whether an employee performs job duties substantially different from his or her job description or classification. An employee who believes their position is incorrectly classified can request a position audit. Human Resources will request information from the employee, the employee's supervisor and the department director regarding the employee's current duties and responsibilities to determine if the employee's position is appropriately classified. After reviewing all available information, Human Resources will determine whether the employee's position is properly classified. An employee who disagrees with Human Resources' determination can file an appeal with the PRC in accordance with the PRC's Administrative Rules.

Position audits are fully described in Section 303.01 of the County Code. Employees who wish to request a position audit should contact Human Resources.

### **6.04 Direct Deposit of Pay and Payroll Deductions**

Employees are paid bi-weekly and must participate in the County's Direct Deposit program. A *direct deposit form* must be completed as part of the employee's new hire paperwork or when the employee experiences any changes to their applicable financial account. Employees are responsible for notifying Human Resources if their direct deposit bank(s) and/or account(s) change. Any questions regarding direct deposit or deductions should be directed to Human Resources.

Human Resources publishes an annual payroll calendar that notes each pay day. The payroll calendar is available online or by contacting Human Resources.

Various payroll deductions will be taken out of each employee paycheck. These deductions fall into two (2) categories, mandatory and voluntary.

- **Mandatory Deductions.** Mandatory payroll deductions are mandated by statute. They include federal, state, city and school district taxes, OPERS contributions, support orders, Medicare, bankruptcy, garnishments and other applicable obligations.
- **Voluntary Deductions.** Voluntary payroll deductions are authorized by the employee. These include health, accident, disability and life insurance, charitable contributions, optional retirement plans, flexible spending accounts, credit union deductions, parking and transit costs and union dues.

Deductions can be pre-tax or post-tax depending on the nature of the deduction.

### **6.05 Timekeeping**

The County must comply with applicable laws that require records to be maintained of the hours worked by employees. To ensure that accurate records are kept of an employee's work hours and that employees are paid in a timely manner, employees and their supervisor are required to maintain accurate time and attendance records. Attendance or use of leave should be recorded daily for non-exempt personnel or within the actual pay period for exempt employees.

Time entry for non-exempt employees must be completed daily and accurately by employees. After reviewing and resolving any discrepancies, the supervisor (or department designee) must approve the number of hours worked or on leave in the County's timekeeping system.

Time entry for exempt employees must be completed within the actual pay period. After reviewing and resolving any discrepancies, supervisors (or department designee) must approve the number of hours to be paid for time worked or on approved paid or unpaid leave in the County's timekeeping system.

All employees are expected to provide accurate information regarding time and attendance. Falsification is an act of misconduct and considered a violation of the County's policy and procedural guideline and may be subject to disciplinary action.

### ***6.06 Standard Workweek and Hours***

The normal workweek for full-time County employees is five (5) days per week, usually Monday through Friday. The normal workday is from 8:30 a.m. to 4:30 p.m. The normal workweek and hours of work may vary based on operational needs, and/or in the case of 7-day/24-hour-a-day operations or in situations covered by a CBA.

#### **Lunch and Breaks**

Employees shall be allowed a one (1) hour paid lunch period. To qualify for the paid lunch period, employees must work a minimum of five and one half (5.5) hours inclusive of the lunch period. In addition, County employees may receive two paid breaks of up to fifteen (15) minutes in duration. All breaks and lunch periods are to be scheduled by the employee's immediate supervisor based on the operational needs of their unit and in accordance with the following provisions:

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



## **6.07 Flexible Work Schedules**

To meet challenges and provide options for work-life balance, a department director may grant flexible work schedules for individual employees, departments, divisions within departments, or other offices or agencies. These variations must allow for operational needs to be met, may not alter the total number of hours worked in a workweek and must be approved by the employee's supervisor and department director. The County recognizes three (3) types of flexible work schedules:

- **Alternative Start/End Time.** A department director may grant an alternative start/end time that enables employees to start earlier or later than the designated start time, then work an eight (8) hour workday.
- **Daily Flexible Schedule.** A department director may grant a daily flexible schedule that enables employees to come to work early and go home early, arrive to work late and stay late, or take extra time at lunch that is made up by arriving to work early or staying late. Employees who work daily flexible schedules are required to work within their agency/department's core operational hours.
- **Compressed Work Week.** A compressed work week enables employees to work a four (4) day work week, ten (10) hours each day. Where practical, directors and managers are strongly encouraged to implement compressed work week schedules to realize operational cost savings, improve public access to county services, and/or improve employee quality of life.

Employees wishing to work flexible work schedules must make their request to their supervisor. Supervisors must complete an operational analysis to determine the feasibility of the request and meet with Human Resources before final approval.

Employees who work a flexible schedule greater than eight (8) hours per day will receive a maximum of eight (8) hours of pay for each recognized holiday. If the holiday falls on a regularly scheduled workday, employees may, at the discretion of the supervisor, make up the additional time or use vacation time to account for the difference in hours.

If the recognized holiday does not fall on a regularly scheduled workday, eligible employees who work a flexible schedule, will be given eight (8) hours of time off at their normal rate of pay.

A floating holiday example would include: employees who work a Tuesday–Saturday schedule, missing a Monday holiday; therefore, employees may take an approved floating holiday.

Working a flexible work schedule is a privilege, not an employee right. Flexible work schedules are not appropriate for all job situations. A flexible work schedule can be rescinded with at least five (5) business days' notice to the employee.

### **6.08 Voluntary Reduced Work Schedules**

Management, in consultation with Human Resources, may authorize or revoke authority for employees to participate in a voluntary reduced work schedule. Eligibility for benefits could be affected. Exempt employees who participate in a voluntary work reduction program shall not be eligible to accumulate exchange time.

### **6.09 Telecommuting**

The county does not permit permanent telecommuting arrangements. Employees may, however, be permitted to work out of the office on a temporary or occasional basis for dependent care, inclement weather, illness, disability, or caring for an ill family member, when doing so would not adversely impact county operations. Each department director, in consultation with Human Resources, may determine whether an employee may work out of the office on a temporary or occasional basis for one of these reasons on a case-by-case basis. Any temporary or occasional telecommuting arrangements shall not extend beyond the existence of the underlying need for such arrangement, and in no case shall such arrangement extend beyond 90 calendar days without approval from the County Executive or ultimate appointing authority. Employees working out of the office are required to truthfully and accurately report their time. Supervisors of employees working out of the office are responsible for ensuring such work arrangements are not abused. Falsification of time and attendance records may result in discipline. If an employee's temporary work arrangement is insufficient to meet county business needs, the employee may be required to return to working in the office or to use applicable leave time. The Department of Human Resources shall consult with the County's Risk Management Division to ensure out-of-office work arrangements do not expose the county to unduly high workers' compensation claims or other liability.

### **6.10 Performance Management**

The County strives to help employees understand the impact their contributions have on organizational goals and provide opportunities for professional growth. To achieve this goal, the County has established a performance management program that culminates in a performance review. The performance management process is ongoing as the County plans, manages, reviews, and recognizes good performance.

An effective performance management system is designed to:

- ensure employees have a clear understanding of work expectations
- provide ongoing feedback to employees regarding their performance relative to expectations
- identify development opportunities
- address performance that does not meet expectations

A comprehensive performance management system empowers employees to have greater input into their personal career progression and enables supervisors to better identify and recognize performance based upon a set of criteria.

The County's performance management process consists of a three-phase cycle: planning, managing and reviewing.

- **Planning Phase.** In this phase, individual goals and objectives are set for the performance period. SMART (specific, measurable, achievable, relevant, and time based) goals increase employee motivation and commitment to goal attainment, leading to greater performance and productivity.
- **Managing Phase.** In this phase, through formal and informal conversations, the parties discuss progress towards the successful completion of goals and expectations. Regular communication between the supervisor and employee is critical during this part of the performance management cycle. Discussion enables the supervisor to provide timely feedback and coaching as the year unfolds. It is important for supervisors and employees to keep track of key performance highlights and challenges that occur during the performance period. These notes will assist employees and supervisors during subsequent conversations and when it is time to prepare the performance review.
- **Reviewing Phase.** After the evaluation cycle, the supervisor meets with the employee to conduct a performance review. If SMART goals have been set (planning phase) and ongoing communication/feedback has taken place (managing phase), the overall outcome of the annual review should come as no surprise to the employee. The employee may provide written comments relevant to the performance review on the form within five (5) workdays after receiving it. The employee will acknowledge receipt of the performance review on the form. An employee's acknowledgement of receipt does not indicate agreement with its contents.

### **6.11 Corrective Action/Performance Improvement**

The County has adopted a corrective action process to help employees understand that performance concerns or opportunities for improvement exist, to clarify management's expectations and to prevent a recurrence of unsatisfactory behavior and/or performance concerns.

#### Documented Counseling

Documented counseling involves a meeting between supervisor and employee, whereby the employee is informed of the inappropriate conduct and of any corrective action that may be necessary. The supervisor shall complete, sign, and date a documented counseling form. The supervisor shall indicate on the form the date when the employee received the form. The supervisor shall retain the original and the employee shall receive a copy of the form.

#### Performance Improvement Plan

It is the County's desire that each employee performs at an optimal level. If performance is below an acceptable level, the supervisor may decide that a Performance Improvement Plan (PIP) is necessary. The supervisor will document a description of the performance problem, corrective action to be taken by the employee and how the employee's performance will be measured, along with target dates for improvement. The supervisor shall consult with Human Resources on the development of a PIP.

The supervisor will meet with the employee to implement the PIP. If the employee's performance continues to fall below expectations, the County may choose to modify the PIP, conduct a Pre-Disciplinary Conference to determine the appropriate discipline, or otherwise address the deficiency, up to and including removal.

### Mandatory Referral to Employee Assistance Program

Human Resources may require an employee to seek assistance through the County's Employee Assistance Program (EAP) to identify and resolve issues that may be interfering with job performance. Supervisors may initiate a mandatory EAP referral by contacting Human Resources. A referred employee's attendance, motivation level, and willingness to follow recommendations will be reported back to County management by the EAP administrator.

## **6.12 End of Employment**

The County strives to build long-term mutually beneficial relationships with its employees and wishes future success to employees who exit employment.

### Resignation

Employees may resign from employment with the County by providing written notice to Human Resources or their supervisor. Upon receipt, Human Resources will confirm acceptance to the employee in writing. An employee may not rescind a notice of resignation after acceptance unless Human Resources, in conjunction with the employee's department director, approves the request to rescind in writing. Employees are requested, when possible, to provide at least fourteen (14) calendar days advance written notice of their intention to resign.

### Retirement

Employees may retire from County service by submitting the appropriate forms to the Ohio Public Employees Retirement System (OPERS) and providing written notice to Human Resources. Forms may be found on the OPERS website: [www.OPERS.org](http://www.OPERS.org) or by contacting Human Resources. Upon receipt, Human Resources will confirm acceptance to the employee in writing. An employee may not rescind a notice of retirement after acceptance unless Human Resources, in conjunction with the employee's department director, accepts the employee's request to rescind. Employees are requested, when possible, to provide fourteen (14) calendar days advance written notice of their intention to retire.

### Disability Separation

An employee who is unable to perform the essential job functions of their position due to a disabling illness, injury or condition, and has exhausted all paid sick leave and applicable unpaid leave, may be disability separated in accordance with the ADA and other applicable law. A disability separation may be voluntary or involuntary. The County may require the employee to submit to a medical or psychological fitness for duty examination with a physician chosen by the County for determining whether the employee can perform the essential job functions of their position, with or without reasonable accommodation.

### Voluntary Disability Separation

A disability separation is voluntary when an employee requests to separate. The County may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination. If the examination supports the employee's request, the County shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the County shall not approve the employee's request for voluntary disability separation.

An employee who is granted a voluntary disability separation shall retain the right to be reinstated to their position for two (2) years from the date that the employee is no longer in active work status.

#### Involuntary Disability Separation

A disability separation is involuntary when there is a dispute between the County and the employee regarding the employee's ability to perform the essential functions of their position, with or without reasonable accommodation. The County must have medical evidence of an employee's disabling illness, injury or condition that documents the employee's inability to perform one or more essential functions of their position. The County will schedule a pre-separation hearing and the employee shall be provided with written notice at least seventy-two (72) hours in advance. If the employee does not waive their right to the hearing in writing, the employee has the right to examine the County's evidence of disability, rebut that evidence, and present testimony and evidence on their own behalf at the hearing. If the County determines, after weighing the testimony and evidence admitted, that the employee is unable to perform one or more essential functions of their position, with or without reasonable accommodation, then the County shall separate the employee. Unless otherwise specified in the employee's CBA, an involuntarily disability separated employee shall have the right to appeal to the Personnel Review Commission (PRC) by following the PRC Administrative Rules.

#### Reinstatement from Disability Separation

An employee on disability separation for less than two (2) years may make a written request to the County for reinstatement accompanied by credible medical evidence that the employee can perform the essential functions of their position, with or without reasonable accommodation. A request cannot be made less than three (3) months from the date the employee was no longer in active work status. Upon receipt of this evidence, the County shall either reinstate the employee or require the employee to submit to a medical or psychological fitness for duty examination to determine whether the employee can perform the essential functions of their position, with or without reasonable accommodation. The County shall notify the employee of its decision to approve or deny the reinstatement request no later than sixty (60) calendar days after it receives the employee's written request. If the County determines that the employee is unable to perform one or more of the essential functions of the position, with or without reasonable accommodation, the County will schedule a hearing and provide the employee written notice at least seventy-two (72) hours in advance. If the employee does not waive the right to the hearing, the employee has a right to examine the County's evidence of continuing disability, rebut that evidence, and to present testimony and evidence on their own behalf. If the County then finds the employee incapable of performing one or more of the essential functions of their position, with or without reasonable accommodation, the employee will be notified of this decision in writing and shall have the right to appeal to the PRC by following the PRC Administrative Rules. The employee shall not make subsequent requests for reinstatement more than once every three (3) months from the date the employee is notified of a reinstatement denial. If the County determines that the employee is to be reinstated, the employee will be assigned to a position in the classification the employee held at the time of disability separation if a position is available. If that classification no longer exists or is no longer utilized by the County, or if there is no available position, the County shall endeavor to place the employee in a similar classification. If no vacancy in a similar classification exists, or if the employee no longer meets the minimum qualifications, the employee may be laid off.

### Disability Retirement

Employees who are unable to perform the essential duties of their position, with or without reasonable accommodation, due to a disabling illness, injury or medical condition, may be eligible for disability retirement through OPERS. Employees must contact OPERS to initiate the disability retirement process. Employees seeking reinstatement from a disability retirement pursuant to applicable state law shall be required to submit appropriate documentation of their ability to work and may be required to submit to an examination to determine whether they can perform essential functions of their position, with or without reasonable accommodation.

### Layoff

Whenever the County determines that it is necessary or advisable to reduce its workforce, the County shall lay off employees or abolish their positions in accordance with the County Code and any applicable provisions of the Ohio Revised and Administrative Codes. Affected employees will be provided with information related to order of layoff, displacement rights, reinstatement rights, job placement services through existing state and county workforce programs, and other information related to the layoff process (e.g., unemployment).

Bargaining employees should refer to their CBA for information regarding layoffs.

### Disciplinary Removal

Employees may be subject to involuntary separation based on disciplinary action as described in this handbook or their CBA.

### Employee Separation Appeal

Classified employees who are involuntarily separated may appeal their separation to the PRC by following the PRC Administrative Rules. Bargaining employees who are involuntarily separated may appeal their separation based on the terms outlined in their CBA.

### Final Paycheck

Upon separation of employment, compensation for accrued vacation leave and compensatory time will be included in the last paycheck or may be included in a separate check (provided that all County property i.e. laptop, keys, have been returned). There is no compensation for unused sick leave except upon retirement. An employee with ten (10) or more years of service may receive payment for one-fourth (1/4) the value of accrued, unused sick leave, not to exceed 240 hours (30 days).

## **6.13 Inclement Weather, Emergencies or Events Impacting Operations**

### Suspension of Operations

As a general practice, the County does not interrupt normal business hours or close buildings unless the health, safety and/or security of County employees are threatened. The County may close buildings, delay opening, suspend operations or release employees early because of an emergency such as power failure, hazardous weather conditions, acts of God, or similar situations. These situations may necessitate the suspension of operations, closing of buildings, delayed opening or early closing of multiple buildings and/or ceasing all work activities.

Certain jobs are considered essential during an emergency and require designated personnel to be present for work. Employees should consult with their supervisor or department director to determine if they are considered an essential employee.

### Notification

In the event of an emergency, the County Executive, or their designee, will be responsible for initiating emergency operating procedures.

If the County Executive decides to suspend operations, close County buildings, delay opening or close building(s) early the County's Department of Communications is responsible for initiating general notification to County employees and the public. The information may also be disseminated by other authorized sources.

Employee notifications can occur in multiple ways, for example:

- contact by a County official
- local media, including local radio, television stations and their corresponding websites
- The County's Internet home page at [www.cuyahogacounty.us](http://www.cuyahogacounty.us) and/or intranet site
- Notification from "ReadyNotify." Employees are encouraged to register with ReadyNotify (<https://ready.cuyahogacounty.us>) to receive all emergency notifications
- posting on an official County social media platform

Employees are encouraged to listen to local radio and watch for television announcements during periods of adverse weather or states of emergency to determine the status of their facilities. In addition, employees can also call the County main emergency message number, (216) 443-7000, and listen to a recorded message.

### Employees Working During Suspended Operations

The County may require employees to work during emergencies or when operations are suspended. Department directors are responsible for identifying, designating and notifying employees responsible for carrying out critical functions who are expected to report to work in the event of an emergency or suspended operations.

### Pay Provisions During Suspended Operations

Employees will be notified not to report to work or employees who are at work when an emergency or suspended operations are declared may be sent home and will be paid for the balance of their scheduled hours. Employees who are required to work may receive hour-for-hour Compensatory Time or Exchange Time for hours worked during their regularly scheduled shift depending upon their FLSA status, in addition to their regular pay.

Employees on approved leave (e.g., vacation, sick, personal day, etc.) will be charged according to their leave arrangements.

The County reserves the right to determine pay provisions based on the circumstances. Factors that may be considered include, but are not limited to, notice to employees not to report and duration of the emergency.

### Non-Emergency Delayed Openings/Early Closings/Suspension of Operations

The County Executive may authorize the delayed opening, early closure or suspension of operations of one (1) or more buildings or offices for any reason deemed appropriate. In the event of an authorized non-emergency delayed opening, early closure or suspension of operations, the provisions regarding notification, essential employees working, and pay provisions during an emergency shall apply.



## 7 STANDARDS OF CONDUCT

### ***7.01 Anti-Harassment and Anti-Bullying***

The County is committed to providing a workplace free from harassment, including sexual harassment and bullying. Conduct that unreasonably interferes with an individual's work performance, that creates an intimidating, offensive or hostile work environment, and/or adversely affects employment opportunities is strictly prohibited.

An employee who is found to have harassed or bullied an employee, or anyone engaged in County business, or anyone on County property, may be subject to corrective action (see section 6.11), disciplinary action (see section 7.07), training, mediation, or transfer. This includes any employee who interferes with the resolution of a complaint, retaliates against an individual for filing a complaint, or knowingly files an unfounded or fraudulent complaint intended to cause harm.

Harassment and bullying can be intentional or unintentional. It is the impact of the employee's actions, not intent, that determines if harassment or bullying occurred.

#### Definitions

**Workplace Harassment** is any unwelcome verbal, written or physical conduct that demeans or shows hostility, or aversion, toward an individual, or their relatives, friends or associates, because of their race, color, ancestry, national origin, language, religion, citizenship status, sex, age, marital status, sexual preference or orientation, gender identity/expression, military/veteran status, disability, genetic information, membership in a collective bargaining unit, status with regard to public assistance, and political affiliation, or on the basis of association with an individual that falls into a protected category of the County's equal opportunity policy, which can reasonably be considered to adversely affect the work environment.

Such harassing conduct may include, but is not limited to:

- Epithets, slurs, jokes, negative stereotyping or threatening, intimidating or hostile comments or acts
- Written or graphic material which demeans or shows hostility or aversion toward an individual or group

**Sexual Harassment** includes unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual nature, from one of the opposite sex, or from one of the same sex when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's employment

- Such behavior has the purpose or effect of unreasonably interfering with an individual's work performance, or is so pervasive or severe that it creates an intimidating, hostile or offensive environment

The terms "intimidating," "hostile" and "offensive" are interpreted according to legal standards generally from the viewpoint of a reasonable person in similar circumstances as the complaining party.

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

- unwanted sexual advances
- demands for sexual favors in exchange for favorable treatment or continued employment
- repeated sexual jokes, flirtations, advances or propositions
- verbal abuse of a sexual nature (e.g., graphic comments about a person's body or sexual prowess)
- whistling or leering
- touching, pinching, or assault
- coerced sexual acts
- suggestive insulting, obscene comments or gestures
- displaying sexually suggestive objects, pictures or written material in the workplace

**Bullying** is egregious or repeated inappropriate behavior, intentional or unintentional, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons toward a co-worker or anyone engaged in County business, on County property and/or that could reasonably be expected to impact the workplace.

The County considers the following types of behavior examples of bullying (this list is not all inclusive):

- **Verbal or Written:** slandering, ridiculing or maligning a person or their family; persistent name calling that a reasonable person would consider hurtful, insulting or humiliating; using a person as the center of jokes; abusive and offensive remarks.
- **Physical:** pushing; shoving; kicking; poking; tripping; assault, or threat of assault; damage to a person's work area or property.
- **Non-Verbal Acts:** non-verbal threatening acts which a reasonable person would consider threatening.
- **Cyber:** the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.

#### Prohibited Retaliation

Any form of retaliation against those who bring forward complaints or perceived violations of this administrative guideline, or against those who oppose discrimination or harassment or participate in an investigation of a complaint, is strictly prohibited. Any action that is perceived to be retaliatory should immediately be reported to Human Resources.

### Reporting Workplace Harassment, Sexual Harassment, Bullying, or Retaliation

Employees who believe they are the victim of workplace harassment, sexual harassment, bullying, or retaliation must immediately report the issue to Human Resources. An employee can also report their concern to their supervisor or department director. Any supervisor or department director made aware of an employee concern regarding workplace harassment, sexual harassment, bullying, or retaliation must immediately contact Human Resources.

Employees who are aware of or witness potential workplace harassment, sexual harassment, bullying, or retaliation must report such conduct immediately. Supervisors and department directors must immediately report any potential instances of workplace harassment, sexual harassment, bullying, or retaliation involving employees or others to Human Resources.

### Investigation

The County will investigate all reported concerns. An investigation may include conducting interviews, obtaining written statements, and reviewing records. The County will complete investigations in a prompt manner. The length of the investigation will vary based on the circumstances involved.

After obtaining and reviewing all available information, the County will determine if any employee violated any County policy. The employee who made the report and the accused employee(s) will be notified in writing of this determination.

If the County finds that an employee has violated any County policy then Human Resources, in consultation with the employee's department director or designee, will determine the appropriate action, which may include corrective action (see section 6.09), disciplinary action (see section 7.11), mediation, training, or transfer.

### Confidentiality of Reports

The County will maintain the confidentiality of all investigations, to the extent possible and allowable under applicable Ohio law and may share information on a need-to-know basis. The County will advise all concerned parties to keep information relating to the investigation confidential. Employees should be aware that information obtained during an investigation may be released to comply with a subpoena, public records request, or other disclosure required by law.

Unauthorized disclosure of facts or opinions and/or spreading of information about a report, its participants, investigation or resolution, whether accurate or not, is prohibited and may subject an employee to disciplinary action.

### False Allegations

Employees are prohibited from making a report the employee knows is not true. If an investigation reveals that an employee knowingly made a false allegation, the employee may be subject to disciplinary action.

These procedures are not designed or intended to limit the County's authority to discipline or take remedial action for workplace conduct it deems unacceptable, regardless of whether that conduct satisfies the definition of harassment or bullying.

## **7.02 Resolving Work-Related Concerns**

The County strives to maintain a workplace that fosters a productive and harmonious working environment where work-related concerns are managed promptly, impartially and justly.

Minor problems can develop into larger disputes, if they are not dealt with quickly and effectively. It is the County's intent to foster positive and collaborative relationships amongst employees and our customers. The County encourages quick and decisive resolutions to work-related concerns.

An employee with a work-related concern should first attempt to address the concern informally, with their supervisor. If the employee cannot resolve the issue informally with their supervisor, the following process must be used:

- **Step 1:** The employee must bring their concerns to the attention of their supervisor, in writing, for a resolution. Once made aware, the supervisor must seek to resolve the concern within a timely manner, generally not to exceed fifteen (15) workdays. The supervisor's response will be in writing.
- **Step 2:** If the employee believes the situation remains unresolved, the employee must make a written request to their department director or designee outlining the concern, the date when the employee advised their supervisor of the concern, and that the concern remains unresolved. The department director or designee must seek to resolve the concern within a timely manner, generally not to exceed fifteen (15) workdays. The department director or designee's response will be in writing.
- **Step 3:** If the employee believes the situation remains unresolved, the employee must bring the written concern to the Director of Human Resources or designee. The Director of Human Resources or designee must seek to resolve the concern within a timely manner, generally not to exceed fifteen (15) workdays. The Director of Human Resources or designee's response will be in writing.
- **Step 4:** If the employee believes the situation remains unresolved, the employee must bring the written concern to the County Executive or designee. The County Executive or designee's decision is final, and the employee shall be notified in writing.

If employees are uncomfortable, or feel it is inappropriate to address the issue with a level(s) of management identified in this procedure, they may consult directly with Human Resources. An employee who skips one (1) or more steps in this procedure without reasonable cause, as determined by the Director of Human Resources or designee, may be required to complete the skipped step(s) before any further action will be taken regarding the employee's concern.

When this handbook establishes a process for reporting a concern (e.g., for reporting workplace violence, harassment, sexual harassment, discrimination, bullying, or retaliation), employees should follow the procedures for those circumstances. Bargaining employees should consult their CBA regarding the resolution of work-related concerns. Retaliation against an employee for following this process is strictly prohibited. Human Resources may be consulted at any step in this procedure for assistance.

### **7.03 Employee Dress/Appearance**

The County has adopted a business-casual work apparel environment for its employees. Business-casual work apparel is intended to encourage a more relaxed and productive environment at work while at the same time maintaining an atmosphere of neat, well-groomed, business-like appearance among employees. Projecting a positive image of our workplace to our customers, volunteers and fellow employees should be a high priority for all employees.

Employees should exercise reasonable judgement and may consult with their supervisor to determine when professional business attire is necessary for specific work obligations.

Departments may have more specific work-apparel guidelines based on the nature of the work performed (examples include but are not limited to, employees working outside, uniformed employees, etc.).

If a supervisor decides that an employee's dress or appearance is not appropriate as outlined in this procedural guideline, they may take corrective action and require the employee to leave the work area and make the necessary changes to comply with the procedure. An employee who is dressed inappropriately may be sent home to change their clothes and may be subject to disciplinary action. An employee who is sent home shall be placed in unpaid status or may use appropriate leave (e.g., vacation, exchange, or compensatory time) to cover a reasonable amount of time that they are away from the worksite.

Nothing in this guideline is intended to limit an employee's rights relating to non-discrimination or to hinder the advancement of diversity at the County. The County will reasonably accommodate those employees whose bona fide religious belief or disability requires special attire.

### **7.04 Attendance**

Timely and regular attendance is an expectation of performance for all County employees. To ensure appropriate staffing levels, positive employee morale, and to meet expected productivity standards throughout the organization, employees will be held accountable for adhering to their workplace schedule. In the event an employee is unable to meet this expectation they must obtain approval from their supervisor in advance of any requested schedule changes. This approval includes requests to use appropriate accruals, as well as late arrivals to or early departures from work. Departments have discretion to evaluate and issue discipline when appropriate. Employees covered under a CBA should refer to their CBA for time and attendance requirements, if applicable.

Punctuality and regular attendance are essential to ensure optimal productivity and customer service. Employees are required to maintain a satisfactory record of attendance. The County recognizes that employees will at times experience illness, or on an occasion be late for work due to unusual circumstances. This policy attempts to acknowledge both management and employee concerns.

### Occurrences

An occurrence is defined as an unapproved absence, two (2) tardies or two (2) missed time clock punch-ins/outs. The total number of days or partial days that an employee is unavailable for work due to unapproved absence are considered when applying discipline, as outlined in the table below.

### Unapproved Absences

An absence is deemed unapproved when an absence of more than one hour is not covered by an approved leave (e.g., sick, FMLA, vacation, compensatory or exchange time).

Employees will be docked pay for all hours missed due to unapproved absences.

### Tardy

An employee is tardy when the following occurs involving periods of one hour or less:

- failure to report to work on time, as scheduled
- taking an extended meal or break period without prior approval

### Time Clocks and Failure to Clock Punch-in/out

Employees who use timeclocks are required to follow established guidelines for recording their actual hours worked. A missed clock punch-in/out is a violation of procedural guidelines, as is punching-in/out early or late without prior approval.

### Department Notification

Employees are expected to follow departmental notification procedures if they will be late for work, will not be at work, or are requesting planned time away from work. Employees must request in advance to their supervisor or designee if they wish to arrive early or leave early from an assigned shift. Incidences of not following departmental notification procedures will be addressed in accordance with the County's progressive discipline guidelines. Please note that no call/no show is defined as AWOL below and treated differently from other notification violations.

The employee must follow their departmental notification procedures when an absence is due to a documented/approved leave of absence (e.g., FMLA, military leave, etc.) to ensure appropriate tracking of leave utilization.

### Absence Without Leave (AWOL)

Employees who are absent for three (3) or more consecutively scheduled workdays without prior notification to their supervisor will be AWOL, and may be subject to removal. Supervisors should immediately consult with Human Resources if this situation occurs. A single day of no call/no show is subject to corrective action based on the circumstances of each individual case.

### Progressive Discipline for Attendance

An occurrence is documented as a tardy and/or missed time clock punch-in/out. Supervisors and department management staff are responsible for tracking accumulated occurrences and for initiating the discipline process in consultation with Human Resources to ensure consistent application of discipline across the organization.

The following table is a guideline for discipline based on the total number of occurrences. Occurrences will be considered active for discipline purposes using a rolling twelve (12) month period. Occurrences will not be issued for absences that are protected under FMLA, ADA, Workers' Compensation, or legal proceedings leave.

<b>Definition of an Occurrence</b>	<b>Occurrences</b>	<b>Disciplinary Action</b>
An occurrence is equal to any of the following: <ul style="list-style-type: none"><li>▪ 2 tardies</li><li>▪ 2 missed clock punch-in/out</li><li>▪ 1 full or partial day unapproved absence</li></ul>	2	Verbal reprimand
	3	Written reprimand
	5	1-day suspension
	7	3-day suspension
	9	Termination
▪ Day of no call/no show (i.e., without prior notice)	1	1-day suspension
	2	3-day suspension
	3	Termination
▪ AWOL (3 or more consecutive days of no call/no show)	1	Employee subject to removal.

If an employee accumulates several occurrences within a single pay period, the employee may be advanced to the level of discipline called for in these guidelines even if the employee has no prior discipline. For example, an employee with no prior discipline who accumulates five (5) occurrences in a pay period will be issued a one (1) day suspension.

This procedural guideline will be administered in conjunction with the timelines contained in this handbook and the County's CBAs for the expiration of active discipline. For example, if the timeline for the expiration of active discipline is twenty-four (24) months, a verbal reprimand issued under this procedural guideline will remain active for twenty-four (24) months and will be used as the basis of future discipline. If the discipline immediately prior to the one being assessed was less than twenty-four (24) months ago, the next discipline assessed will progress based on that prior discipline, unless the guidelines recommend discipline that is more severe. Examples: 1) If an employee has an active one (1) day suspension for missed clock punch-in/out and then is charged with two occurrences of tardiness, the employee will receive a three (3) day suspension. 2) If a three (3) day suspension has been imposed pursuant to this guideline and remains active, the next discipline will be termination.

### **7.05 Employee Responsibility for County Property**

Employees shall not abuse, neglect, waste or misappropriate County property. All employees are responsible for the proper care of any tools, materials, equipment, vehicles, etc. assigned for the performance of their jobs. No County property shall be used for any purpose other than authorized work-related activities, this includes computers and the Internet. No County property shall be taken from the worksite for any purpose unless specifically authorized by the employee's supervisor.

In most cases, unless otherwise designated, uniforms, tools and equipment (e.g., County-issued cell phones, pagers, computers, keys, uniforms, identification badges, etc.) must be returned upon separation from employment. As a condition of employment, all employees agree that if the employee does not return County property the replacement cost of the item(s) will be deducted from the employees' salary and leave balance(s) due (except when prohibited by law). If the amount does not cover the costs, the employee will be responsible for paying the difference.

### **7.06 Notification of Criminal Arrest or Conviction**

Any County employee that is arrested, charged and/or convicted for any crime, other than a minor traffic violation, must immediately report the incident to Human Resources. Examples of crimes that must be reported include, but are not limited to:

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

Criminal activity or an undisclosed criminal arrests or convictions may constitute cause for discipline. Determination of such action will be based on an analysis of the responsibilities of the position and the nature and time frame of the conviction.

### **7.07 Progressive Discipline**

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

#### Application

When progressive discipline is applied, the County shall examine the totality of the employee's current disciplinary record, including, but not limited to, attendance and tardiness discipline that remains active.

#### Procedure

Supervisors and managers are responsible for exercising independent judgement to identify and recommend the need for discipline.



When a management representative recommends discipline, they shall consult with Human Resources for guidance and to ensure consistency across the organization. Prior to recommending discipline, supervisors must have investigated and obtained documentation of the alleged conduct.

After a supervisor has recommended discipline, the role of Human Resources is to provide guidance on the level of discipline to be imposed. If the facts of the case may justify a suspension, demotion, or removal, the management representative will complete a request for Pre-Disciplinary Conference (PDC).

The purpose of the PDC is to provide the employee with a final opportunity to present their side of the case and to provide any additional information or documentation that the employee desires to be considered. Human Resources will coordinate the PDC and will provide written notice to the employee and supervisor regarding the date, time, and location of the PDC. Employees shall be provided with the option of waiving the PDC. Employees shall have the right to take an audio or video recording of their PDC.

Depending on the nature of the discipline that is ultimately issued, employees will be notified of discipline by their supervisor or Human Resources.

All disciplinary actions that are imposed shall be filed with Human Resources. Disciplinary actions will remain active for two (2) years for purposes of progressive discipline. The two (2) year period shall be measured backward from the date of the subsequent offense to the date the prior discipline was imposed.

#### Levels of Disciplinary Action

The County reserves the right to skip one or more levels of progressive discipline depending on the circumstances and/or severity of the offense.

- **Verbal Reprimand:** A verbal reprimand is an articulation of the problem by the supervisor to the employee. A verbal reprimand shall note the date and nature of the problem, as well as specifically state the employee is receiving a verbal reprimand.
- **Written Reprimand:** A written reprimand is formal, written notice by the supervisor to the employee that their conduct is inappropriate, what actions are necessary to correct the misconduct, and the consequences of continued misconduct.
- **Working Suspension:** A working suspension results when an employee is required to report to work to serve a suspension. An employee serving a working suspension shall be compensated at their regular rate of pay for hours worked. The working suspension shall be recorded in the employee's personnel file and has the same effect as a suspension for the purposes of progressive discipline.
- **Suspension:** A suspension is a forced, unpaid leave of absence from employment for one (1) or more days.
- **Demotion:** A demotion is a forced transfer of the employee from one classification or job to another classification or job in a lower pay grade.
- **Removal:** A removal is a forced separation of employment.

A record of any disciplinary action must be made using a form prescribed by Human Resources and will be placed in the employee's personnel file.

At the sole discretion of the Director of Human Resources or designee, an employee may be temporarily placed on paid administrative leave. This may be necessary because the employee's actions indicate that remaining on the job or returning to the job may be detrimental to the employee, co-workers, customers or the County. Employees who are placed on paid administrative leave shall be prepared to return to work each day and may be subject to other requirements determined by Human Resources.

### Prohibited Conduct

The County considers the following to be a non-exhaustive list of unsatisfactory conduct that may be considered grounds for progressive disciplinary action:

- Absence from duty without reasonable cause
- Absence without leave
- Being away from assigned work area without permission of supervisor
- Conduct that might endanger the safety of others
- Conduct unbecoming an employee of the County
- Creating a hostile, intimidating or offensive work environment based upon a protected characteristic
- Excessive absenteeism
- Excessive tardiness
- Failure to comply with safety regulations, procedures and/or guidelines
- Failure to cooperate in a workplace investigation
- Failure to follow call in procedures
- Failure to follow the orders of a supervisor
- Failure to properly report work status
- Failure to report known safety hazards
- Failure to wear required safety equipment
- Falsification
- Fighting
- Harassment, discrimination or retaliation against another
- Insubordination
- Intimidation or threats
- Misfeasance, malfeasance or nonfeasance
- Neglect of duty
- Offensive language or conduct toward another
- Poor job performance
- Possession of weapons on County premises without authorization
- Reckless operation and/or misuse of County vehicles and equipment
- Reporting for or being on duty in an unfit condition to work
- Reporting to work under the influence of alcohol and/or drugs
- Sleeping while on duty
- Theft

- Use of or possession of alcohol and/or drugs on County property
- Destruction of County property
- Violation of policies, procedures, rules, regulations, or guidelines

#### Evaluation of Inappropriate Conduct

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

- Level of disruption to County business.
- Level of harm to the County's interests.
- Level of damage to the public's trust and confidence in Cuyahoga County government.
- The employee's position and the degree of responsibility inherent in that position (i.e., supervisory vs. non-supervisory positions). Employees who occupy a supervisory or management position are held to a higher standard of conduct commensurate with the level of leadership required of them.
- Whether the employee's conduct is part of a continuing problem.
- Whether the employee's conduct put a co-worker, vendor or customer's safety and/or security at risk.
- Whether the employee's truthfulness brought into question because of his or her conduct.
- Whether there are extenuating or mitigating circumstances.

#### Appeals

The Cuyahoga County Charter provides classified non-bargaining employees an appeals process for certain disciplinary action through the Personnel Review Commission (PRC). Details are available on the website of the PRC. Bargaining employees should review their CBA regarding appeals.

## 8 WORKPLACE SAFETY

### ***8.01 Workplace Violence Prevention***

The creation and maintenance of a safe environment for all employees is one of the County's highest priorities. The County's goal is to prevent workplace violence through early intervention and investigation of threats or acts by or against employees while engaged in the performance of their duties.

All employees must make a reasonable effort to recognize potentially violent situations and take the appropriate measures to prevent escalation. All individuals are entitled to a non-threatening environment while on County property, or off County property when serving the County. Therefore, any form of violence, whether actual or perceived, will not be tolerated.

#### Definition

**Workplace violence** is defined as any act of aggression or violence or any statement that could be perceived by a reasonable person as an intent or threat to cause harm to a person or to property. Workplace violence can occur on or off County property and includes acts that could reasonably be expected to impact the workplace, including acts committed when an employee is off duty.

#### Reporting Workplace Violence

Any employee who witnesses or experiences workplace violence must promptly report the incident. All reports will be treated seriously and investigated accordingly. In the event of an imminent danger to themselves, or others, or property, employees should handle the situation as outlined below:

- Immediately call Protective Services at your location or, if direct telephone access is available call 911 to inform them of the incident. Until Protective Services staff or the police arrive, retreat to safety and try to avoid physical confrontation. If the circumstances permit, immediately notify your supervisor or manager of the incident. Do not attempt to take matters into your own hands.
- When the situation is so serious that immediate removal of an employee from property is necessary, the Director of Human Resources may place an employee on immediate paid or unpaid leave and have the employee removed from County property. In this case, the employee's supervisor should contact Human Resources regarding the need for disciplinary action.
- After an incident, any person who witnesses or has knowledge of the incident may be required to provide a statement to the manager or supervisor, describing the event. This is in addition to any statements given to Protective Services and/or local police.

In instances when the situation is not an emergency, employees should report the incident to their supervisor or manager immediately. If employees are not comfortable reporting the matter to a supervisor, reports of workplace violence may be made to Protective Services or Human Resources.

Supervisors and Protective Services staff are required to immediately communicate any complaints of workplace violence (or any acts of workplace violence that they witness or become aware of) to Human Resources.

Human Resources and department management will review each report and determine the appropriate response, which may include further investigation. If Human Resources finds that an employee has violated any County policy then Human Resources, in consultation with the employee's department director or designee, will determine the appropriate action, which may include corrective action (see section 6.09), disciplinary action (see section 7.11), mediation, training, or transfer. Additionally, if appropriate, the investigation findings may be forwarded to the proper authorities for further action, including criminal prosecution.

The County strictly prohibits retaliation against employees who report workplace violence. However, any employee who knowingly makes a false report may be subject to disciplinary action. In addition, nothing in this or any other policy or procedure should be construed as limiting employees' right to contact public safety officials in emergency circumstances.

### Weapons

The County strictly prohibits the wearing, transporting, storage, presence or use of dangerous weapons on County property, or while engaged in business with or on behalf of the County, regardless of whether the person is licensed to carry the weapon under Ohio law. This prohibition does not apply to any law enforcement or Protective Services personnel engaging in official duties. Employees who violate this prohibition are subject to disciplinary action.

Employees who observe a person with a dangerous weapon on County property must immediately contact Protective Services.

For purpose of this policy, **County property** is defined as all County-owned or leased buildings and surrounding areas, such as sidewalks, walkways, parking lots and driveways under the County's ownership or control. Furthermore, this procedure applies to all County-owned or leased vehicles. Private vehicles that come onto County property are not included.

For questions regarding whether an item is covered under this prohibition, employees should contact Human Resources. It is the responsibility of every employee to make sure any item in their possession is not prohibited by this prohibition.

## ***8.02 Smoke and Tobacco Free Workplace***

To protect the health and safety of County employees and our customers, and to create a cleaner and more sustainable work environment, the County has established a smoke and tobacco free workplace, including owned and leased buildings, grounds, and vehicles.

### Definitions

- **County premises** shall include all property owned or leased by the County, including all vehicles.
- **County time** shall include all time during which employees are on County premises or performing work for the benefit of the County. Breaks (including lunch breaks) shall not be counted as County time if the employee is not on County property and is not performing work for the benefit of the County during the break.

- **Smoking** is defined as the use of smoke-producing tobacco products, including but not limited to cigarettes, cigars, cigarillos, mini-cigars, e-cigarettes, tobacco alternative vapor or vaping products and hookahs. All forms of smoking are prohibited.
- **Tobacco use** is defined as the use of any tobacco product including, but not limited to cigarettes, cigars, cigarillos, mini-cigars, hookah, chewing tobacco, snuff, and other smokeless tobacco products. All forms of tobacco use are prohibited.
- **E-Cigarette use or vaping** is defined as the use of electronic smoking devices and/or electronic nicotine delivery systems.

#### Prohibited Conduct

Employees are not permitted to smoke, use tobacco, e-cigarettes, or vape while on County property or while on County time. Employees are permitted to use FDA-approved tobacco/nicotine cessation aids, such as nicotine patches and gum.

#### Cessation Programs

The County provides access to resources for those who are interested in quitting the use of tobacco products. The County also offers an Employee Assistance Program, or you can contact the Ohio Tobacco Quit Line at 1-800-QUIT NOW.

### **8.03 Substance-Free Workplace**

The County strives for a substance-free workplace to assist in maintaining a safe and productive work environment. To achieve this, the goal is to inform employees of the hazards of substance use, clarify the County's expectations for employees with respect to substance use and the potential consequences of violations of those expectations, and ensure availability of rehabilitative assistance programs to substance users. Because of the importance of maintaining a safe and productive workplace, substance abuse will result in discipline up to and including removal.

#### Individuals Covered

This guideline applies to all employees. Applicants for employment are subject to pre-employment testing requirements as described in this procedure.

#### Definitions

- **County premises** shall include all property owned or leased by the County, including all vehicles.
- **County time** shall include all time during which employees are on County premises or performing work for the benefit of the County. Breaks (including lunch breaks) shall not be counted as County time if the employee is not on County property and is not performing work for the benefit of the County during the break.
- **Employee Assistance Program (EAP)** is an employee benefit program intended to help employees address personal problems and/or behavior that may adversely impact work performance, health and well-being. EAP's generally include assessment counseling and referral services for employees and their household members.
- **Last Chance Agreement (LCA)** is an agreement between the County, employees and the employee's union, for bargaining employees, which may be offered to employees found to be in

violation of this policy. If offered, the last chance agreement sets forth behavior or performance the employee agrees to change in exchange for an opportunity for the employee to remain in employment with the County.

- **Legal drug** means any substance, the possession or sale of which is not prohibited by state law, including prescription drugs and over-the-counter drugs.
- **Prohibited drug** means any drug in any detectable amount which is not legally obtainable under state law; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level different than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy.
- **Reasonable suspicion** means suspicion based on personal observations that the County's representatives can describe concerning employees' appearance, behavior, speech, breath, body odor, and other physical or behavioral indicators of possible drug and/or alcohol use. Reasonable suspicion also may be based, in part, upon the documented observation of change in employees' typical behavior (e.g., excessive absence/tardiness or work performance changes), which suggests the use of drugs and/or alcohol.
- **Refusing to cooperate** means to refuse to sign a consent form, to obstruct the specimen collection process, including any attempt to tamper with the collection or testing process, or to fail to provide breath and/or urine specimens adequate for testing when directed to do so. Refusal to cooperate will typically result in suspension pending discharge unless the employee promptly establishes a valid medical basis for the failure to provide such specimens.
- **Substance Abuse Professional (SAP)** means a qualified professional, as defined by federal regulation who evaluates employees who have violated a drug or alcohol program regulation applicable to commercial driver's licenses. The SAP generally makes recommendations concerning employee education, treatment, follow-up testing and aftercare.
- **Under the influence** means that the result of a laboratory's analysis of the employee's urine or blood specimen shows a blood alcohol concentration of more than 0.02 of alcohol or a positive result for any prohibited drug or for a legal drug in violation of the conditions identified in "Prohibited Conduct" (failure by employee to report immediately to their supervisor any duty-related limitations as a result of prescription or over-the-counter medications and employees may not be under the influence of any legal drug while on County time or premises). Employees holding a commercial driver's license will be held to the standard determined by federal or Ohio law or regulations adopted by the U.S. Department of Transportation.

### Prohibited Conduct

Behaviors and activities that are strictly prohibited by this guideline include:

- Selling; distributing; transferring; delivering; purchasing; using, possessing, or being under the influence of alcohol or any prohibited drugs or prescription drugs obtained illegally on the County's premises or while on County time or in or on County vehicles or while representing the County in any way.
- Refusing to cooperate with administration of drug/alcohol testing procedures.

- Failure by employees to report immediately to their supervisor any duty-related limitations from prescription or over-the-counter medications they are taking. Prescription or over-the-counter medications that do not impair the employee's safety or job performance or the safety or job performance of others are not required to be reported.
- Employees may not use or be under the influence of any legal drug while on County time or while on the County's premises if said drug may adversely affect the employee's safety or job performance, or the safety or job performance of others.
- Failing to report a work-related vehicular accident to immediate supervisors or other designated County personnel where such non-reporting results in a failing to comply with the post-accident testing requirements of this procedure.

Engaging in prohibited conduct will subject an employee to disciplinary action and/or the imposition of an LCA.

### Testing Categories

#### Post-Offer, Pre-Employment Substance Testing

Applicants who receive an offer of employment will be required to undergo a pre-employment substance screen test conducted at the County's designated testing facility. Any offer of employment that an applicant receives from the County is contingent upon, among other things, satisfactory completion of the examination, screening and substance testing.

The County may rescind an offer of employment that has been extended to any applicant who tests positive for drugs and/or alcohol or any other violation of this administrative procedure.

#### Reasonable Suspicion Testing

If the County has reasonable suspicion based on observations reported by a supervisor or another employee and documented on an Observation Checklist, the employee may be immediately sent for substance testing.

The supervisor who made a referral for substance testing may complete and sign an Observation Checklist setting forth the observations upon which the supervisor relied in making the referral for drug and/or alcohol testing. If possible, the Observation Checklist will be prepared before the end of the current shift, but no later than twenty-four (24) hours after the end of the current shift. A copy of the Observation Checklist shall be provided upon request to the subject employee.

The employee may be placed on administrative leave and/or re-assigned temporarily to other work duties until the County receives the results of a reasonable suspicion test.

#### Post-Accident Testing

When employees are involved in a work-related accident (e.g., industrial safety, motor vehicle), they must report the accident to the supervisor or manager immediately. Employees shall be subject to post-accident testing if:



The employee is involved in a work-related accident that the County's representatives conclude was in whole or in part caused through the employee's action or inaction; or the accident resulted in damage to property either leased or owned by the County.

Post-accident testing involving a motor vehicle by an employee who holds a CDL will be completed within two (2) hours, unless not feasible due to extenuating circumstances.

#### Commercial Driver's License Testing

Employees required to have a valid Commercial Driver's License will also be subject to random testing as required by federal and Ohio regulations. Testing shall be performed by medical facilities/personnel and laboratories certified to perform such testing by the U.S. Department of Transportation and the Ohio Department of Transportation.

#### Return to Duty for Employees After a Positive Test Result

An employee with a CDL, or who operates a motor vehicle as part of their work duties, or who carries a firearm as part of their work duties, whose test result shows a urine or blood specimen with a blood alcohol concentration of more than 0.02 of alcohol or a positive result for any illegal drug or for a legal drug in violation of the conditions identified in the Prohibited Conduct section of this guideline may be immediately relieved of duty for at least twenty-four (24) hours. The requirements of this provision are in addition to any disciplinary action and/or LCA to which the employee may be subject.

An employee with a CDL, who operates a motor vehicle as part of their work duties, who receives a positive test result that includes a blood alcohol content result of 0.04 or greater, or refuses to complete a test when required, shall not be permitted to operate a motor vehicle as part of their work duties until the employee completes a return to duty process with an SAP. A return to duty process concludes when the SAP certifies the employee has successfully completed all recommended referrals (e.g., treatment) and the employee completes a return-to-duty test with a negative result and with a blood alcohol concentration less than 0.02. The requirements of this provision are in addition to any disciplinary action and/or LCA to which the employee may be subject.

### ***8.04 Fitness for Duty***

#### Drug and Alcohol Testing

If a supervisor has a reasonable suspicion that an employee may be under the influence of alcohol or drugs, the supervisor shall immediately contact Human Resources, which shall determine if a reasonable suspicion test shall be conducted (see section 8.03).

#### Physical and Mental Health

The County may require that an employee submit to a medical or psychological examination to determine an employee's fitness for duty. If a management representative has a reasonable suspicion that an employee's behavior warrants a Fitness for Duty exam, they should contact Human Resources. Human Resources may place the employee on paid administrative leave pending the results of the examination.

An employee's refusal to submit to an examination or the unexcused failure to appear for an examination amounts to insubordination, which may result in disciplinary action. An employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination (i.e., missed appointment fee).

Upon completion of the examination, the County will receive a physician's report outlining the results of the employee's fitness for duty. If the physician determines that the employee is fit for duty, the employee shall return to work on the day immediately following the day they are notified of the physician's findings or as soon as practicable. Failure to return to work may subject the employee to discipline pursuant to the Attendance Policy.

If the physician determines that the employee is not fit for duty, the employee will not be returned to work, will be removed from paid administrative leave and will be required to use their accrued paid leave (e.g., sick, vacation, exchange time, and/or compensatory time) or go on an unpaid leave. The employee will remain off work until they submit medical documentation, acceptable to the county, to Human Resources stating that they are able to perform the essential functions of their position, with or without reasonable accommodation.

### ***8.05 Workers' Compensation***

The State of Ohio Workers' Compensation Laws covers County employees. A County employee who sustains a job-related injury or occupational disease may be eligible to receive benefits from the Bureau of Workers' Compensation (BWC). A County employee who is involved in a work-related accident/injury should seek medical treatment and/or care immediately.

#### Employee Procedures

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

- The employee must notify their supervisor of the work-related accident/injury or occupational disease diagnosis immediately or as soon as possible.
- The employee must obtain an Injury Reporting Kit and complete the Accident Investigation Report (AIR) within 24 hours of the occurrence, unless confined to a hospital. If confined to a hospital, the employee must complete the accident report within 24 hours of release from the hospital. Failure to complete the AIR may cause a denial of the claim and result in progressive discipline.
- The employee may seek treatment at the medical provider of their choice so long as the provider is BWC certified. If medical care is needed, the employee should obtain a Managed Care Organization (MCO) card from Human Resources to give their provider. If immediate medical care is needed, the employee does not need to obtain a MCO card. Rather, the employee should inform their provider that they have a work-related injury and refer them to the County's MCO.
- An employee who is involved in a work-related accident/injury may be required to submit to a drug and/or alcohol test. The results of the drug and/or alcohol test, or the employee's refusal to submit to the test may affect the employee's eligibility for compensation and benefits and will subject the employee to the provisions of the County's Fitness for Duty Program.

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

If the employee is released to light or full duty, the employee must immediately provide appropriate documentation from their physician to Human Resources.

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

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

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

#### Supervisor Procedures

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

- Provide the employee with an Injury Reporting Kit. Reporting kits can be obtained from Human Resources. The reporting kits contain the AIR that must be completed by the employee. Upon receipt of the completed AIR from the employee, the supervisor shall immediately give the form to Human Resources.
- Notify Human Resources of the incident.
- If the incident in question involves a vehicle accident, the supervisor is also required to complete a Fitness for Duty form and contact Protective Services.

#### Relationship to Leave Time

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

- **Sick Leave.** The employee may elect to use their accrued sick leave and will continue to receive wages and benefits while using sick leave. Neither the BWC nor the County, will reimburse an employee for the usage of sick time. The BWC will not issue retroactive payment of disability payments to cover the time where sick leave was used.

- **Vacation/Compensatory/Exchange/Personal Leave.** An employee may elect to use their accrued vacation, compensatory, exchange or personal leave. The employee will continue to receive wages and benefits while using vacation, compensatory, exchange or personal leave. Should the BWC determine that the employee is eligible for disability payments, the BWC will issue retroactive disability payments to cover eligible periods where vacation, compensatory, exchange or personal leave were used. The County, however, will not reimburse or re-credit the employee for the vacation, compensatory, exchange or personal leave time used.
- **Unpaid Workers' Compensation Leave.** Injured employees also have the option of not receiving a paycheck from the County and waiting on BWC wage benefits. However, the decision to go into unpaid status may affect health care benefits. Should the BWC determine that the employee is eligible for disability payments, the BWC will issue retroactive disability payments to cover eligible periods where unpaid workers' compensation leave was used. Should the BWC determine that the employee is ineligible to receive disability, the employee will not receive any retroactive payment or reimbursement from the BWC or the County.

Absences from work for 3 or more consecutive days due to injury or illness covered under workers' compensation will be deducted from the employee's FML available leave balance. The employee should consult the County's FML policy and procedures for more information.

### ***8.06 Alternative Work Program***

When an employee is injured, the County's Managed Care Organization will review the employee's medical records and discuss restrictions with the employee's physician. The employee must file a workers' compensation claim with the BWC and complete the County's AIR before being considered for alternative work.

Human Resources will work in conjunction with department management to determine whether there is an appropriate alternative position. Human Resources will inform the employee of the new assignment, reporting time and work hours. For bargaining employees, the employee's union will be notified of the assignment. The employee will maintain their current rate of pay and their bargaining status. The County will make a reasonable effort to assign the employee to their regular shift.

An employee will be eligible for alternative work for up to sixty (60) calendar days. This initial sixty-day period may be extended by agreement between the County and the employee. At no time may an alternative work assignment exceed one hundred twenty (120) days.

For an employee to be allowed to return to their prior position, the employee must provide documentation, acceptable to the County, indicating that the employee can perform the essential functions of the position, with or without accommodation, or have been granted a reasonable accommodation under the ADA.

## **9 COMPENSATION**

The County takes a holistic approach to employees' compensation centered around total rewards and administers a fair and equitable compensation program. The County categorizes compensation in two ways: direct and indirect.

**Direct compensation** is the money paid to an employee in exchange for their work. Direct compensation includes, but is not limited to, salaries/wages and any other form of monetary compensation.

**Indirect compensation** is a benefit given to an employee that has a financial value but is not a direct monetary payment. This may include, but is not limited to, healthcare coverage (medical and supplemental), life insurance, retirement contributions, career planning, EAP services, wellness programs, employee recognition programs, flexible working schedules, paid vacation and sick time, County-issued cellular phones and learning and development opportunities. Indirect compensation provided to employees is described in Chapter 10 of this handbook.

The Personnel Review Commission administers the County's classification plan and salary administration for classified positions. Human Resources administers and maintains the County's compensation policies and procedural guidelines described below.

Any form of direct or indirect compensation not explicitly authorized in this handbook, county policy approved by council, collective bargaining agreement, general law, or otherwise explicitly authorized by council including but not limited to fringe benefits, is strictly prohibited.

### **9.01 Salary/Wages**

The determination of an employee's pay shall not be arbitrary or capricious, based on nepotism, political affiliation or any other factor that violates the Code of Ethics codified in Title 4 of the County Code or any other County, state or federal law. Pay determinations are based on relevant factors, including but not limited to, the pay range, direct experience performing the job functions, qualifications, the labor market, the pay of other employees assigned to similar positions, and other factors relevant to the employee's case.

An employee's salary/wages and any other form of direct compensation shall be approved by the County Executive or designee at the time of appointment or when any change is made to the employee's salary. Changes will be recorded on the county's personnel agenda.

### **9.02 Premium Pay**

Premium pay may be offered to a non-bargaining, classified employee to provide services beyond what is required by the employee's position, to fulfill a County operational need, that will offset an expense the County would otherwise incur. The employee must satisfy one of the following criteria:

- Obtain and maintain an active professional license or certification that is mandated to legally perform a task required by the department. The employee must be required to perform this task at least 20% of normal work hours.
- Communicate with members of the public in a language other than English, including Braille and American Sign Language, at least 20% of normally scheduled work hours.
- For exempt employees only, during specified off-duty hours, are regularly required to remain on-call, to be constantly available to the employee's department, remain within a predetermined maximum distance from the workplace, respond to all requests to return to the workplace within a predetermined maximum amount of time, and remain fit for duty including refraining from the use of alcohol.

Premium pay is only justified when it satisfies a current County operational need. This determination is made on a case-by-case basis. A written justification for premium pay must be submitted to both the employee's agency/department director and the director of human resources, and both the agency/department director and the director of human resources must provide written approval. Annually, the agency/department director must reaffirm the continued justification in order for the premium pay to continue.

### ***9.03 Equity Adjustments***

An equity adjustment is a mechanism for addressing salary inequities arising from external pressures in high demand fields and/or internal salary comparisons.

Reasons for equity adjustments may include, but are not limited to:

- a substantial increase in ongoing responsibilities that are not sufficient enough to warrant a reclassification or reassignment
- an unacceptable internal salary inequity between positions that are of comparable worth in a department or throughout the organization
- an unacceptable salary inequity between an employee's salary and the average salary of similar positions in the market
- the need to retain a key employee whose experience or special skills are uniquely critical

Equity adjustments may be made when approved by the County Executive, as the County's budget permits.

### ***9.04 Compression Adjustment***

A compression adjustment may occur when the salary/wages of a direct supervisor is/are too close to the salary/wages of their direct reports.

Human Resources, in consultation with the department director, will determine when a compression adjustment is appropriate. A compression adjustment may occur during organizational restructuring or when an employee is hired or promoted into a vacant position. There may be circumstances when compression adjustments are not made, including but not limited to:

- a temporary working level (TWL) assignment causes compression between a supervisor and their subordinates
- a supervisor has an atypical reporting structure
- a supervisor leads subordinates with specialized skills and/or significant, relevant experience whose pay is commensurate with their skill and experience
- an adjustment is not supported by the labor market

Compression adjustments shall be approved by the County Executive or designee.

### **9.05 Temporary Work Level (TWL)**

A temporary work level (TWL) may be granted when an employee is temporarily assigned 50% or more of the duties of a position with a higher pay range for a minimum of a two (2) week period, but not to exceed one (1) year.

Time served in a TWL will not be applied towards the length of service requirement to qualify for reclassification through a position audit (see section 6.03).

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

A supervisor must consult, in advance, with Human Resources regarding a TWL. Human Resources will review TWL and makes a recommendation to the County Executive for final approval.

### **9.06 Non-Exempt Employees: Overtime/Compensatory Time**

Non-exempt employees can earn overtime or compensatory time (a form of paid leave) when they work more than forty (40) hours in a workweek or are required to work on a County-recognized holiday. Time spent on paid leave (i.e., sick, vacation, compensatory time off, etc., except for County-recognized holidays), does not count towards the forty (40) hours work requirement.

Employees must be granted prior authorization from their supervisor to work beyond forty (40) hours in a workweek.

State and federal law define overtime as compensation to non-exempt employees at time and one-half the regular rate for work beyond forty (40) hours in a work week. The County credits non-exempt employees with compensatory time. A department director must provide specific, time limited written approval for an employee or group of employees to receive cash payment in lieu of compensatory time. This approval must be based on extraordinary operational needs, or work on a County-recognized holiday.

An employee who has requested paid leave using compensatory time shall be permitted to use it within a reasonable time after the request, so long as it does not unduly disrupt their department's operations.

Compensatory time not used within one hundred eighty (180) days after it is accrued shall be converted to an overtime cash payment and paid to the employee. When ending employment, all unused compensatory time is paid at the employee's regular rate at the time of payment.

Non-bargaining employees may accrue up to the FLSA maximum of two hundred forty (240) hours of compensatory time. Eligible non-bargaining law enforcement employees may accrue up to four hundred eighty (480) hours. Once employees reach the maximum compensatory time accrual, the County will pay for additional overtime hours worked.

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

### ***9.07 Exempt Employees: Exchange/Straight Time***

#### Exchange Time

Exempt employees can earn exchange time (a form of paid leave) when they work more than forty (40) hours in a workweek, or work on a County holiday provided the following:

- there is a compelling reason for the exempt employee to be required to work beyond normal working hours –working beyond regular work hours to finish up normal assignments does not qualify.

there is a “meeting of the minds” between the exempt employee and the supervisor - the employee must either be authorized or required by the supervisor to work the extra time.

Supervisors have discretion to make judgements regarding the application of the above criteria but are expected to do so in a way that supports the operations of the County without adversely affecting long-term staffing needs.

Usage of paid leave (i.e., sick, vacation, exchange time, etc.), does not count towards the forty (40) hours work requirement. However, paid time off on County recognized holidays does count.

Exchange time is accrued in increments of one-minute after the first 30 minutes over 40 hours. Exchange time earned in lieu of holiday premium pay is not subject to the forty (40) hour requirement.

In order to qualify for exchange time, employees must designate the hours as exchange time in the County's payroll system. The County will not recognize exchange time beyond an accrual of 40 hours except as otherwise set forth below.



An employee who has requested paid leave using exchange time shall be permitted to use it within a reasonable time after the request, so long as it does not unduly disrupt their department's operations. However, there is no guarantee that exchange time can be used if it is not possible to accommodate its usage within a six (6) months of the time that the exchange time is accrued.

Exchange time not used within six (6) months of accrual shall expire. If a critical or extraordinary operational need exists, the Director of Human Resources may authorize an employee to accrue up to two hundred (200) hours of exchange time and may extend the expiration timeframe up to one (1) year. At no time shall exchange time be paid out to the employee.

### Straight Time Pay

In rare circumstances the County may pay an exempt employee a straight time cash payment (based on the employee's hourly rate of pay) in lieu of exchange time. Normally, the County will credit the employee with exchange time. A department director may request, on a temporary basis, that a straight time cash payment for an employee or group of employees be provided in lieu of exchange time, subject to all of the following conditions:

1. The department director has determined that hiring additional employees or outsourcing the work would be impractical or less cost-effective than straight time payments;
2. County operations temporarily require exempt employees to work beyond forty (40) hours per week or to work on a County holiday to meet public health or safety need(s), payroll deadlines, to meet mandatory deadlines for the sexennial and triennial real estate assessments, or to meet the critical needs associated with implementing the Enterprise Resource Planning system and/or the Real Property software system, or other information systems;
3. The director of the requesting department has determined, in writing with notification to the Director of Human Resources for placement on the County personnel agenda, that it would be impractical or inequitable to expand the cap on accrual of exchange time, expand the timeframe in which an employee's exchange time can be used, or modify one or more employee's base salary.
4. The County Executive or designee provides written authorization in advance, or within fourteen (14) days in case of emergency, specifying:
  - a. The employee or employees eligible to receive straight time payments,
  - b. The total number of hours worked beyond 40 each employee is authorized to receive straight time payments; and
  - c. the defined period of time, not to exceed 90 days, during which each employee is eligible to receive such payments. The County Executive may extend the time period for additional time provided all of the foregoing conditions still apply, but such extension shall be considered a separate approval for the purposes of reporting and subject to the requirements of this section.

5. The defined period of time provided for in item 4(c) above may not be extended more than once unless the extension is accompanied by a plan to correct the situation necessitating the straight time payments.

Authorized straight-time payments shall be listed on the county's personnel agenda at the time they are approved by the County Executive.

As with the accrual of exchange time, usage of paid leave during the workweek (i.e., sick, vacation, exchange time, etc.) does not count towards the work requirement, but County recognized holidays shall count.

# 10 BENEFITS

## ***10.01 Healthcare Benefits***

Cuyahoga County is committed to promoting and sustaining the well-being of its employees and their families by providing quality and integrative health and wellness programs. Employees are offered comprehensive and competitive benefits programs which include, but are not limited to medical, prescription drug, dental, vision and life insurance and a wellness program.

### Eligibility

Full-time regular and part-time benefits-eligible employees may receive healthcare benefits on the first day of the month following their date of hire, unless hired on the first day of the month, in which case benefits will be effective on the date of hire. Employees have thirty (30) days from their date of hire to make their benefit elections and to submit documentation regarding proof of relationship for their dependents. If an employee fails to make benefit elections within that time, the employee must either wait until the next open enrollment period or experience an IRS approved qualifying event to elect benefits.

### Dependent Eligibility

An employee's dependents may be covered by the County's healthcare benefits. Eligible dependents include an employee's legal spouse, children, step children, legally adopted children from the employee or the employee's spouse, or any children who, by court order, must be provided healthcare coverage by the employee. Healthcare benefits may also cover other dependent children if the employee has legal guardianship, as outlined in each of the County's group insurance carrier contracts. Healthcare benefits will be extended to dependent children up to age twenty-six (26), in accordance with federal law and the Ohio Department of Insurance guidelines. No employee or dependent can be covered by more than one County sponsored benefit plan.

Documentation showing proof of relationship is required to be submitted to Human Resources before dependents can be added to medical, dental and vision plans. Employees are bound by the deadlines designated by Human Resources to submit proof of relationship documentation. Acceptable documentation includes, but is not limited to a marriage certificate, and a bill (i.e., utility, credit card, insurance, etc.), recent tax record or other County-approved document showing the names of the employee and spouse and their address, and a certified birth certificate or adoption paperwork for a child.

If an employee is covered by healthcare coverage elsewhere, the employee can waive County coverage and may be entitled to receive a taxable opt-out payment, determined annually during open enrollment. Employees who opt-out of county healthcare coverage will be required to attest that they have alternative coverage in order to be eligible for the taxable opt-out payment.

Employee contributions for benefits are paid through a pre-tax payroll deduction.

By enrolling in a County benefit plan, an employee agrees to comply with eligibility rules for themselves and for their dependents in these plans. Enrolling ineligible dependents may be considered fraud.

Employees may be subject to eligibility audits. An employee selected for an eligibility audit will be required to submit copies of documentation showing proof of relationship such as certified birth certificate(s), marriage certificate(s), income tax return(s) and/or other related documentation including affidavits.

Any person who, with intent to defraud or knowing that they are facilitating fraud, submits an application or files a claim containing a false or deceptive statement may be guilty of insurance fraud. Any employee found making false or deceptive statements may be subject to disciplinary action.

## ***10.02 Open Enrollment and Qualifying Events for Mid-Year Enrollment in Benefits Coverage***

Open Enrollment, which generally occurs in the last quarter of each year, is a time when employees can change their benefits enrollments and/or sign up for benefits. Annually, employees may be required to reenroll in benefits by the Open Enrollment deadline. Employees who fail to enroll by the Open Enrollment deadline will default to the medical plan designated by the County. Once an employee defaults, the plan cannot be changed unless an approved Internal Revenue Service (IRS) qualifying event occurs.

Employees are responsible for notifying Human Resources when a qualifying event occurs that may impact their dependents' coverage. All changes require the appropriate certification and documentation within thirty (30) days of the qualifying event. Employees may not be able to change their election until the next Open Enrollment period if appropriate notice is not received.

Examples of qualifying events that require mid-year election changes include:

- marital status (marriage, divorce, legal separation, death of spouse)
- number of dependents (birth, adoption, placement for adoption, legal guardianship, death)
- employment status of employee (i.e., part-time to full-time)
- dependent eligibility (Loss of student status, age limit)
- residence (dependent moves out of plan service area)
- loss or gain of employment by the employee's spouse or dependent
- significant cost or change in coverage of spouse or dependent under another employer plan
- loss of certain other health coverage (plans provided by governmental or educational institutions)
- Health Insurance Portability and Accountability Act (HIPAA) special enrollment right events
- judgement, decree or order resulting in change in legal custody (Qualified Medical Child Support Order)
- entitlement to Medicare or Medicaid

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

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

### **10.03 Optional Employee Benefits**

At the sole discretion of the County, certain additional optional employee benefits may be offered to employees, at the employee's expense, including but not limited to:

- Voluntary benefits, such as accident insurance, critical life events insurance, universal life insurance with long term care rider, and/or short-term disability
- Discounted public transportation bus/transit passes and parking

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

### **10.04 Wellness Program**

If the county establishes a wellness program, employees are encouraged to actively participate. The wellness program is designed to assist employees and their families in making positive and healthy lifestyle choices with a focus on wellbeing. The wellness program has several components including health screenings, education, activities, weight management, newsletters, on-site fitness programs, financial education, healthy lifestyle incentives and more.

### **10.05 Flexible Spending Accounts (FSA)**

Flexible Spending Accounts (FSA) are Internal Revenue Service (IRS) sanctioned benefits that provide employees the opportunity to have pre-tax amounts withdrawn from their paycheck and deposited into Medical, Dependent Care and/or Transportation FSA(s). These accounts are offered by the County as an additional benefit that allow employees to pay for related eligible expenses using pre-tax dollars.

#### Eligibility

Full-time regular and part-time benefits-eligible employees may enroll in flexible spending accounts during Open Enrollment. New employees can enroll within thirty (30) days from their date of hire or during Open Enrollment.

#### Medical FSA

The Medical FSA allows employees to use pre-tax dollars for many healthcare expenses not covered by medical and dental plans (i.e., copays, deductibles, orthodontia, etc.), vision care expenses for prescription eyeglasses and contact lenses, as well as prescription medication. Medical FSAs are pre-funded, allowing participants access to their annual elections on the first day of participation. For a complete list of eligible expenses, review IRS Publication 502 (Medical and Dental Expenses Expenses) online at [www.irs.gov](http://www.irs.gov). Enrollment in a Medical FSA is available upon hire or annually during Open Enrollment. Additionally, changes to enrollment in a Medical FSA can be made if the enrolled employee experiences an approved IRS qualifying event.

### Dependent Care FSA

The Dependent Care FSA allows employees to use pre-tax dollars for charges that are incurred for the care of dependents. This includes expenses for eligible dependents under age thirteen (13) and may apply to a spouse or parent who resides with the employee and is physically or mentally incapable of self-care. For a complete list of eligible expenses, review IRS Publication 503 (Child and Dependent Care Expenses) online at [www.irs.gov](http://www.irs.gov). Enrollment in a Dependent Care FSA is available upon hire or annually during Open Enrollment. Additionally, changes to enrollment in a Dependent Care FSA can be made if the enrolled employee experiences an approved IRS qualifying event.

### Transportation (Parking, Transit, RTA, Bicycling) FSA

The Transportation FSA allows employees to use pre-tax dollars for charges that are incurred for work-related parking, mass transportation, and bicycling. For a complete list of eligible expenses, review IRS Publication 15-B (Employer's Tax Guide to Fringe Benefits) online at [www.irs.gov](http://www.irs.gov).

There are strict deadlines associated with the submission of claims for withdrawal of funds from flexible spending accounts. Employees that fail to submit claims prior to the deadline will forfeit any remaining balances in their flexible spending accounts. More information regarding specific deadlines can be obtained by contacting the Department of Human Resources. Enrollment in a Transportation FSA is available at any time.

## **10.06 Retirement – Ohio Public Employee Retirement System**

Employees are required to participate in the Ohio Public Employees Retirement System (OPERS). OPERS is the pension system utilized by the County instead of the Federal Social Security system. OPERS offers three retirement plans to its members: The Traditional Pension Plan (Defined Benefit), the Member-Directed Plan (Defined Contribution), and the Combined Plan (Combination of both Defined Benefit and Contribution). Additional information can be found on the OPERS website.

### Contributions

The State of Ohio sets the employee and employer contribution rates. The employee's contribution rate is deducted from the gross bi-weekly salary/wage of the employee's pay. This amount is added to the County contribution rate and deposited into the employee's individual account with OPERS.

### Tax-Deferred Basis

The Internal Revenue Code allows public employee pension plan contributions to be remitted on a tax-deferred basis. This means the employee pension contribution will not be included in taxable income when calculating federal and state income tax withholding. This yields an immediate tax savings to the employee.

City taxes will continue to be deducted from the employee's portion of the OPERS contribution. Also, the amount of pension contribution that is tax-deferred may be subject to federal and state taxation when it is withdrawn, either at retirement or upon separation of employment.

### Other Information

Depending on the plan chosen, other benefits available may include survivor and disability benefits as well as healthcare benefits upon retirement.

OPERS service time continues to accrue during paid leaves of absence including Family Medical Leave. OPERS contributions are not remitted during an unpaid leave. Some leaves, such as military and workers' compensation may be eligible for free service credit. Credit for approved unpaid leaves may be purchased.

Information is available by contacting OPERS directly or at the OPERS website, [www.opers.org](http://www.opers.org).

### **10.07 Deferred Compensation**

Employees can choose to contribute to a Deferred Compensation Plan. Employees may authorize a portion of their pay to be withheld and invested to supplement their future retirement income. Unless otherwise provided by law, money contributed to a Deferred Compensation Plan and any earnings on those contributions are not subject to federal or state income tax until those monies are paid to the employee, at the point of retirement or at the point of an approved withdrawal. Contact Human Resources for more information on Deferred Compensation Plans.

### **10.08 Employee Assistance Program**

The County is committed to the health, safety, and welfare of its employees and their families. The County offers the EAP to provide employees and their eligible dependents with tools and resources to assist with personal matters. The EAP offers employees and their dependents short-term assessment and problem resolution by licensed counselors for a range of common concerns. The County funds the initial counseling sessions for employees and eligible dependents. The Employee Assistance Program (EAP) is designed to offer employees and their dependents assistance with issues including but not limited to:

- Addiction/Chemical Dependency
- Adolescent Issues & Guidance
- Chronic Physical Illness
- Depression/Anxiety
- Eating Disorders
- Family/Dependent Care Resources
- Financial Management Assistance
- Legal Consultation
- Major Life Events, including births, accidents and deaths
- Management Consultation
- Marital Conflict or Divorce
- Retirement Coaching
- Stress Management
- Wellness Advice
- Workplace Conflict Resolution

Following completion of the initial sessions, counselors may recommend a plan, which may include additional counseling and/or needed services. Subsequent services may be covered by the employee's medical provider and insurance.

Employees' current job and future advancement will not be jeopardized by using EAP services. The EAP provides strict confidentiality, following all federal and Ohio laws. As with all health-related documents, if EAP records are provided to the County, the EAP's records will be maintained in a confidential manner. The County may, upon recommendation or request by management, and when appropriate, refer employees to the EAP to assist with workplace and/or performance issues.

Participation in the EAP does not excuse employees from complying with the County's policies or from meeting job requirements during or after receiving assistance. Nor will participation prevent the County from taking corrective action for performance problems that occur before or after employees seek assistance through the plan.

Additional information regarding the EAP can be obtained from Human Resources.

### ***10.09 Lactation Accommodation***

Cuyahoga County supports and complies with all federal and Ohio laws and regulations by providing accommodations to employees who are nursing mothers who wish to express breast milk during the workday.

#### Break Time for Lactation Purposes

Employees who are nursing mothers can take reasonable, paid break periods during the workday to express breast milk. Employees should work with their supervisor to make reasonable efforts to minimize disruption to departmental operations.

#### Lactation Rooms

For the convenience and privacy of employees who are nursing mothers, the County has designated rooms at various facilities where a mother can express breast milk. These rooms will include reasonable and appropriate amenities.

Usage rules for these designated rooms and room amenities, will be posted at each facility. To ensure privacy, nursing mothers may reserve/schedule a location room at a time convenient to their needs. Each facility handles the reservations/scheduling in a different manner. Employees should contact Human Resources for information on the reservations/scheduling process.

#### Resources

For more information about lactation accommodations, employees should contact Human Resources. Other information and resources for nursing mothers who have returned to work are available through the Employee Assistance Program.



## **10.10 Life Insurance & Accidental Death & Dismemberment (AD&D)**

The County provides a basic term Life and Accidental Death and Dismemberment (AD&D) insurance benefit.

### Eligibility

Full-time and part-time benefits-eligible employees are eligible to receive a basic term Life and Accidental Death and Dismemberment (AD&D) insurance benefit.

Employees are eligible to receive benefits on the first day of the month following their date of hire, unless hired on the first day of the month, in which case benefits will be effective on the date of hire. Employees may elect additional supplemental coverage.

The County provides Accidental Death and Dismemberment Insurance that will pay an amount if employees become disabled or die due to a non-work-related accident. The payment amount varies according to the type of disability or death.

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

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

There are deadlines associated with both the "conversion" and "portability" provisions of the County's sponsored life insurance program.

## **10.11 Consolidated Omnibus Budget Reconciliation Act (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) provides qualified beneficiaries who lose their healthcare benefits the right to choose to continue those benefits for limited periods due to qualifying life events. Qualified beneficiaries may be required to pay the entire premium for coverage, in addition to an administrative fee.

### Qualified Beneficiaries

A qualified beneficiary generally is an individual covered by a group health plan on the day before a qualifying event for someone who is an employee, the employee's spouse or an employee's dependent child. In addition, any child born to or placed for adoption with a covered employee during the period of COBRA coverage is considered a qualified beneficiary.

### Qualifying Life Events

Qualifying life events are certain events that would cause an individual to become eligible for COBRA. The type of qualifying life event will determine who the qualified beneficiaries are and the length of time under which continuation of healthcare coverage will be provided under COBRA.

### Qualifying Life Events for Employees

- Voluntary or involuntary termination of employment for reasons other than gross misconduct
- Reduction in the number of hours of employment (including military leave of absence)

### Qualifying Life Events for Spouses

- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct
- Reduction in the hours worked by the covered employee (including military leave of absence)
- Covered employee becoming entitled to Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

### Qualifying Life Events for Dependent Children

- Loss of dependent child status under the healthcare plan rules
- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct
- Reduction in the hours worked by the covered employee (including military leave of absence)
- Covered employee becoming entitled to Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

Under COBRA, employees and/or their qualified beneficiaries must notify Human Resources of a divorce, legal separation or a child losing dependent status under the plan within sixty (60) days of the qualifying event.

The County provides employees with written notice of their rights under COBRA when they become eligible for coverage under the health insurance plan, as well as when a qualifying event occurs. Employees should contact Human Resources with any questions.

# 11 TIME OFF AND LEAVES OF ABSENCE

All time off and leave is subject to prior approval, unless otherwise noted. Employees must request leave using the procedures and forms outlined by Human Resources and their department.

Every request for leave will be given fair consideration in accordance with the following procedural guidelines and the staffing needs of the employee's department. Any leave approved based on false information is invalid and any approved leave shall terminate if the reason for granting the leave is no longer applicable. Moreover, employees providing false statements or documentation may be subject to disciplinary action.

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

## 11.01 Paid Vacation Leave

The County provides paid vacation leave to full-time and part-time benefits-eligible employees. Vacation accrual is based on years of service and begins on the first day of employment with the County. Employees who have previous service with any political subdivision of the State of Ohio may receive service credit for vacation accrual. To receive credit, employees must provide Human Resources with a signed letter from the former employer(s), on each employer(s) letterhead, with the qualifying start and end dates of employment, number of days worked if any of the service was less than a full year, number of hours worked if any of the service was less than full-time, and verification of any unused accumulated sick leave. Employees must provide the required documentation within sixty (60) days of their date of hire. Forms received after sixty (60) days will be accepted; however, any service accrual granted will start from the beginning of the pay period in which the form is received. An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio shall not have prior service considered for the purpose of computing vacation leave.

Eligible full-time employees in active pay status accrue vacation each pay period based on the following years of service:

Years of Service	Biweekly Accrual Rate	Yearly Accrual Total	Maximum Accrual Allowance
Less than 5	3.1 hours	80 hours/10 days	240 hours/30 days
5 to less than 15	4.6 hours	120 hours/15 days	360 hours/45 days
15 to less than 25	6.2 hours	160 hours/20 days	480 hours/60 days
25 or more	7.7 hours	200 hours/25 days	600 hours/75 days

Eligible part-time employees in active pay status accrue vacation each pay period based on the following years of service:

Years of Service	Biweekly Accrual Rate	Yearly Accrual Total	Maximum Accrual Allowance
Less than 5	2.47 hours	64 hours/8 days	192 hours/24 days
5 to less than 15	3.70 hours	96 hours/12 days	288 hours/36 days
15 to less than 25	4.93 hours	128 hours/16 days	384 hours/48 days
25 or more	6.16 hours	160 hours/20 days	480 hours/60 days

Once an employee's vacation leave balance reaches the maximum accrual allowance, no further vacation leave will accrue until the balance drops below the maximum amount.

There is no waiting period after an employee is hired or promoted before vacation time can be used. Employees must have their supervisor's approval to use vacation leave.

An employee separating from the County is eligible for payout of their accrued vacation leave balance, minus any fees, charges or outstanding financial obligations the employee may have to the County.

### **11.02 Paid Holidays**

The County provides full-time and part-time benefits-eligible employees with paid time off on the following, recognized holidays:

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

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

Eligible employees who work on a County-recognized holiday and are in a paid status on the regular work day immediately preceding and following a holiday are entitled to holiday pay for their regularly scheduled work hours. If the employee's work schedule is other than Monday through Friday, and the

holiday falls on the employee's day off, the employee is entitled to a floating day off, to be used within ninety (90) calendar days and with prior approval.

An employee in a non-exempt position who is required to work on a County holiday shall be entitled to regular pay in addition to holiday premium pay at one and one-half (1.5) times for each hour worked. Exempt employees who are required to work on a County holiday will receive regular pay in addition to holiday premium pay at their regular rates for each hour worked, or exchange time. Normally, the County will credit the employee with exchange time. A department director may request, based on compelling or extraordinary operational needs, that the Director of Human Resources approve holiday premium pay for an employee or group of employees in lieu of exchange time, subject to the conditions in Section 9.07 of this handbook.

Part-time benefits-eligible employees are entitled to holiday pay for their scheduled hours if the recognized holiday falls on their regularly scheduled workday.

Part-time benefit non-eligible employees and temporary employees are not entitled to holiday pay or premium holiday pay even if they work on a recognized holiday.

### **11.03 Paid Sick Leave**

The County provides paid sick leave to full-time and part-time employees. Sick leave can be used for the following reasons:

- illness, injury, or pregnancy-related condition of the employee or the employee's immediate family member
- exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees
- death of an employee's immediate family member (*in conjunction with the bereavement policy*)
- healthcare appointment with an appropriate healthcare practitioner for the employee, or the employee's immediate family member where the employee's presence is reasonably necessary

For purposes of this section, immediate family member includes the employee's spouse, child, step-child, parent, parent-in-law, grandparent, sibling, brother- or sister-in-law, aunt, uncle, or persons to whom the employee stands in loco parentis, or any other relative residing with the employee (proof of residency required).

Sick leave accrues at the rate of 0.0575 hours for each hour of service. Employees must be on active pay status to accrue sick leave. Employees may not use sick leave that was accrued in the same pay period. Sick leave may not be used to cover absences that occurred prior to the accrual of the leave. Sick leave is used in a minimum of one (1) minute increments. Sick leave payment shall not exceed the normal, scheduled workday earnings.

Employees must follow their department's guidelines regarding appropriate notification for using sick leave. When the need for leave is foreseeable, the employee must notify their supervisor by making a

leave request in advance. In unforeseen circumstances, an employee must follow their department guidelines regarding notification.

The employee shall record their absence in the applicable timekeeping system. If the pay period ends before the employee returns to work, the employee's supervisor shall record the employee's absence.

The County reserves the right to require documentation to support the employee's sick leave request (i.e., medical certification) for all absences of three (3) or more days, or when the County has a reasonable suspicion that sick leave is being abused. Abuse of sick leave may subject the employee to disciplinary action.

An employee's supervisor must notify Human Resources anytime an employee is out on sick leave for 3 consecutive work days to ensure the employee receives information regarding FMLA.

#### *Unused Sick Leave*

Upon retirement, an employee with ten (10) or more years of service shall be paid for one-fourth (1/4) of the accrued, unused sick leave balance up to a maximum of two-hundred forty (240) hours. Payment for unused sick leave is not available under any other circumstance.

#### *Sick Leave Credit*

Employees who have a balance of sick leave earned while employed by another political subdivision of the State of Ohio within the past ten (10) years may have the unused sick leave balance credited to their current sick leave balance with the County. To receive sick leave balance credit, employees must provide Human Resources with a signed letter from the most recent qualifying former employer, on the employer's letterhead, with qualifying start and end dates of employment and verification of any unused accumulated sick leave.

### **11.04 Paid Bereavement Leave**

All full-time employees who experience the loss of a spouse, mother, father, step-parent, child, step-child, or persons to whom they stand in loco parentis or who stood in loco parentis to them, will be granted up to five (5) days of paid bereavement leave.

Full-time employees are entitled to up to three (3) days of paid bereavement leave for the loss of a brother, sister, half-brother, half-sister, step-brother, step-sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, uncle, aunt, first cousin, niece or nephew, or any relative residing with the employee (proof of residency required).

Part-time benefits-eligible employees who experience the loss of a spouse, mother, father, step-parent, child, step-child, or persons to whom they stand in loco parentis or who stood in loco parentis to them, will be granted up to three (3) days of paid bereavement leave.

To be eligible for bereavement leave, the employee must provide appropriate documentation supporting the request for leave (e.g., obituary, funeral/memorial service program, death certificate, etc.).

Bereavement leave must be used within six (6) months of the loss. Bereavement leave may be taken as a continuous period or on an intermittent basis. If an employee needs additional time away from work, the employee may request to use accrued sick leave, vacation leave, compensatory and/or exchange time with the approval of their supervisor. Once these paid leaves are depleted, employees may request an unpaid personal leave of absence.

### **11.05 Paid Legal Proceedings Leave**

Employees may receive legal proceedings leave when they are:

- summoned for jury duty by a court of competent jurisdiction
- subpoenaed to attend a court proceeding for a matter that is work-related and employee acted within the proper scope of their employment
- participating in any hearing of the PRC as the appellant, a summoned witness or at the request of the County

To receive this leave, employees shall submit, to their supervisor, a copy of the summons or request as soon as the notice is received.

An employee out on legal proceedings leave is required to immediately report to work after they are released, unless there would be less than one (1) hour left in the employee's regularly scheduled work day upon reporting to work. For example, an employee on an 8:30 – 4:30 schedule who is released from jury duty at 1 p.m. is required to immediately report to work. If the employee is released from jury duty at 4 p.m., they would not be required to report to work.

The County will compensate an employee on legal proceedings leave at their normal rate of pay, provided that the employee, upon receipt of any compensation paid by the court, submits the compensation to the County. Checks received in the name of the employee must be endorsed and provided to their supervisor for deposit to the County Treasurer. The employee, however, shall not be granted any mileage, travel or other related expenses.

### **11.06 Unpaid Personal Leave of Absence**

Full-time and part-time benefits-eligible employees may apply for an unpaid personal leave of absence. A personal leave involves a temporary separation from active pay status. Employees may apply for a personal leave of absence without pay for a maximum of one (1) month, unless approved for a longer period by the Director of Human Resources.

Job performance, absenteeism and departmental requirements may be considered before a request is approved. Approval for leave is within the sole discretion of County management. Leave must not unduly disrupt the department's normal operations.

Employees requesting a personal leave must complete a *request for unpaid leave* form. The request must be submitted to the employee's supervisor at least sixty (60) days prior to the beginning of the leave, or as soon as possible when extenuating circumstances make it impossible to give at least 60 days'

notice. The request for unpaid leave form is available online, or a paper copy can be requested from Human Resources. Bargaining employees who are ineligible for personal leave under the terms of their CBA may be permitted leave under this provision of the Employee Handbook at the discretion of the Director of Human Resources.

If the employee's supervisor approves the request, then request must then be forwarded to the employee's department director and Human Resources for approval, in that order.

An employee must exhaust all applicable paid leave before beginning a personal leave of absence. For example, an employee requesting an unpaid leave of absence to campaign for an elected office would first have to exhaust all vacation and exchange/compensatory time but would not have to exhaust their sick leave. The effective date of the personal leave will be the employee's first non-working day following the exhaustion of any of the employee's applicable, available paid leave balances (i.e., sick and vacation leave, compensatory and exchange time).

A personal leave is a temporary separation from active pay status. Sick and vacation leave and OPERS service time do not accrue during the leave. However, an employee on personal leave may continue their voluntary benefits, at their own expense. To continue benefits, a *benefits continuation form* must be completed and submitted to Human Resources prior to commencement of the personal leave of absence. The benefits continuation form is available online, or a paper copy can be requested from Human Resources.

If the employee chooses to continue their benefits, the employee must pay for coverage by prepaying, in full, their contributions for the duration of time they will be on a personal leave of absence. Payment must be received by the end of the month prior to the month for which the leave has been approved. If the employee does not pay for their contribution for their benefits while on a personal leave of absence, benefits will be cancelled.

Any extensions for personal leaves of absence beyond the maximum one (1) month period will be considered on a case-by-case basis by the department director and Human Resources.

Failure to return to work upon the expiration of the personal leave, without reasonable explanation, may subject the employee to disciplinary action. An employee who fails to return to service from a personal leave and who is subsequently terminated or voluntarily resigns from service shall not receive service credit for the time spent on personal leave. In this case, the employee's termination date will be the start date of the personal leave.

An employee may be permitted to return to work prior to the originally scheduled expiration of the personal leave if the earlier return date is agreed to by both the employee and Human Resources.

### **11.07 Family Medical Leave**

The Family and Medical Leave Act (FMLA) and its amendments provide employees with the right to take job-protected unpaid time off for various identified reasons.



Employees with at least one (1) year of service who have worked at least 1,250 hours in the previous year are eligible, and can request up to twelve (12) workweeks (480 hours) of Family Medical Leave (FML), during a 12-month period, for one of the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth
- The birth or placement of a child for adoption or foster care
- To care for an immediate family member (as defined by this procedure to only include spouse, child or parent) with a serious health condition
- To take medical leave when employees are unable to work because of their own serious health condition

Employees may take up to twelve (12) weeks of approved leave within a rolling twelve (12) month period. The twelve (12) month period is measured backward from the commencement date of FML, during this time the employee must have worked 1,250 hours. If two married employees both work for the County and each wants to take leave for the birth of a child, adoption or placement with the employee of a child in foster care, or to care for a parent with a serious health condition, the employees may take only a combined total of twelve (12) weeks of leave.

A serious health condition is defined as a condition that requires in-patient care at a hospital, hospice or residential medical care facility, or a condition that requires continuing care by a licensed healthcare provider as defined in the FMLA. In general, a period of incapacity of more than three (3) days, and two (2) visits to a healthcare provider within thirty (30) days (the first within seven [7] days of the onset of incapacity), would be considered a serious health condition. A serious health condition leaves employee unable to perform their job. Questions about what health conditions are covered under this procedural guideline should be directed to Human Resources.

Employees must use all accumulated paid time off allowances during their FML. FML that exceeds an employee's accumulated paid time off allowance is unpaid, and employees are responsible for financially arranging to continue their benefit coverage, at their expense, during the absence. For serious health conditions, employees must provide a healthcare provider's verification of the medical need for leave. On return from FML, employees are placed in their former or comparable jobs.

#### Leave Categories

- Continuous Leave: Employees may take leave in a continuous block of time.
- Intermittent Leave: Employees may take leave in separate blocks of time due to a single illness or injury, rather than for one continuous period and may include periods of leave from an hour or more (with appropriate notice for non-emergency circumstances such as regular treatment visits, etc.) to several weeks. Examples of intermittent leave would include leave taken for chemotherapy that includes time taken on an occasional basis for a medical appointment or leave taken several days at a time spread over a period of six (6) months
- Reduced Leave Schedule: Employees may take leave that reduces their usual number of working hours per workweek, or hours per workday. In other words, a reduced leave schedule is a change in the employee's schedule for a period, normally from full-time to part-time. Such a schedule

reduction might occur, for example, when employees work part-time after the birth of a child or employees recovering from a serious health condition cannot work a full-time schedule. The difference between the employee's reduced schedule and regular schedule will be charged against the employee's available FML weeks/hours. Documentation of medical necessity of reduced schedule is required.

### Military Family Leave Entitlement

Eligible employees with a spouse, child or parent on active duty or called to active duty status in the National Guard or Armed Forces Reserves in support of a contingency operation may use their 12-week leave entitlements to address qualifying exigencies. Qualifying exigencies may include attending military events, arranging for alternative childcare, addressing financial and legal arrangements, attending counseling sessions and attending post-deployment reintegration briefings.

FML also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single 12-month period. This type of Military Family Leave is available only once. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Armed Forces Reserves, who has a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation or therapy, is in outpatient status or on the temporary disability retired list.

### Applying for Leave

Employees, or an employee's supervisor if the employee is unable, must request FML through the MyHR system or contact Human Resources to initiate FML and must provide Human Resources with a thirty (30) day notice, if the leave is foreseeable. The County reserves the right to require an employee delay the start of their FML if thirty (30) days' advance notice is not provided when the need for FML is foreseeable. If the leave is not foreseeable, notice must be given as soon as possible.

### Certification and Recertification of Serious Health Conditions

The County will ask for certification of the employee's serious health condition or that of a family member. Employees must respond to such a request within fifteen (15) days or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by using the Medical Certification form.

Certification of a serious health condition will include the following:

- The date when the condition began
- The condition's expected duration
- The medical facts regarding the condition; and
- A brief statement of treatment

For employee's serious health condition, a statement noting the employee is unable to perform work of any kind or unable to perform the essential functions of the job. For a seriously ill family member, a statement indicating assistance is required, what that assistance is and/or that the employee's presence would be beneficial.

The County reserves the right to ask for a second opinion and will pay for employees to get a certification from a second healthcare provider selected by the County.

If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third healthcare provider. The County's healthcare provider and the employee's healthcare provider will jointly select the third healthcare provider, and the County will pay for that opinion. The third opinion will be final.

The County may request recertification of a chronic or episodic serious health condition requiring intermittent leave or reduced schedule every six (6) months, or less, as indicated by the healthcare provider's certification. No additional opinions or re-certifications will be requested in the case of leave to care for a military service member, in conformance with the regulations.

#### Holidays and Suspended Operations

When a holiday or inclement weather, emergency or event impacting operations falls during a week in which an employee is taking a full week of FMLA leave, the entire week is counted as FMLA leave. However, when a holiday falls during a week when an employee is taking less than the full week of FMLA leave, the holiday is not counted as FMLA leave, unless the employee was scheduled and expected to work on the holiday and used FMLA leave for that day.

#### Status and Benefits While on FML

While on paid FML, the County will continue employees' benefit coverage at the same level and under the same conditions as if they had continued to work. All available paid leave must be used and charged against the employee's FML before unpaid FML will be initiated. The employee's accrued time must be used in the following order: Sick, Compensatory/Exchange, Vacation. Sick and vacation leave will accrue during the employee's paid FML as it normally would. Available time accrued during paid FML must be used in the same order as above. All usual payroll deductions will be taken during the employee's paid FML.

While on unpaid FML, if employees choose to continue their benefit coverage, employees will be responsible for making payment arrangements for the employee paid portion of benefits for the duration of unpaid FML. If for any reason employees allow their benefit coverage to lapse while on unpaid FML, benefits will be cancelled. Vacation and sick leave do not accrue during unpaid FML.

#### Leave Donation

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

An employee may receive donated leave provided that the employee:

- is first approved for FML leave that removes them from the workplace for fifteen (15) consecutive work days for their own serious health condition. Donated leave may be applied retroactively to whenever the donee exhausts his or her paid leave balance. Employees on intermittent FML leave do not qualify to participate in the program. Any unused donated leave will be returned to the donating employee
- has exhausted all sick leave, vacation leave and compensatory/exchange time
- has not had any discipline for attendance within the previous year

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

- voluntarily elects to donate leave to a designated, approved recipient, and does so with the understanding that any used donated leave will not be returned
- retains a sick balance of at least one hundred twenty (120) hours after their donation
- is in active pay status at the time their sick time is to be used

Employees interested in receiving donated time should contact Human Resources. Employees who qualify may receive leave through the Leave Donation Program for up to twelve (12) weeks.

An employee may request donation leave from other employees or may designate a non-supervisory employee to make such a request on their behalf. Supervisors and managers may not solicit leave donations for or from any employee in their chain of command.

When an employee has exhausted all donated time, they may be placed on an unpaid extended sick/medical leave or may be separated in accordance with County policy or their CBA.

#### Returning from FML

Most employees who take leave under this procedural guideline will be able to return to the same job or a job with equivalent status, pay, benefits, and other employment terms and conditions. The job will be the same or one that requires substantially equivalent skill, effort, responsibility and authority. However, employees' rights to reinstatement cease if the employment relationship ends (e.g. loss of job due to reduction in force while on leave or situations where the organization learns of circumstances that would otherwise result in the termination of employment). The County may exempt certain highly-compensated employees from this requirement and not return them to the same or similar position.

Before employees may return to work from a leave of absence, they may be required to present to the County a medical certificate from their healthcare provider indicating any restrictions on their ability to perform the essential functions of the job to which they are returning. For scheduling purposes, this release must be received no less than two (2) business days before the employee's anticipated return date. The County may also require a physical examination at its expense to determine fitness for duty.

All family and medical leave taken, for whatever reason (including leaves for workplace injury), will be counted against employees' available leave of absence period under the FMLA.

### **11.08 Unpaid Medical Leave**

Employees who are not eligible for FML (see section 11.07), or who have exhausted their FML, may be granted unpaid medical leave of absence because of personal illness or injury that disables the employee from performing the essential functions of their job (including medical conditions related to pregnancy or childbirth) or an illness/injury of an employee's child (including a child for whom the employee is the legal guardian), spouse, or parent, but not including the employee's parents in-law. The County reserves the right to require medical or other relevant documentation to justify the leave.

Unpaid medical leave may be granted for up to a total of twelve (12) weeks within a rolling twelve (12) month period. The twelve (12) month period is measured backward from the commencement date of unpaid medical leave. Unpaid medical leave must be taken in continuous blocks of time of at least five (5) consecutive workdays.

To be eligible for unpaid medical leave, any accumulated paid leave must be exhausted, and the employee must comply with their department's call-off procedure. The employee must demonstrate that the probable length of absence will not exceed twelve (12) weeks and the employee must present Human Resources at the time that the request is made with sufficient medical documentation, acceptable to the County, demonstrating that the employee is unable to perform the essential functions of their position and containing the probable period for which the employee will be unable to perform the essential functions of their position. If the need for leave is for the employee's covered family member, the documentation must demonstrate that the employee is needed to care for the covered family member.

If an employee takes unpaid medical leave to care for a covered family member and does not return to work within twelve (12) weeks, the employee may be removed. Such employees shall have no right to reinstatement but remain eligible for future employment through the County's regular hiring process. The County may initiate the disability separation process (see section 6.12) for an employee who takes unpaid medical leave for their own medical condition and does not return to work within twelve (12) weeks, consistent with the ADA or other applicable law.

When the County has a reasonable belief that an employee who has been on extended unpaid medical leave may be unable to perform the essential functions of their position, with or without reasonable accommodation, the County may require the employee to submit to and satisfactorily pass a medical examination before being permitted to return to work. The purpose of the medical examination shall be to determine if they can perform the essential functions of their position, with or without reasonable accommodation, consistent with the ADA or other applicable law. In the event of a difference of opinion as to the employee's physical status between the employee's physician and the County's physician the employee shall be referred to a mutually agreed upon physician whose opinion shall be binding.

## **11.09 Paid Parental Leave**

The County offers Paid Parental Leave to employees, due to the birth of an employee's child or the placement within an employee's home of an adopted child. Parental leave gives parents additional flexibility and time to bond with their new child, adjust to their new family situation and balance their work obligations.

Paid parental leave is available to full-time and part-time benefits-eligible employees who are FML eligible (see section 11.07). An employee is FML eligible when they have at least one (1) year of service with the County and have worked at least 1,250 hours in the previous year.

Paid parental leave is two (2) continuous weeks of paid leave, which will run concurrently with FML, and is in addition to any other paid leave that may be available for the employee to use while on FML.

Paid parental leave will be based on an employee's normal rate of pay (based on full-time equivalency), not including premiums or scheduled overtime. Part-time benefits-eligible employees will receive two (2) continuous weeks of paid leave, with pay based on the average number of hours worked during the previous year.

Vacation and sick leave continue to accrue during paid parental leave. The County will continue to pay its share of the cost of an eligible employee's group health insurance during paid parental leave. The eligible employee's share of the premium will be deducted from the eligible employee's pay in accordance with normal practices.

Paid parental leave must be utilized within twelve (12) weeks following the birth or adoption of a child. Paid parental leave will not reduce eligibility for other types of paid and unpaid leaves such as sick leave, vacation, unpaid personal leave and holiday. Bargaining employees should review their CBA (if applicable) and contact Human Resources.

An employee is eligible for paid parental leave once within a rolling twelve (12) month period. The fact that a multiple birth or adoption occurs (for example, the birth or adoption of twins) does not increase the length of paid parental leave granted for that event. If both parents are eligible employees, each will be able to utilize the appropriate provisions of this procedural guideline.

### Documentation

Eligible employees must submit a completed *leave request form* to Human Resources at least thirty (30) days prior to the anticipated date of the leave. To the extent the 30-day notice is not possible; employees must submit a leave request form to Human Resources as soon as possible.

Eligible employees will be required to furnish appropriate medical documentation for the birth of a child. If applicable, the medical certification requirements for FML will govern (see section 11.07). The medical documentation must be completed and signed by the individual's health care provider.

Eligible employees will be required to furnish appropriate adoption documentation, such as a letter from an adoption agency, or from the attorney in cases of private adoptions.

### **11.10 Military Leave**

The County supports employees who volunteer or are called to active military service. Military leaves are governed by federal and Ohio law and will be treated in accordance with the Uniform Services Employment and Reemployment Rights Act (USERRA).

#### Paid Military Leave

Under Ohio law, employees who are members of the Ohio National Guard, the Ohio defense corps, the Ohio naval militia, or any reserve component of the United States armed forces are entitled to a paid leave of absence not to exceed twenty-two (22) workdays in any one (1) calendar year. The leave can be continuous or intermittent.

#### Unpaid Military Leave

Under federal law, employees who are members of the United States armed forces shall be granted up to five (5) years of unpaid military leave with reinstatement rights to serve in the armed forces. The five (5) year maximum may be extended in certain cases, consistent with applicable law.

An employee on unpaid military leave of thirty (30) days or less may continue their healthcare benefits by directly paying the employee's portion of their health insurance premium. An employee on unpaid military leave longer than thirty (30) days will be provided information on continuation of benefits for up to twenty-four (24) months at the employee's expense (see section 10.11).

An employee on unpaid military leave may use vacation leave or exchange/compensatory time to cover part or all of their military leave.

An employee returning from unpaid military leave must apply for reinstatement within the timeframe established by applicable law. The County will promptly reinstate the employee in the position they would have attained had they not been on unpaid military leave and with the same seniority, status, and pay, as well as other rights and benefits determined by seniority.

#### Requesting Paid or Unpaid Military Leave

An employee seeking military leave (paid or unpaid) should contact Human Resources as soon as possible. Any supervisor or department director who becomes aware of an employee's possible need for military leave should immediately notify Human Resources.

## **12 MISCELLANEOUS**

### ***12.01 Personnel Information and Privacy***

The County is committed to treating personal information about employees as sensitive and respects the need to protect each employee's privacy. Human Resources manages and maintains official personnel records for all County Executive employees. Personnel records may be in the form of paper, digital, or microfiche.

#### Access

Personnel files are stored in secured areas (e.g., within locked file cabinets, on secure computer servers). Authorized supervisors may review their employees' personnel files, in coordination with Human Resources. Employees are granted access to their own personnel file and records in accordance with the procedures outlined herein.

Medical information about employees is maintained separately from other records. Access to medical information is restricted to appropriate Human Resources and Law Department employees on a need-to-know basis.

#### Handling Personnel Information

If an individual requests copies of information in an employee's personnel file, Human Resources will make copies of the information and will work with the appropriate authority to distribute the copies to the requesting party. Copies may be redacted, consistent with applicable law. When practical, Human Resources will notify an employee when information from their personnel file is provided to a third party.

Questions or issues about the application or enforcement of these security measures should be addressed to the Director of Human Resources and/or the Director of Law.

#### Employees' Access to Information

Employees may review information contained in their personnel file during non-working time (e.g., breaks, lunch, before or after work). All reasonable and timely requests for access to personal information will be honored on employees' own time (e.g., paid time off).

Employees interested in reviewing the contents of their personnel file shall contact Human Resources and provide at least two (2) working days' notice of their desire to schedule a mutually convenient time for an appointment.



### Accuracy of Information

To ensure that personnel files are up to date and contain accurate, complete information, employees must notify Human Resources of any change in their personal information. It is the responsibility of employees to notify Human Resources of any changes in the following, within one (1) month of the event, by making updates in Employee Self Service:

- Legal name
- Telephone number(s)
- Home address
- Marital status
- Number of dependents
- Beneficiary designations
- Scholastic achievements, other awards or certifications
- Emergency contacts

It is in the employee's interest to keep records of acquired new skills or experience, if the employee wants those records to be reviewed for any job advancements.

In addition, the County may initiate personal information updates by requiring all employees to review and verify their personal information on file.

### Additions, Deletions or Changes

Employees may request corrections or deletions of information in their personnel records, as appropriate, to Human Resources. Human Resources ordinarily checks with the department director where the record originated, if applicable, and with the Director of Law as to any public record restrictions. Human Resources will notify the employee, in writing, as to whether the requested amendment will be made. A copy of the written response will be included in the employee's record.

## **12.02 Recording of Conversations**

The County has established the following guidelines for the recording of conversations concerning County business. This policy shall not apply to public meetings or any other meeting or forum involving the discussion of County business that is open to members of the public, including, but not limited to, public hearings. Any violation of this policy could result in disciplinary action.

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

- The Director of Law or designee authorizes in writing an employee to record a conversation;
- All parties first consent in writing; or
- The department director, with the approval of the Director of Law, authorizes recording as a standard course of business in the interest of the public (e.g., all telephone calls to the 696-KIDS hotline and 911 calls are recorded).

### **12.03 Workplace Search**

The County has the right to conduct investigations pertaining to security or work-related matters. During these investigations, authorized personnel may request that employees open for inspection any package, bag, container or vehicle brought into or taken from the County premises. In addition, work areas (e.g., desks, files, computers, cabinets and lockers) are County property and may be subject to search when the County reasonably suspects a policy violation has occurred. Failure to cooperate with an investigation or search is a violation of County guidelines and the employee may be subject to disciplinary action.

This does not apply to inspections of work areas to locate documents or information when an employee is unavailable. The County reserves the right to conduct such inspections and retrieve documents, other work materials, information, etc., based upon operational needs.

A supervisor, department director or Human Resources may question employees and/or search any personal property or any area from which the County conducts business, including any/all spaces, facilities and/or vehicles leased by the County, when there are reasonable grounds for suspecting that the search will enable the County to:

- safeguard another employee's safety or property
- safeguard a County customer or their property
- protect County property from destruction and/or theft
- investigate possible violations of County policy
- carry out an internal workplace harassment/discrimination investigation

Some storage equipment (e.g., cabinets, lockers) may be locked to secure its contents from theft or damage. The County reserves the right to search locked storage equipment when there are reasonable grounds to do so. County management will obtain authorization from either Human Resources or Protective Services prior to conducting a workplace search.

In the event a search is initiated the following procedures will be followed:

- The employee, a supervisor, Protective Services or law enforcement, and a union steward/representative (for bargaining employees) should be notified of and present for a search. Lack of availability of any of the above will not delay or prevent a search.
- If the employee is not present during a search, Protective Services or law enforcement will be instructed to remove any locking device, if one is present. The employee can receive reimbursement for their personal lock, at a reasonable cost, if applicable. If the employee is present, Protective Services or law enforcement will direct the employee to open/grant access to the area. If the employee refuses to grant access, the lock will be removed, at the employee's expense. An employee may be responsible for any damage occurring from gaining access to areas secured by the employee.

- All property obtained from a search will be inventoried. After the inventory is complete, all observers will sign the inventory sheet. Items identified to be inappropriate for the workplace will be confiscated. The following are some items that are prohibited in the workplace:
  - drugs (without prescription in employee's name)
  - alcohol
  - guns and other weapons prohibited by law
  - pornography

This list is not exhaustive. If any of the items removed from County property violate the law, law enforcement will be contacted. Inventoried items that are confiscated may be returned to the owner for removal from County premises or in the case of County property, returned to its appropriate area(s). Employees may be subject to disciplinary action for inappropriate items brought onto County property.

County employees may periodically be required to submit to a search using a metal detector.

### ***12.04 Health Insurance Portability and Accountability Act (HIPAA)***

On occasion, the County receives Personal Health Information (PHI) relative to an employee's employment. Under the Health Insurance Portability and Accountability Act (HIPAA), the originator of the information is required to advise affected employees of how this information may be used or disclosed and how employees can receive a copy of the information being sent. The actual Privacy Notice can be obtained from the Human Resources Department and/or on the County's Intranet web page.

#### Types of Personal Health Information Received by the County

The following list, though not all-inclusive, represents the type of information received by the County and which may be shared as requested under Ohio law, such as through a subpoena:

- Pre-employment clearances
- Workers' Compensation documentation
- Return-to-Work testing results
- Fit-for-Duty exam results
- Substance-testing clearances
- FMLA medical certifications
- Disability accommodation documentation

#### Retention of Personal Health Information

The County takes reasonable precautions to protect employees' personal health information. Information received that contains genetic information or is otherwise not applicable to one's employment, benefits or required by federal, state or local law is either redacted or destroyed, consistent with the County's records retention policy.

### ***12.05 Furlough Programs***

The County may establish mandatory or voluntary furlough programs in accordance with applicable law. A furlough program involves the taking of unpaid furlough days by County employees.

### ***12.06 Professional Licenses***

Any County employee who is required, as a condition of employment, to possess and maintain in good standing, a professional license (e.g., social worker license, license to practice law, etc.) shall immediately report any change in the employee's licensure status to their department management.

### ***12.07 Electronic Equipment and Communications Policy***

The County's Electronic Equipment and Communications Policy defines the acceptable use of electronic equipment and the responsibilities of all users. Employees may access the Electronic Equipment and Communications Policy from the MyHR system or may request a copy from Human Resources.

Employees are expected to know and comply with the Electronic Equipment and Communications Policy. Employees may be subject to disciplinary action for failure to comply with this policy.

### ***12.08 Travel Policy***

Employees may access the County's Travel Policy on the MyHR system or may request a copy from Human Resources.

Employees are expected to know and comply with the Travel Policy. Employees may be subject to disciplinary action for failure to comply with this policy.

### ***12.09 Other Policies***

The County has and may adopt other policies that affect employees (e.g., public records policy). Employees are expected to know and comply with policies that apply to their employment and may be subject to disciplinary action for failure to follow these policies. In addition, employees are expected to know and comply with any policies or guidelines set by their department.