



**DELAWARE COUNTY**  
**EMPLOYEE**  
**HANDBOOK**

*Effective January 1, 2006*

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## SECTION I – INTRODUCTION

Whether you are just beginning employment with Delaware County (“the County”) or are a long-time employee, this Handbook will assist you in knowing your **rights, responsibilities, and benefits** as a County employee. Keep this book handy for easy reference in the event you may have questions concerning a particular issue.

This Employee Handbook is a summary extraction of Federal Laws, Ohio Civil Service Laws, Ohio Collective Bargaining Law, State Administrative Rules, The Ohio Revised Code and Rules adopted by County Offices. There are many specific laws and rules that deal in great detail with employment. It would be impossible and impracticable to try to include all this material in a Handbook. Employees should take specific questions not covered in the Handbook to their immediate supervisors. Laws are constantly changing and may supersede particular parts of this Handbook, therefore, Delaware County reserves the right to revise, modify, amend, or delete a policy or regulation in this Handbook. Any provisions of the bargaining agreements in effect for union employees that are inconsistent with the policies in this Handbook shall govern.

The intent of this Employee Handbook is to cover common policies and practices that affect County Offices under the Board of Commissioners and departments under other Elected Officials and other appointing authorities that have formally adopted this handbook. Appointing authorities may supplement this Handbook with work rules and procedures unique to the operations of their offices, departments, and agencies. Where indicated within this Handbook, employees should refer to specific policies in the Delaware County Standard Operating Procedures (SOP) Manual for more detail and explanation. The SOP Manual may be viewed by asking your supervisor or online at <http://www.co.delaware.oh.us/hr/index.html/>

We urge you to take pride in your job, to set high standards, and to perform your job to the best of your abilities, thus serving the citizens of Delaware County while enhancing your own career opportunities. As a member of the County Team, your future success will depend in large part on your understanding of Delaware County, county policies, your job, and its importance to the department's operations.

The policies and procedures established and set forth in this Handbook provide guidelines for Delaware County Management/Supervisory personnel and Employees during the course of their employment. However, nothing herein is intended, nor shall it be so construed or interpreted, to create contractual or vested rights for employees regarding guarantees of employment, benefits, policies, procedures, or any other provisions of this Handbook.

This Employee Handbook cannot anticipate every circumstance or question about policies and procedures. **When questions, concerns or problems occur, employees should attempt to resolve them first with their Supervisor.** As Delaware County continues to grow, the need may arise to change policies in this Handbook. Management will attempt to notify all employees of such changes as they occur.

## **DELAWARE COUNTY'S GOALS AND VALUES**

Delaware County's number one goal is to best serve the communities within Delaware County at the lowest possible tax rate to county residents, and to do so in a quality and beneficial manner, to make focused decisions that are in the best interest of the public, and to be disciplined in both our thoughts and actions.

### **People: The Most Important Asset**

It is our goal to recruit, train, and retain the most qualified and productive staff for Delaware County; to promote mutual trust and respect for each other; and practice open and timely two-way communication with the expectation and confidence that people will do the right thing. The County will keep an open mind to new ideas and encourage innovation. We hope to provide an opportunity for all employees to develop their potential and make the best use of their abilities.

### **Success: You Make It Happen**

To make the County's goals happen, employees must share the same ideals and their actions must support those goals. If you are successful, the County will be also. Every decision you make and every action you take, you must consider the goals of your department, division, and the County and whether your thoughts and actions are moving those forward or moving them backwards.

- 1) Speed of Service – Are you providing the service in a timely manner so it will positively affect the community?
- 2) Quality of Service – Are you taking care in the details of the service that you are providing so that it impacts the community as positively as it can?
- 3) Focused Decision Making – Are your decisions focused on positive impacts on the community, rather than personal satisfaction or gain? Are you looking at the big picture and the long-term impact your actions and decisions will have?
- 4) Disciplined People, Thought and Action – Are you following the policies, procedures, rules, or directions to get the job done and done right?

### **Results**

If you follow these tenants you will determine your success with Delaware County and the success of Delaware County in providing service to the community. We believe that you are the key to your success and our success.

## **MANAGEMENT RESPONSIBILITIES**

Delaware County appointing authorities are bound by law to exercise their authority in accordance with existing laws and rules of the United States and the State of Ohio.

Delaware County reserves all rights which are authorized under the Ohio Revised Code specifically including, but not limited to the following:

1. The right to manage its business;
2. The right to determine the methods and means by which its operations are to be performed; and
3. To direct the workforce to conduct its operations in a safe and effective manner.

It is the policy of Management that all provisions of operations of the county will be applied to all employees without regard to age, sex, disability, religion, race, color, creed, natural origin, ancestry, veteran status or political affiliation. Management recognizes its respective responsibilities under Federal and State Civil Rights Laws, and Fair Employment Practice Acts.

## **SECTION II - STATE AND FEDERAL LAW COMPLIANCE**

### **CODE OF ETHICS / STANDARD OF CONDUCT**

In order to maintain the integrity of Delaware County, the confidence that the public has in it, and provide an orderly, positive, and productive workplace, it is essential that employees of Delaware County observe a professional standard of conduct and not use their positions for their personal gain. Such a higher standard of conduct will benefit and protect both Delaware County and the employee as well as provide the highest standard of service to the residents for whom we are employed.

In pursuit of providing the highest quality standard of service to the residents, employees are expected to perform their duties within the policies, procedures and directives of management. Employees are expected to be efficient and to utilize their hours at work to conduct the public work. While limited personal issues entering the workplace are inevitable, employees are to limit personal business and interferences while on-duty for the County. Common personal issues that are to be limited are personal/familial visits, personal telephone calls (County-owned telephone and/or personal cellular telephone), and personal work (e.g. paying bills, etc.). Employees are subject to disciplinary action for inefficiency and loss of production if personal issues interfere with productivity.

All employees must act in an ethical manner and avoid conflicts of interest as provided by Ohio law. Under Ohio Revised Code Chapter 102 and the County Ethics Policy, no employee shall use his or her official position for personal gain, participate directly or indirectly in any activity which is in conflict with his or her official duties, or disclose confidential information regarding the business of the County to any private concern for his or her personal benefit.

Pursuant to the Ethics Policy, employees must complete the Ethics Reporting Form (located in the Standard Operating Procedures Manual) and return it to their immediate supervisor to report the receipt of any gift given to them by a customer, vendor or the public. You may obtain a copy of the Ethics Reporting Form from your supervisor or online at <http://www.co.delaware.oh.us/hr/index.html>.

County-owned equipment (e.g. vehicles, facsimile machines, computers including e-mail, telephones, cellular telephones, cameras, etc.) are intended for County business use only. While personal use of some equipment (e.g. telephones, cellular telephones, e-mail, etc.) may sometimes be unavoidable, employees should avoid personal usage and limit such personal usage if it is necessary. Employees should report and pay any costs associated with personal usage. The County also reserves the right to review records of County-owned telephone usage, including cellular telephones. Under no circumstances shall an employee use a County-owned vehicle for personal purposes or to transport any person for any reason other than County business.

Employees must also professionally provide services to the public. Conduct that is abusive, discourteous, neglectful, purposefully performed incorrectly and against

policy or standard procedure, or not performed when required will not be tolerated. Further, speech that is disparaging of the County, its officers, management or employees and not constitutionally protected shall not be tolerated. To be constitutionally protected, speech must a) address a matter of public concern, and b) outweigh any governmental interests. Speech that is purely job related or of purely personal interest is not a matter of public concern.

An employee's conduct or misconduct while not on duty that brings discredit to the County, interferes with the County's ability to provide services to the public, or violates any section of this Handbook or any policy, procedure, or agreement of the County will not be tolerated.

An employee who is arrested of any criminal offense must report that arrest immediately to his/her supervisor. Delaware County will carefully consider the impact that the arrest makes on its operations and consider any applicable employment decisions based on that impact.

Any employee found to be in violation of this Section shall be subject to possible disciplinary action up to and including removal and/or criminal prosecution.

Any employee who has a question as to whether or not his/her actions or activities are in violation of this Section should review the County Ethics Policy and/or direct such inquiry to his/her immediate supervisor, department director, or appointing authority.

## **SAFETY PROGRAM**

Delaware County shall attempt to provide the safest and most healthful working conditions possible for all employees and will comply with applicable state and federal laws and regulations pertaining to occupational health and safety. In order to assist the County in this goal, it is necessary for all employees to follow appropriate and accepted County safety practices and work rules and to be observant as to potential hazards in their work environments.

In the event that an employee feels that an unsafe and/or hazardous condition exists within the workplace or if an employee is injured during the course of his or her employment, he or she shall be required to report such a condition to his or her immediate supervisor.

To provide a safe and healthful work environment for employees, customers and visitors, Delaware County has established a workplace safety program. This program is a top priority for the County. The County has the responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

Delaware County, through its Safety Officer, provides information to employees about workplace safety and health issues through regular internal communication

channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. The extent and type of training will depend upon the position of each employee.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate Supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations may be subject to disciplinary action up to and including termination of employment.

In the case of accidents, regardless of how insignificant the injury or damages may appear, employees must **immediately** notify the appropriate supervisor. An employee, or in situations when the employee is unavailable or does not have access to a computer, the employee's supervisor, is required to e-mail a summary of details of any work-related incident to [incidentreport@co.delaware.oh.us](mailto:incidentreport@co.delaware.oh.us) and copy to that employee's supervisor/director on the date of the incident. The employee and supervisor shall submit a written report by the following business day. The report may be supplemented later with further information (e.g. law enforcement report, witness statements, etc.) once such information is produced. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures. A copy of the Incident Report may be obtained from your supervisor or online at <http://www.co.delaware.oh.us/hr/index.html>.

### **IMMIGRATION LAW COMPLIANCE**

Delaware County will comply with applicable federal immigration laws. Towards that end, Delaware County requires all individuals to provide documentation (I-9 Form) verifying their identity and legal right to work in the United States after an offer of employment is made and in no event more than three (3) business days after an individual reports to work.

### **EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

Delaware County is an equal opportunity employer. It is the policy of the county to provide equal employment opportunity to employees and candidates for employment. Accordingly, there shall be no discrimination against any employee or candidate for employment due to race, religion, color, national origin or ancestry, age, sex, disability, veteran status or other unlawful basis. This statement is applicable to the policies governing recruitment, placement, selection, promotion, training, transfer, rates of pay and all other terms and conditions of employment.

Compliance with this policy is the personal responsibility of all personnel, especially whose duties are related to the hiring of new employees and the status or tenure of current employees. Any perceived discrimination or harassment must be reported to the Employer using proper reporting procedures defined within this Handbook. Further, as an Equal Opportunity Employer, the County will cooperate fully in the implementation of applicable laws in accordance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act and the Americans with Disabilities Act, as well as similar Ohio laws and executive orders. Any employee engaged in harassment or discrimination will be subject to corrective action, up to, and including discharge. A violation of this section by any person charged with the duty of appointing or promoting or grading any employee may be considered justification for his/her dismissal.

### **THE AMERICANS WITH DISABILITIES ACT OF 1990**

Delaware County believes in the basic civil rights of all individuals and is committed to securing and protecting these rights as outlined within the Americans with Disabilities Act of 1990.

The County shall not discriminate in employment practices such as recruitment, employment, training, advertising, layoff, termination, upgrading, demotion, transfer, rates of pay, benefits, and compensation. The qualifications and duties of each position shall be based upon the essential functions of the position and shall not be discriminatory.

The County shall make reasonable accommodation to the known physical or mental limitation of any otherwise qualified disabled applicant or employee unless it can be demonstrated that such accommodation would impose an undue hardship on the operation of the program. The County may, at its sole discretion, request information from an employee's attending physician, or require the employee to be examined to determine the employee's ability to perform the essential functions of the position with or without reasonable accommodations. The County may also request a release of medical records from the employee in order to complete such requests.

Pursuant to the Americans with Disabilities Act of 1990, Delaware County has adopted a complaint procedure to address potential accessibility concerns with county facilities, services, employment, and programs. Any concerns with accessibility should be brought to the attention of your immediate supervisor or the ADA Coordinator in the Human Resources Department.

### **ANTI-HARASSMENT STATEMENT**

Delaware County strives to maintain an environment where all employees will work free from harassment. The County will **not tolerate** harassment of any type whether the behavior, comment, or conduct is from an employee or a visitor, vendor and/or customer of County facilities. Any form of harassment is **illegal** and **will not be tolerated**.

Harassment includes, but is not limited to, any action that singles out an employee, to the employee's detriment, for unsolicited racial, ethnic background, sex, age, religious, disability, veteran status, and/or racist, ethnic, religious, age or sexist comments and/or behavior.

Other forms of harassment include comments, jokes, epithets, gestures, physical contact, display or circulation of written materials, including e-mail, pictures or objects derogatory to any individual's race, color, religion, sex, national origin, age, disability, veteran status, or any other legally protected characteristic.

It is the responsibility of any employee who is subjected to harassment to inform his/her immediate supervisor, the Human Resource Department or other management personnel of the facts regarding such harassment so that appropriate corrective action may be taken. The employee may obtain a Harassment Complaint form from his supervisor, the Human Resources Department, or online at <http://www.co.delaware.oh.us/hr/index.html>.

All incidents of harassment will be taken seriously and investigated in an efficient and expeditious manner. The employee will be informed that an investigation of the alleged harassment will be conducted and that appropriate corrective action will be taken if warranted.

The employee will be informed that no retaliation will be taken or allowed against individuals who in good faith raise or report concerns and/or incidents of harassment. Delaware County will attempt to keep the identity of the reporting employee as confidential as possible, but cannot and will not guarantee such confidentiality. Delaware County reserves the right to apply corrective action against an employee who has been determined to have filed a bad faith or frivolous complaint.

### **SEXUAL HARASSMENT STATEMENT**

Delaware County has a strong commitment that all employees should enjoy a working environment free from all forms of discrimination, including sexual harassment. Sexual harassment is any unwelcome or unsolicited sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Sexual harassment is **illegal** and **will not be tolerated**. Therefore, Delaware County has implemented a sexual harassment policy that will treat sexual harassment as any other form of serious employee misconduct. Conditions that constitute harassment on the basis of sex include any unwelcome sexual advances, requests for sexual favors, or other verbal or physical sexual conduct when:

- Submitting to such conduct is made a term or condition of employment;
- Submitting to or rejecting such conduct is used as the basis for employment decisions; or
- Such conduct creates an intimidating, hostile, or offensive work environment.

Inappropriate behavior and/or conduct, based on the above information, is strictly prohibited and performance of this behavior is grounds for disciplinary action up to and including dismissal for cause.

One area that creates the potential for sexual harassment is a romantic relationship between employees. Although there is no prohibition against such relationships, employees are strongly cautioned about the risks and ramifications commonly associated with such relationships. In the event that work performance or the work environment is negatively affected by a romantic relationship between employees, the County reserves the right to take appropriate action including disciplinary measures, transfers, or reassignment. In no event will romantic activity be tolerated in the workplace. Any employee in a romantic relationship with another employee or who has ended such relationship still has all protections provided by the County's sexual harassment policy.

If an employee has experienced any form of sexual harassment, the employee shall follow the procedure below to report the incident.

- The employee shall **immediately** report the harassment to his/her supervisor; however, the employee is expected to bypass the standard chain-of-command and should report to the next higher supervisor, appointing authority, or Personnel Coordinator when reporting allegations of sexual harassment when the person to whom the employee would normally report is the person who allegedly committed the harassment;
- Co-worker to co-worker and non-employee harassment shall be reported to the immediate supervisor.

The employee may obtain a Harassment Complaint form from his/her supervisor, the Human Resources Department, or online at <http://www.co.delaware.oh.us/hr/index.html>.

No management employee or other employee may retaliate or discriminate against any employee for filing a complaint in good faith or any person acting as a witness in or conducting a sexual harassment investigation. Anyone acting in such a manner will be subject to disciplinary action up to and including dismissal. Delaware County reserves the right to apply corrective action against an employee who has been determined to have filed a complaint in bad faith or frivolously.

Each and every allegation will be taken seriously, investigated thoroughly and completely, and an appropriate course of action will be taken to resolve the situation in the most expeditious means possible by law, if warranted. Although confidentiality cannot be guaranteed, Delaware County will make every attempt to keep the complaint as confidential as possible, except as required by law and as may be reasonably necessary to successfully complete the investigation.

## **VIOLENCE-FREE WORKPLACE**

Delaware County will not tolerate threats or acts of workplace violence and we are committed to providing a safe and professional work environment. All employees are expected to treat co-workers, managers, elected officials and the public in a mature and professional manner. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect County employees or which occur on county property will not be tolerated.

Prohibited workplace violence consists of:

- All threats or acts of violence occurring on county property, regardless of the relationship between the county and the individual involved in the incident.
- All threats or acts of violence not occurring on county property, but involving someone who is acting in the capacity as a representative the county.
- All threats or acts of violence not occurring on county property, but involving an employee of the county if the threats or acts of violence affect the legitimate interests of the county.
- Any threats or acts of violence resulting in the conviction of an employee or agent of the county, or of an individual performing services on the department's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests of the county.
- With exception to law enforcement officers, pursuant to Ohio law, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance in county owned or leased buildings, secured areas, and vehicles. A valid license does not authorize the licensee to carry a weapon onto these premises. Violators of this policy will be subject to discipline, up to and including immediate termination and possibly prosecuted for violation of Ohio law.

Employees should also be alert to any threats or acts of violent behavior from co-workers, the public, clients, or others. Employees and management should utilize necessary precautions, including those specified in the Pre-disciplinary Hearing/Involuntary Termination Policy, to protect all parties when a threat is made. It is the responsibility of each employee to report incidents of threats or acts of physical violence of which he or she is aware to his/her immediate supervisor or to the appointing authority. If a county employee is the individual reporting the incident, the report should be addressed with the reporting individual's immediate supervisor or a member of the management staff for assessment and possible referral to the appropriate law enforcement agency. Any employee involved in violating this policy will be subjected to corrective action, which may include termination, in accordance with the applicable law, rule, policy, procedure or collective bargaining agreement.

## **DRUG-FREE WORKPLACE**

Delaware County is committed to providing employees with a safe, healthy, and productive environment by maintaining a drug-free and alcohol-free workplace. In

compliance with the Federal Regulations, Delaware County prohibits the use, sale, dispensing, distribution, possession, or manufacturing of illegal drugs and narcotics or alcoholic beverages on its premises. (A more detailed policy is located in the Delaware County Standard Operating Procedures Manual.)

The Drug-Free Workplace Act of 1988 imposes conditions and requirements on Federal Government contractors and grantees designed to ensure that their workplaces are drug-free and to deter drug problems. Those who are impaired by drugs and/or alcohol threaten the safety of co-workers. The danger of defective products and services is greatly increased. Both the County and the employee could face lawsuits from the public for wrongful acts.

This program uses notification and education and, in certain situations, drug testing as the tools for achieving a drug-free workplace. All offers of employment shall be conditioned upon the applicant submitting to, and successfully passing, a drug test. As a condition of employment, applicants who refuse to consent to a required drug test will not be hired.

The County also performs “reasonable suspicion testing.” “Reasonable suspicion testing” means alcohol or other drug testing based on a belief that an employee is using or has used drugs in violation of the employer’s policy drawn from specific objective and clear facts and reasonable inferences drawn from those facts in light of experience, and may be based upon the following:

- (1) Observable phenomena, such as direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug;
- (2) Abnormal conduct or erratic behavior while at work, absenteeism, tardiness, or deterioration in work performance;
- (3) A report of drug use by reliable and credible sources and which has been independently corroborated;
- (4) Evidence that a individual has tampered with or attempted to mask a drug test during his/her employment with the current employer;
- (5) Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of alcohol and/or other drugs while working, or while on the employer’s premises or operating the employer’s vehicle, machinery, or equipment.
- (6) The occurrence of a significant incident involving an employee’s on the job actions which has resulted in: a) the personal injury of any person, including the employee, in which medical treatment has been sought away from the scene, or b) which property damage has occurred where a vehicle or equipment has been towed away from the scene or is rendered inoperable.

The County also utilizes random drug testing for commercially licensed drivers and where allowed by bargaining agreement or law.

Employees who are found to be under the influence of alcohol and/or other controlled substances while on official business, or county-sponsored events, on or off the workplace, are subject to discipline provisions set forth in the Handbook, employee

agency work rules, various county collective bargaining agreements, policies and procedures and O.R.C. 124.34, as applicable.

Also, in effect as of October 13, 2004, if an employee tests positive for being under the influence of alcohol and/or other controlled substances at the time of a reported workplace injury, the burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the proximate cause (main reason) of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act. The employee does have a right to dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the proximate cause of the work-related injury under ORC Section 4123.54 (Rebuttable Presumption).

The County recognizes that some prescription medications may cause impairment in judgment, coordination, and physical ability and the employee should report this fact to his/her immediate supervisor along with acceptable written medical documentation. Reasonable accommodations will be made when possible for any employee who uses prescribed medication.

Employees with substance abuse problems are encouraged to voluntarily contact the Employee Assistance Program and enroll in a rehabilitation program. Voluntary contact of the E.A.P. or enrollment in a substance abuse program may not adversely affect employment. However, a failed drug or alcohol test, continued unacceptable job performance, attendance, and/or behavioral problems may result in disciplinary action, up to and including termination. Confidentiality will be maintained to the extent provided by law.

Employees convicted of any criminal drug violations must report such conviction to the Appointing Authority within five (5) days. A conviction means a finding of guilty, no contest (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court. The employing county agency has an obligation to notify the U.S. government agency with which it has a contract or grant within ten (10) days after receiving from the employee or otherwise actual notice of such conviction. Any employee who fails to report such a conviction will be subject to immediate termination.

### **E-MAIL AND INFORMATION TECHNOLOGY**

Information technology refers to electronic devices used to save, access, transmit or analyze information. Examples of information technology are: personal computers, e-mail, voice mail, Internet connections, audio/video and fax machines.

Delaware County's electronic communication tools are considered County assets and are provided for business purposes only. Authorized personnel may access communications sent with these tools for legitimate business reasons.

1. Delaware County maintains an electronic mail system. This system is provided by the County to assist in the conduct of business within the County.
2. The electronic mail system hardware is County property. Additionally, all messages composed, sent, or received on the electronic mail system are and remain the property of the County. They are not the private property of any employee.
3. The use of the electronic mail system is reserved solely for the conduct of business at the County. Limited personal use is allowable to the extent that it does not violate any area of this Handbook and/or the County's internet policy, and that its use does not interfere with or negatively impact the employee's performance and productivity of his/her County duties.
4. The electronic mail system may not be used to solicit or be used for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
5. The electronic mail system is not to be used to create any offensive or disruptive messages. Among those that are considered offensive are any messages that contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, religious or political beliefs, national origin or disability, or any other protected employment classification.
6. The electronic mail system shall not be used to send (upload) or receive (download) any type of pictures or literature generally considered as obscene or pornographic and any copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
7. The County reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the e-mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes may be disclosed within the County without the permission of the employee.
8. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the appropriate personnel (i.e. Data Center, Supervisor) or they are invalid and cannot be used.
9. Notwithstanding the County's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them, unless specifically authorized by the addressed or the addressee. Any exception to this policy must receive prior approval by the appointing authority or his/her designated representative.

10. Employees shall not use a code, access a file or retrieve any stored information unless authorized to do so. Employees shall not attempt to gain access to another employee's messages without the latter's permission. All computer pass codes must be provided to supervisors. No pass code may be used that is unknown to the County.
11. Any employee who discovers a violation of this policy shall notify his/her immediate supervisor or his/her appointing authority.
12. Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline, up to and including termination.

### **WORKPLACE SEARCHES**

Delaware County is concerned with the safety and security of its workplace. To provide a safe, secure, and healthy workplace, from time-to-time, workplace searches may be necessary and will be conducted when probable cause and/or reasonable suspicion is present as part of an investigation of specific allegations, including but not limited to drug/alcohol use or possession at the workplace, illegal possession of weapons at the workplace, evidence of theft from the workplace, and abusing the use of County property for personal purposes or outside ventures.

All Delaware County facilities, buildings, offices, furnishings, equipment and computers are property of the County, and are provided to employees for their use in the conduct of County business. The County retains the right to search all buildings, offices, furnishings, equipment, computers, cell telephones and other items brought onto County premises at any time, with or without notice or employee consent, including personal property employees may bring to work such as purses, briefcases, lunch boxes, backpacks, bags, etc. Employees who bring personal property onto company premises, or use company equipment or materials for personal purposes, do so at their own peril and should not expect privacy.

In addition, any supervisor has the authority to inspect packages or other articles leaving the County's premises in the possession of any employee if that employee is reasonably suspected of removing County owned property without permission. The County maintains the right to cut and remove personal locks from County-owned property at any time. The County also reserves the right to review records of County-owned telephone usage, including cellular telephones.

If during an investigation or search, information indicating the possible commission of a crime or other illegal violations is discovered, the County personnel may disclose that information to law enforcement authorities or to other appropriate persons.

Employees refusing to cooperate in a work-related search or security investigation will be disciplined, with penalties up to and including termination of employment.

## **SECTION III - EMPLOYMENT**

### **CIVIL SERVICE - CLASSIFIED AND UNCLASSIFIED STATUS**

As a County employee, you are a member of the Ohio civil service. As such, your position by law is either classified or unclassified. The majority of positions are classified.

Those employees in classified service, who are not subject to a bargaining agreement, are afforded certain rights and protections under civil service law, including the right to be disciplined only for just cause after the completion of probation.

Employees who are in unclassified service may be terminated for any non-discriminatory reason. Such unclassified employees do not have the right to appeal to the State Personnel Board of Review.

### **PRIOR PUBLIC EMPLOYMENT**

According to the ORC 9.44, if a County employee has held a position with the State of Ohio or another Ohio political subdivision (county, municipal, school system), he or she is entitled to marry the service time from past public employment to the service time with Delaware County for the purpose of determining vacation eligibility. Please refer to the Prior Service Credit for Vacation Accrual Policy in the Standard Operating Procedures Manual for more details.

### **VACANCIES, PROMOTIONS, DEMOTIONS, TRANSFERS & TEMPORARY ASSIGNMENTS**

#### **Vacancies, Promotions, Demotions, and Transfers**

Vacancies in positions in the classified service shall be filled insofar as practical by promotions and/or internal transfers. Positions may be filled by provisional appointment or certified appointment after examination and selection of an appointee from an eligible list provided by the Ohio Department of Administrative Services (DAS). DAS gives promotional examinations, on which efficiency rating and seniority in service are added to the examination grade.

If an appointing authority intends to fill a vacancy by provisional appointment, a notice of the vacancy will be posted in the main office of appointing authority for 10 working days. The filling of a promotional vacancy will be based on the employee's seniority, particularly within the classification he/she then holds; the employee's demonstrated ability; and the overall record of the employee.

All promotional appointments and internal transfers shall have a probationary period equal to that of an original appointment within that classification. With approval of the appropriate appointing authority, an employee, who is promoted or transferred,

will be paid at the rate of pay on the skill level for the new position that would be utilized if hiring the position from outside the department and taking into consideration the employee's experience, education, and work record. The Director and/or hiring manager of the department must justify any recommendations for promotional raises or transfer pay rates to the appointing authority. In the event of unsuccessful completion of the probationary period, the employee will either be returned into the position at the same pay that he/she held prior to the promotion or transfer or be given an extension of probation. At no time will an initial probationary period combined with an extension of probation be greater than 180 calendar days.

In the event an employee is demoted voluntarily or involuntarily, he/she shall be paid at the skill level of the position demoted to and at a rate as approved by the appropriate appointing authority. Any involuntary demotions and/or reductions in pay must meet the standards of the Ohio Revised Code and be conducted using the processes and procedure outlined under "Corrective Action" in this Handbook..

This section does not apply to promotions to unclassified or supervisory employees.

### **Temporary Assignments**

All employees shall be required to perform any and all temporary assigned duties of which they are capable regardless of their usual or customary duties or job assignments. When an employee is temporarily assigned to substitute in another job classification for a period of one continuous week or more, he/she will receive the greater of a five percent (5%) increase above his/her regular pay or Grade "F" of the skill level for the position for which he/she is temporarily assigned. For executive level employees, the appointing authority shall determine the level of pay for the temporary assignment. No temporary assignment shall extend past 120 calendar days without review and renewal by the appointing authority, and no temporary assignment shall extend past 180 calendar days.

### **NEW EMPLOYEE PROBATIONARY PERIOD**

The purpose of the probationary period is to determine the employee's suitability for the position in which he/she has been employed.

The length of the probationary period for all fulltime classified employees and part-time classified employees working a normal five (5) days per workweek schedule generally shall be 120 days. Part-time classified employees who work an irregular schedule or who work less than five (5) days per week shall have a probationary period of 700 hours of actual work time. Probationary period for all employees may be modified by collective bargaining agreement. Only those employees who demonstrate an acceptable standard of conduct and performance shall retain their positions. Employees may be evaluated twice during the probationary period.

If at any time during the probationary period a newly hired employee's performance is determined to be such that further employment is not merited, he or she may be terminated.

### **PERSONNEL RECORDS**

It is the policy of many appointing authorities to maintain certain records on each employee which are directly related to the employee's job with the County. At all times, the County will do its best to balance the employee's right to privacy with the County's need to collect and use information.

Employees have a responsibility to keep their personnel records up to date and are to notify their supervisor of any changes in the following:

- a. Name
- b. Address
- c. Telephone Number
- d. Marital Status (for benefits, insurance, and tax withholding purposes)
- e. Number of dependents
- f. Address and telephone numbers of dependents and spouse or former spouse (for insurance purposes)
- g. Beneficiary designations for any of the County's insurance or pension plans
- h. Persons to be notified in case of an emergency

Supervisors are responsible for appropriately providing all records to the Human Resources Department that are to be maintained within each employee's personnel file. Further, the supervisor is responsible for periodically reviewing and updating each employee's personnel file to maintain file completeness.

Employees are allowed to inspect their own personnel records. A written request to do so should be directed to the appointing authority, who will schedule a time for inspection of their record.

Employees who, after inspecting their personnel files, believe that any material is inaccurate or irrelevant shall be permitted to place a written statement of disagreement in the file.

Any access to a personnel file will be verified and recorded and kept as a permanent part of the file.

### **CONFIDENTIALITY AND LIMITATIONS ON USE OF MEDICAL INFORMATION**

The Americans with Disabilities Act (ADA) and the Health Information Portability and Accountability Act (HIPAA) impose strict limitations on the use of medical examinations, medical information, and inquiries of employees. All medical information obtained from medical examinations and inquiries shall be collected and maintained on separate forms, in separate medical files and shall further be treated as a confidential

medical record. Medical-related material shall not be placed in an employee's personnel file. Each appointing authority shall also take steps to guarantee the security of the employee's medical information, including:

- a. Keeping the information in a medical file in a separate, locked cabinet, apart from the location of personnel files; and
- b. Designating a specific person or persons to have access to the medical file.

All medical-related information shall be kept confidential, with the following exceptions:

- a. Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations;
- b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations;
- c. Government officials investigating compliance with the ADA and other federal and state laws prohibiting discrimination on the basis of disability or handicap shall be provided relevant information on request, (Other federal laws and regulations also may require disclosure of relevant medical information.);
- d. Relevant information may be provided to state workers' compensation offices in accordance with state workers' compensation laws; and
- e. Relevant information may be provided to insurance companies where the company requires a medical examination to provide health or life insurance for employees.

## **PERFORMANCE EVALUATION**

All employees who are not serving an initial probationary period, whether classified or unclassified, hourly or salary employees, shall have their performance reviewed annually or within the timeframe established by the appointing authority.

The primary purpose of a performance evaluation is to review each employee's performance to established standards during a specified period, generally an annual review, and to recognize the level of performance, positive and negative.

Performance evaluations are intended to identify the strengths of an employee's performance and identify areas where improvement should be made. Performance evaluations should encourage communications between the supervisor and the employee, and provide a better understanding of performance expectations and goals of an employee.

## PUBLIC RECORDS

Delaware County is a public entity and is subject to Ohio Open Records Act, commonly referred to as “Sunshine Laws.” As such, most records in the custody of Delaware County are considered open to be obtained or viewed by the public, upon request. Specifically, a public record is a record held by a public office that is: 1) stored on a fixed medium (e.g. paper, computer, film, etc.); 2) created, received, or sent under the jurisdiction of a public office; and 3) documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. Any person, corporations, individuals, or governmental agency may make a request. With exception of a journalist seeking a peace officer’s personal and familial information, request are not required to be in writing.

Generally, the County must allow the following:

- 1) Prompt inspection of public records (e.g. without delay and with reasonable speed within the context of the request made, during regular business hours, etc.);
- 2) Upon request, copies of public records within a reasonable amount of time considering the context of the request made (NOTE: The County may charge for the actual cost, not including employee’s time, of the copies, unless the cost is otherwise set by statute. Such a charge may be required to be received in advance of the delivery of the copies);
- 3) Upon request, receiving copies by mail (NOTE: The cost of postage can be charged to the requestor and may be required to be received in advance of the delivery of the copies); and
- 4) Receiving copies in a medium specified, so long as is available in public office’s normal business operations.

### Confidential Records

Some records of the County are not considered public records. These confidential records fall into two categories: 1) Public records that are subject to exception, which **may be released** if the public office chooses to waive the exception; and 2) Highly confidential records, the release of which is prohibited by law. Unless specifically permitted by your appointing authority, these records must not be released. Some, but not all, pertinent examples of confidential records in the County’s custody are:

- 1) Attorney-Client privileged information;
- 2) Employee residential and familial information;
- 3) Criminal background information and other law enforcement information on the LEADS/CCH/NCIC computer database;
- 4) Social Security Numbers;
- 5) Medical records pertaining to a employee’s medical history, diagnosis, prognosis, or medical condition and that were generated and maintained in the process of medical treatment;
- 6) Trial preparation records;
- 7) Confidential law enforcement investigatory records.

For a more exhaustive list pertaining to your work environment, please consult your supervisor.

Some, but not all, pertinent records not considered as confidential and available to the public at its request are:

- 1) Employee personnel records, excluding certain information;
- 2) Employee performance reviews and disciplinary records;
- 3) Exit Interviews;
- 4) E-mails, letters, and memoranda utilized to conduct public business, unless a specific exception applies (e.g. attorney-client privileged information, etc.);
- 5) Telephone and cellular telephone call records.

Employee should consult their respective supervisors if they are unsure whether a record is a public document and should be released. If the supervisor is still unsure, he/she should consult with the Prosecutor's Office for clarification.

### **FAIR LABOR STANDARDS ACT**

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

However, Section 13(a)(1) of the FLSA provides an exception from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department of Labor's (DOL) regulations.

#### **Salary Basis Requirement**

To qualify for exemption, employees generally must be paid at not less than \$455 per week on a salary basis. These salary requirements do not apply to outside sales employees, teachers, and employees practicing law or medicine. Exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour.

Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e.,

because of the operating requirements of the business, that the employee is not paid on a “salary basis.” If the employee is ready, willing, and able to work, deduction may not be made for time when the work is not available.

### **Circumstances in Which the Employer May Make Deductions from Pay**

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which the exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

### **HOURS OF WORK, OVERTIME AND OVERTIME COMPENSATION**

Each Delaware County appointing authority establishes the time period considered a workday on an individual basis or each department and/or office in accordance with the service(s) provided to the public, the workload, and the efficient management of personnel resources.

Although the workweek may vary depending on the office/departmental requirements, generally, the normal workweek consists of five days and forty (40) hours of work. Generally, the normal workday includes an unpaid meal period.

The department to which the employee is assigned will determine the schedule of hours for employees. Employees will be informed of their daily schedule of hours of work, including meal period, and of any changes deemed necessary by the appointing authority.

Attendance at lectures, meetings, and training programs is not considered time worked if:

- a. The employee's attendance is outside regular working hours; and
- b. The employees attendance is voluntary, i.e., not **required** by the Employer; and
- c. The course, lecture, or meeting is not directly related to the employee's job; and
- d. The employee does not perform any productive work during such attendance.

Employees may be required to work overtime whenever it is deemed necessary by the Department. Supervisors will assign overtime to qualified employees in the particular job for which overtime is required. **Employees are not permitted to work**

**overtime without the prior approval of their supervisor or appointing authority.** Unless otherwise specified by a bargaining agreement or county, divisional, or departmental rule, for purposes of overtime compensation, only hours worked in excess of forty hours during a work week shall be paid at time and one-half, except that vacation leave and holidays will be counted as hours worked, sick leave days shall not.

All non-exempt employees (those employees subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) are required to complete an individual time record showing the daily hours worked. Time sheets and/or time clocks will be used to record working hours. The following points should be considered when filling out time records:

- a. Employees are required to record their total daily work hours.
- b. Employees are not permitted to sign in or commence work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of the supervisor.
- c. Generally, employees are required to take a lunch or meal period during which no work is to be performed.
- d. Employee time records are to be checked and signed by the supervisor or appointing authority involved. Time, not actually worked, for which an employee is entitled to be paid (sick leave, vacation leave, paid holidays, etc.) should be entered by the employee and reviewed by the supervisor on the time record. Authorized overtime also should be identified and approved by the supervisor or appointing authority. The supervisor should identify unapproved and/or unauthorized absences. Supervisors should inform employees if they will not be paid for certain hours of absence.
- e. With the exception of the supervisor, the filling out or punching of another employee's time record or the falsifying of any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

Personnel employed in exempt executive, administrative or professional capacities are not required by FLSA standards to fill out time records and are not eligible to receive overtime compensation, but may, at management's discretion, receive compensatory time on an hour-to-hour basis. Based on the wishes of the appropriate authority, he/she may be required to fill out time records. The County prohibits improper deductions as defined within the Handbook, under Fair Labor Standards Act, from the salaries of exempt employees. The County wants employees to be aware of this policy and that the County does not allow deductions that violate the FLSA. If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, Director or County Administrator. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

For FLSA non-exempt employees, overtime shall be compensated at a rate of one and one-half times the employee's regular straight time for actual overtime hours worked. Management, in its sole discretion, may require an employee to take compensatory time off in lieu of overtime pay. In such cases the employee shall be compensated with the accrual of time on a one and one-half time basis., The

employee must utilize the accrued compensatory time at a time convenient to management within 180 days after the overtime is worked. If compensatory time is not utilized within 180 days that it is earned, that compensatory time will be paid to the employee. If a non-exempt, hourly employee separates from employment with Delaware County, he /she is entitled to compensation for accrued, but unused, compensatory time. Compensatory time may not be used during any scheduled work period in order to earn overtime, holiday pay or additional holiday pay.

Public safety, emergency services and seasonal activities may accrue a maximum of 480 hours of compensatory time while all other employees may accrue a maximum of 240 hours of compensatory time.

### **Multiple Positions within the County**

The Internal Revenue Service does not recognize the various appointing authorities (e.g. Elected Officials, Boards, Agencies, etc.) as different employers for hours of work in a workweek. Therefore, employees working for separate appointing authorities and doing primarily similar jobs for both may be subjecting Delaware County to wage and hour penalties. To avoid such conflicts, employees who work as an employee or independent contractor for two or more different departments, offices, or agencies of Delaware County are required to notify their immediate supervisor of such employment or contract immediately when this situation occurs. After reviewing the situation, Delaware County, at its sole discretion, may allow the dual employment to continue or may require the employee to discontinue employment with one or more of the departments, offices, or agencies involved.

### **Moonlighting**

Delaware County recognizes that some employees may hold positions of employment outside of their County employment. In these situations, Delaware County considers itself the primary employer and requires that the employee notify his/her supervisor of the secondary employment immediately. Any negative affects (e.g. absenteeism, loss of productivity, refusal of mandatory overtime, etc.) that the County concludes has resulted from the outside employment may result in progressive discipline, up to and including termination. Please also be reminded that under Ohio Ethics Laws, employees are prohibited from conduct that conflicts with their public employment. Employees shall not use County owned equipment for employment outside of Delaware County employment purposes. If the secondary employment appears to create a conflict of interest, the employee may be required to discontinue that employment.

## **REFERENCE CHECKS AND EMPLOYMENT VERIFICATION**

Providing information regarding the employment history of a former employee is a delicate matter that should only be attempted by those appropriately trained and experienced. Providing information which may be truthful, but has no documenting proof, can and many times will lead to potential liability for the person providing the information and the organization with which that person is employed.

To prevent liability, all requests for information regarding present or former employees should be handled by supervisory personnel or directed to the Human Resources Department. The supervisor or Human Resource personnel will only provide information that is documented factually within the employee's personnel file. If there is no documentation of job performance within the personnel file, the only information given is verification of dates of employment and job title.

At the time of separation from service with Delaware County and with the approval of the appointing authority, an employee will be requested to complete an exit interview with a member of the Human Resources Department. At this time the employee will also be requested to sign a release form releasing Delaware County to provide reference information regarding the employee's work performance with Delaware County.

Verification of employment of a current employee shall be in a written request form with the employee's authorization to release requested information and forwarded to the Human Resources Department.

## **SECTION IV - EMPLOYEE BENEFITS**

### **HEALTH CARE BENEFITS**

Delaware County offers a comprehensive health care benefit package to its employees. To be eligible for the health care benefits, employees must be fulltime as defined in the health care benefits plan booklet. Elected Officials are automatically eligible. Enrollment into health care benefits is not required. If an employee chooses to enroll, he must enroll himself and his dependents in health care benefits within 31 days of the employee's hire date. If an employee fails to enroll himself and his dependents within this 31-day period, he will be required to provide proof of good health for himself and his dependents.

In order to allow employees to purchase certain health care benefits with pretax dollars from their paychecks, Delaware County has entered into an Internal Revenue Service Code Section 125 Plan (Cafeteria or Flexible Benefits Plan). Changes in benefits covered under IRS Section 125 may only be conducted during the annual Open Enrollment or within 31 days of an employee incurring a major life event (e.g. marriage, divorce, birth or adoption of a child, etc.).

For new employees, coverage will begin the first day of the month following one full month of employment (e.g. If the employee begins employment anytime in January, coverage will begin March 1; employee begins employment anytime in February, coverage will begin April 1; etc.). For existing employees incurring a major life event, coverage will begin at 12:00 A.M. on the next day following the date of the major life event. For employees making changes during the annual Open Enrollment, coverage will begin at 12:00 A.M. on January 1 of the appropriate year.

For more detailed information on the health care benefits, please consult the Delaware County Employee Benefits Plan booklet and other detailed information pamphlets provided by the County.

### **CONTINUATION OF GROUP HEALTH COVERAGE (COBRA)**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Delaware County health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at Delaware County's group rates plus an administration fee. The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the County's health insurance plan. The notice contains important information about the employee's rights and obligations.

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Delaware County offers a voluntary and professional service that provides information, counseling, and referral services to all full- and part-time employees and their dependents.

Delaware County has contracted with an employee assistance program provider to assist employees in a private, confidential manner to resolve personal and/or career-related issues.

The EAP offers the following programs to employees free of charge for a limited amount of time:

- Mental Health Issues
- Marriage/Divorce Issues
- Child Care Issues
- Financial Concerns
- Legal Concerns
- Relocation/Community Profile Information

The EAP is available during normal business hours with the exception of the mental health service, which is accessible 24 hours a day.

## **RETIREMENT BENEFITS**

Employees in county government in the State of Ohio do not pay Social Security Tax (FICA). Instead county employees contribute to the Public Employees Retirement System (PERS). With every contribution made by the employee, the County contributes an amount set by PERS and the Ohio Legislature. If you have questions, you should contact the PERS office at 1-800-222-PERS (7377).

## **DEFERRED COMPENSATION**

Delaware County offers its employees two different deferred compensation plans: The County Commissioners Association of Ohio Deferred Compensation Plan or The Ohio Public Employees Deferred Compensation Plan. Employees may choose to invest into either plan or both.

In deferred compensation, employees invest part of their income (prior to taxes) into a deferred compensation plan. The money is invested into mutual funds, bond funds, stock funds, and/or other income funds to earn higher yields than savings accounts. The employee's investment and interest earnings are tax deferred until the employee begins withdrawing funds from the investment. The County is not responsible for any losses or returns accumulated on investments made with any deferred compensation plan.

## **HOLIDAYS**

1. Full-time employees shall receive 8 hours of holiday pay for:

NEW YEAR'S DAY  
MARTIN LUTHER KING DAY  
PRESIDENTS' DAY  
MEMORIAL DAY  
INDEPENDENCE DAY  
LABOR DAY  
VETERANS DAY  
THANKSGIVING DAY  
FRIDAY FOLLOWING THANKSGIVING DAY  
CHRISTMAS DAY

2. Full-time employees shall receive 4 hours of holiday pay for:

NEW YEAR'S EVE  
CHRISTMAS EVE  
BROWN JUG DAY

3. If the holiday falls on Saturday, the Friday immediately preceding shall be observed as the holiday; if it falls on Sunday, the Monday immediately succeeding shall be observed. If Christmas Eve and New Year's Eve fall on a Sunday, the last half of the Friday immediately preceding shall be observed as this half day holiday.
4. An employee shall receive holiday pay rather than paid sick leave for any holiday that occurs when he/she is absent on sick leave.
5. When a paid holiday occurs during an employee's vacation, the employee shall receive holiday pay and will not be charged with a vacation day for such holiday.
6. If an employee's workweek is other than Monday through Friday, he/she is entitled to holiday pay for any holidays observed on his/her day off.
7. If the employee is required to work on a holiday, he/she shall receive his/her holiday pay plus pay for time actually worked on the holiday. Holiday hours shall be considered as hours worked towards the forty hours required for overtime calculations for non-exempt employees.
8. Part-time permanent employees or flexible-hours employees shall be paid holiday pay for that portion of any holiday for which they would normally have been scheduled to work.

## **SECTION V - LEAVES OF ABSENCE BENEFITS**

### **VACATION LEAVE**

- A. All permanent County employees, except elected officials, earn annual vacation leave according to their number of years of service with the County and other political subdivisions of the State. Full-time employees, working eighty (80) hours in each pay period shall earn vacation as follows:
1. Less than 1 year of service completed -- no vacation.
  2. 1 year of service, but less than 8 years completed, -- 80 hours.
  3. 8 years of service, but less than 15 years completed, -- 120 hours.
  4. 15 years of service, but less than 25 years completed, -- 160 hours.
  5. 25 years or more of service completed, -- 200 hours.

An employee regularly scheduled to work less than eighty (80) hours in each pay period will accrue vacation at a prorated amount of the standard rate multiplied by the ratio of his/her regular scheduled hours in a pay period to eighty (80) hours. Under no circumstances will an employee accrue vacation at a greater rate than the standard rate.

According to the ORC 9.44, if a County employee has held a position with the State of Ohio or another Ohio political subdivision (county, municipal, school system, etc.), he or she is entitled to marry the service time from past public employment to the service time with Delaware County for the purpose of determining vacation accrual eligibility. An employee will not be entitled to marry his/her prior service time if he/she had retired from public service with his/her prior employer. An employee is required to utilize the procedures within the Prior Service Credit for Vacation Accrual Policy in the Standard Operating Procedures Manual to receive credit for prior service.

- B. The above service requirement need not be continuous. However, completion of a total of one (1) year service (twenty-six pay periods) with Delaware County and/or another Ohio political subdivision or a combination thereof is required before the employee is eligible to use or receive a payment for any accrued vacation time.

Vacation is credited each bi-weekly pay period at the following standard rates:

1. 3.1 hours per pay period for those entitled to 80 hours annual vacation.
  2. 4.6 hours per pay period for those entitled to 120 hours annual vacation.
  3. 6.2 hours per pay period for those entitled to 160 hours annual vacation.
  4. 7.7 hours per pay period for those entitled to 200 hours annual vacation.
- C. Should a holiday occur on a day other than the weekend during an employee's scheduled vacation, the holiday shall substitute for the use of the vacation day.

- D. Vacation schedules are subject to the approval of the appointing authority. A properly completed leave form must be approved by the supervisor prior to the employee receiving payment for vacation hours.
- E. Employees are expected to use accrued vacation leave each year prior to the employee's next anniversary date. However, an employee may carry over earned vacation leave for a period not to exceed three years from the employee's anniversary date with the permission of his /her supervisor and written approval of the county official annually. Vacation credit in excess of three years will be eliminated.
- F. In case of an employee's death, earned but unused vacation leave shall be paid to the employee's spouse, children, or parents in that order, or to his/her estate.

### **SICK LEAVE**

Sick leave is a benefit provided to public employees to aid them in offsetting the financial burden of illness. Employees are expected to be in attendance daily, and sick leave is only to be used in cases of illness, pregnancy, injury, exposure to communicable disease, or illness, injury, or death in the employee's immediate family. Sick leave is a form of insurance and is not intended to be "extra days off". Just as an employee would only claim health insurance benefits when actually ill and needing treatment, an employee may only use sick leave when incapacitated by illness, injury or as otherwise provided in this policy.

Delaware County has implemented a Sick Leave Policy in its Standard Operating Procedures Manual to guide employees through the entitlements, procedures, and requirements of sick leave usage as provided within the Ohio Revised Code. The below paragraphs are a general synopsis of the Sick Leave Policy. Employees should refer to the full Sick Leave Policy for more details

- A. Each County employee earns 0.0575 hours for each hour worked (e.g. 4.6 hours' paid sick leave upon completion of each 80 hours of service). Unused sick leave shall be cumulative without limit.
- B. An employee who transfers from one County office to another, or who transfers from other public employment in Ohio to County employment without interruption in service, shall be credited with the unused balance of his/her leave accumulated in his/her prior service. The employee is responsible for obtaining certification of his/her previously accumulated sick leave for County records.
- C. An employee who has been separated from County employment, but who is re-employed by the County shall be credited with his or her previously unused accumulated sick leave, if the re-employment occurs within 10 years of the date of the employee's last separation from county employment.
- D. According to state law, employees may only use sick leave for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could

be communicated to other employees, and for absence due to illness, injury or death in the employee's immediate family. "Immediate family" for purposes of this policy include: grandparents, brothers, sisters, parents, spouse, children (including non-blood relative children who live with the employee in a child-parent relationship, e.g. step-child, foster child, legal guardianship child, etc.), grandchildren, and a legal guardian or other person who stands in the place of a parent (loco parentis) to the employee. The definition of "family" is slightly expanded for Bereavement Leave below. An employee using sick leave for a medical, dental, or vision examinations must report to work at the earliest time possible following completion of the examination if the employee is medically released by the physician to resume work.

- E. An employee who is absent due to one of the above reasons must report his/her absence to the appropriate supervisor in that office as soon as possible but no later than one-half ( $\frac{1}{2}$ ) hour after the employee's regularly scheduled start time unless emergency conditions prevent such notification. The employee making the request must personally speak with his/her immediate supervisor (or in his/her absence, next higher supervisor) unless the employee is unable to communicate. In order to qualify for use of paid sick leave, the employee must complete an appropriate leave request form within 24 hours of his/her return to work.
- F. If the injured or ill person required medical attention, a licensed physician's certificate stating the nature of the illness and release must be attached to the leave request form. A satisfactory physician's certificate will be required when an employee has been absent more than three (3) consecutive days.
- G. Delaware County may also require an employee to provide a physician's certificate for absence and/or require the employee be examined by a physician selected by the County in order to verify the legitimacy of the illness, proper use of sick leave and/or the employee's ability to perform the essential functions of his/her position.

When sick leave is used it shall be deducted from the employee's credit on the basis of one hour of sick leave for every one hour of absence from previously scheduled work. The sick leave payment shall not exceed the normal schedule work hours or workweek earnings. Sick leave shall be used in minimum increments of one-quarter ( $\frac{1}{4}$ ) hour.

- H. Upon the death of an employee in the active service with Delaware County, unused accumulated sick leave shall be paid to the employee's spouse, children, or parents, if any, in that order, or to his/her estate. Payment for sick leave accumulated while in the employ of Delaware County shall be based on the employee's straight-time hourly rate at the time of death and will be paid in cash for one-fourth of value of his/her accrued, but unused sick leave balance, with not limit.

Payment for sick leave accumulated with the State of Ohio or any other political subdivision of the State will be paid in cash for one-fourth of the value of hi

accrued, but unused, sick leave. The total value of the sick leave earned with another political subdivision that is payable, shall not exceed the value of 30 days paid leave. The payment shall be based on the employee's rate of pay at the time of death.

- I. An employee may use sick leave for a reasonably necessary time, in no event to exceed five (5) days, for bereavement purposes for the death of a member of the employee's family defined as follows: an employee's spouse, parents, children, grandparents, siblings, grandchildren, parents-in-law, step children, step-siblings, or a legal guardian or other person who stood in the place of a parent (in loco parentis). For funeral attendance purposes in the event of the death of a person who is not a member of the employee's immediate family, including other family members (e.g. aunts, uncles, niece/nephew and cousins of any degree) and friends, an employee may not use sick leave, but may use another type of leave such as vacation leave or compensatory time, if such leave is available to the employee.

Employees will be subject to disciplinary action up to and including termination for inappropriate and/or fraudulent use of sick leave, including but not limited to the following: fraudulently obtaining sick leave; falsifying sick leave request; documentation of records; misrepresenting the grounds for a sick leave request; or using sick leave for an improper purpose. Using sick leave for purposes including but not limited to vacation, travel or recreation purposes, or to pursue or maintain other employment, will be deemed an inappropriate and/or fraudulent use of sick leave that will subject the employee to discipline up to and including termination.

An employee who is no longer able to perform the essential functions of his or her position may not exhaust accrued sick leave when that employee does not intend to return to work. Instead, the employee must go on disability separation status (voluntary or involuntary), take disability retirement, resign, or otherwise be terminated from employment.

### **FAMILY MEDICAL LEAVE ACT OF 1993 (FMLA)**

The Family Medical Leave Act (FMLA) is a federal law that allows eligible employees up to a twelve (12) week unpaid leave of absence that may be taken all at once or in intervals depending on the situation during any twelve (12) month period in connection with specific qualifying events. The FMLA was established to protect the employment and benefits of employees needing leave to care for themselves or immediate family members under specific circumstances. A more comprehensive policy explaining the FMLA can be located in the Delaware County Standard Operating Procedures Manual.

The County's policy and the FMLA require that employees are eligible for FMLA leave only if they have been employed for at least twelve (12) months and have worked at least 1250 hours in the twelve (12) months prior to the leave. Employees can apply for FMLA leave providing it pertains to one of the following "qualifying events":

1. The birth of a son or daughter;
2. The placement of a son or daughter with the employee for adoption or foster care;
3. To care for an immediate family member with a serious health condition. "Immediate family member" means an employee's spouse, child under 18 years of age or child 18 years or older if incapable of self-care due to mental or physical disability, or parent (but not parent-in-laws);
4. A serious health condition that makes the employee unable to perform the functions of the position of such employee.

A total of twelve (12) weeks during a rolling twelve (12) month period (measured backward from the date an employee begins any FMLA leave) are allowed under the above circumstances. A husband and wife who both work for the same appointing authority and qualify for FMLA leave are entitled to a combined twelve (12) weeks of leave due to the birth of a child or the placement of a child for adoption or foster care. If the employee has paid time accrued, (i.e. vacation or paid sick leave accumulated), it must be used concurrently with FMLA under specific circumstances. If the paid leave is exhausted within the twelve (12) weeks, the remainder of the twelve (12) week leave will be unpaid. Should an employee have no paid leave available, he/she would receive the necessary time up to the twelve (12) week limit as unpaid leave. The appointing authority may grant additional unpaid time.

An employee is entitled to seniority but not accrual of benefits (sick leave, vacation, etc.) during periods of unpaid leave status but will not lose anything accrued prior to the leave. If paid leave is used concurrently with FMLA (vacation, sick, comp time), then the employee shall continue to accrue vacation and sick leave benefits during the paid status.

When medically necessary as certified according to FMLA procedures, employees may take FMLA leave intermittently either by taking leave in blocks of time or by reducing their normal weekly or daily work schedule. Intermittent leave will only be permitted for the birth, adoption, or placement of a child with the approval of the employee's supervisor.

A leave of absence should be applied for when an employee is expected to be off more than three working days. The FMLA requires that **a thirty (30) day notice** be given in the event of a foreseeable leave. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually notice within one or two business days of when the need for leave becomes known, followed by a completed Application for Family or Medical Leave and a physician's certification.

If an employee fails to give 30 days notice for a foreseeable leave with no reasonable excuse for the delay, the leave could be denied until the employee provides the proper notice.

Upon receipt of an FMLA certification, the County may grant the leave, request clarification from the certifying healthcare provider, or obtain a second medical opinion at the County's expense on the request. In the event the second medical opinion differs

from the original certification, the requesting employee and the County shall agree on a physician to provide a third medical opinion to rule on the request.

The FMLA mandates that employees will continue to be covered by health insurance while on this type of leave whether it be paid or unpaid. It does, however, give guidelines that outline responsibilities for both employer and employee:

1. Health care coverage includes but not limited to medical, surgical, hospital, vision, mental health care, etc.
2. If applicable, the employee will pay for his/her share of health insurance premiums, (i.e. if an employee pays for his/her monthly premium then he/she should make arrangements to continue with those payments). Employee contribution amounts are subject to any change in rates that occur while the employee is on leave. An employee may choose not to continue health insurance coverage during the leave but may resume his/her coverage upon return.
3. The County may recover its share of the health plan premiums during the period of an unpaid leave if the employee fails to return from the FMLA leave and is medically fit to return.

Upon return to work, employees are entitled to return to their original job if the position remains available. If not, the employee must be reinstated to an equivalent position with equivalent pay, benefits, status and authority. Also, before an employee returns to work from FMLA for the employee's own serious health condition, the employee may be required to submit to a fitness of duty certification.

The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated at the expiration of FMLA leave.

If the employee fails to return upon expiration of entitlement to FMLA leave, the County reserves the right to either reinstate the employee upon his/her return, or to terminate the employee. Also, if the employee fails to return upon completion of FMLA leave, the employee will be responsible for the repayment of healthcare premium payments to the County for the period of the leave.

### **COURT LEAVE/JURY DUTY**

- A. Employees will be excused from work for jury duty or when subpoenaed to court.
- B. An employee who is called to and reports for panel and/or jury duty or as a subpoenaed witness shall be compensated by the County at the straight-time hourly rate for the hours he/she was scheduled to work on that day if the employee is not a party to the law case. The employee must give his/her supervisor prior notice of his/her jury duty/subpoena call in order to receive

his/her regular pay. Court leave/Jury duty shall not count as hours worked towards overtime.

- C. If an employee is released early from jury duty or as a witness, he/she shall return to work at the earliest time possible.

### **MILITARY LEAVE**

Military leave shall be extended to employees of the County in accordance with Sections 124.29, 5923.05 and Chapter 5903 of the Ohio Revised Code and Chapter 43, Title 38, Sections 2021 (inducted employees) through 2024 (enlisted employees and reservists employees called to active duty) of the United States Code. These provisions have certain requirements in order to be re-employed including maximum length of military service, type of discharge (honorable), re-employment period, physical fitness or ability, qualifications to perform duties of former position, etc. Any employee requesting leave pursuant to this provision shall be expected to submit appropriate documentation and execute necessary leave of absence forms as far in advance of the effective date of such leave as practical.

Employees of the County who are members of the Ohio National Guard, the Ohio Defense Corps, the Naval Militia, or members of other reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training, active duty, or emergency duty (so ordered by the Governor) for periods not to exceed a total of thirty-one (31) calendar days in any one calendar year. The maximum number of hours for which payment may be made in any one calendar year is 176 total work hours (22 regular eight-hour workdays).

In addition, employees called to active duty for a period exceeding thirty-one (31) calendar days by an executive order or act of Congress will be entitled to a monthly amount equal to the lesser of:

1. The amount by which his/her monthly civilian wages or salary exceeds his/her military pay and allowances, or
2. \$500.00 per month.

This supplemental military pay shall be paid using a purchase order/voucher with an IRS 1099 form to follow. This supplemental military pay shall not be paid through the payroll system.

### **UNPAID LEAVES OF ABSENCE**

- A. Employees may request an unpaid leave of absence for educational, personal or disability reasons from their appointing authority. The decision whether to grant the leave is left to the appointing authority's discretion. Personal leave may be granted for up to six months for any personal reasons of the employee which are

deemed sufficient grounds for leave by the appointing authority. At the expiration of each six months leave, the appointing authority may renew leave for an additional six months, if warranted. A physician's certificate stating the start date of said leave, the nature of the illness and return date must be attached to the application of all medical leaves of absences.

- B. Where an employee is unable to pre-determine the exact length of his/her leave, an indefinite leave not to exceed six months may be approved. At the expiration of each six months leave, the appointing authority may renew leave for an additional six months, if warranted. The employee may be permitted to return to work at anytime during the six-month period, provided that he/she gives the appointing authority at least two weeks' written notice of his/her desire to return to work. If a leave of absence is granted for a definite period of time, the employee may be reinstated prior to the expiration of the leave only upon written approval of the appointing authority.
- C. While on leave without pay an employee does not earn sick leave or vacation leave, nor is he/she entitled to any holiday pay. His/her anniversary date will be adjusted to exclude the time spent on leave without pay. An employee on an unpaid leave of absence, other than Family and Medical Leave Act leave, must pay the premium for his/her health insurance (and dependent coverage, if applicable) to keep such coverage in force during the leave.
- D. Unpaid leaves of absence shall not be granted to an employee for the purpose of engaging in political activity.

## **SECTION VI - PERSONNEL ADMINISTRATION PRACTICES**

### **PAYROLL INFORMATION**

Employees will be required to provide all necessary time reports, leave request forms, and other necessary documentation prior to having a paycheck issued. The County may hold the paycheck until all documents are properly completed and received, and/or the County may delay issuance of the paycheck to the next pay period if the County has insufficient information to complete the payroll process for the current pay. An employee may be disciplined for failure to complete time reports, leave request forms, and other necessary documentation in a timely fashion.

All employees of the County are paid bi-weekly. Paychecks are issued every other Friday, and there are generally 26 paydays per year. The check you receive on a Friday is for the total hours for the previous two weeks worked.

Federal, State and Municipal laws require deductions of appropriate taxes and other deductions from each employee's salary.

Other deductions are voluntary, and include such things as medical, life, dental and vision insurance, deferred compensation and locally recognized community fund contributions.

No advances in pay are permitted.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the employee's supervisor so that corrections can be made. Generally, corrections will be made on the next paycheck.

### **AUTOMATIC DIRECT DEPOSIT**

All employees of Delaware County may have their paychecks deposited directly into savings or checking accounts at their financial institution if the financial institution has an agreement with Delaware County. Enrollment forms and further information of Automatic Direct Deposit may be picked up in the Auditor's Office.

### **CORRECTIVE ACTION**

As a County employee, your rights and responsibilities are guaranteed under authority of the Ohio Revised Code and ultimately, both State and Federal Constitutions.

The Ohio Revised Code section 124.34 establishes a standard of conduct for good behavior and efficient service. Management and supervisors shall utilize proper precautions, including those outlined in the Pre-disciplinary Hearing/Involuntary

Termination Policy in the Standard Operating Procedures Manual, to ensure safety and security.

It is the policy of Delaware County that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the County and for the benefit and protection of the rights and safety of all. Conduct that interferes with the operations, brings discredit to the County, or is offensive to customers or fellow employees will not be tolerated.

In the event that disciplinary action must be taken against an employee in the classified service, it will normally be in a progressive manner in an attempt to correct an employee's behavior, except that in cases of serious or gross misconduct an employee may be subject to suspension or removal from employment for a first offense.

Progressive discipline may include one or more verbal warnings, written reprimands, suspensions without pay and demotions in pay and/or position prior to final discharge. In determining the appropriate level of discipline, the following will be taken into account: the nature and seriousness of offense or violation; the employee's prior disciplinary record; and the employee's prior record of performance and conduct.

In cases of possible suspension without pay over three (3) days, reduction in pay or position, or termination of employment, an employee in the classified service shall be afforded the opportunity, at a pre-disciplinary conference, to present evidence and witnesses on his behalf prior to any contemplated disciplinary action being imposed. Another employee may represent the employee if so requested. Prior to the pre-disciplinary conference, the appointing authority or his/her designee shall notify the employee in writing of the general nature of the allegations against him. The supervisor will conduct the pre-disciplinary conference providing the employee an opportunity to present explanation and information regarding the action that brought the consideration of the proposed disciplinary action.

Following the pre-disciplinary conference, the supervisor will decide the proper disciplinary action taking into regard the explanations and information provided by the employee, the past disciplinary history of the employee, the severity of the wrongful action of the employee, and the policies and the procedures of the County including this Handbook. If the supervisor decides that suspension without pay over three (3) days, reduction in pay or position, or termination of employment are in order, he/she shall prepare the required State form and forward the recommendation to his/her appointing authority for final decision.

If the appointing authority approves the recommendation of the supervisor, the State form will be appropriately signed and a copy provided to the affected employee the same day and copies provided to the State Personnel Board of Review and the Ohio Department of Administrative Services within ten (10) days. If the appointing authority does not accept the recommendation of the supervisor, the appointing authority will decide the level of discipline.

A copy of any written disciplinary action shall be given to the affected employee and shall also be placed in the affected employee's personnel file. Such disciplinary

action shall cease to have force and effect and will not be considered in future disciplinary action if for twenty-four (24) months after its effective date the affected employee has not engaged in additional misconduct.

### **COMPLAINT PROCEDURE**

Employees are encouraged to approach his/her supervisor directly with problems, concerns, or other issues, but an employee may file a complaint if he/she believes that his/her supervisor, department head or appointing authority has violated any law, regulation, policy, or provision of this Handbook. The employee must process his/her complaint under this procedure.

- Step 1. Except as indicated within the Sexual Harassment Policy, an employee with a complaint must first take the matter up with his/her immediate supervisor within three (3) working days of the occurrence or action about which he/she complains.
- Step 2. If, after meeting with his/her immediate supervisor, the employee still believes that he/she has a valid complaint, he/she must submit his/her complaint in writing to the next level of supervision within five (5) working days of his/her conference with the supervisor. The supervisor shall promptly schedule a meeting with the employee, who may be accompanied by a representative of his/her choice, to discuss the complaint. The supervisor shall render a written decision on the complaint within five (5) working days of the meeting. The employee may continue this process until he/she exhausts all levels of supervision within his/her chain-of-command, including but not limited to supervisor, manager, director, and County Administrator.
- Step 3. If after exhausting appeals to all levels of the supervisory chain-of-command, the employee is not satisfied with the decision on the complaint in Step 2, he/she may file an appeal in writing within five (5) working days of his/her receipt of the Step 2 disposition. The appeal must be filed with the appointing authority. After reviewing the file, the appointing authority may meet with the employee, who may be accompanied by a representative of his/her own choice, within five (5) working days of the filing of the appeal. Either the appointing authority or the employee may tape-record the meeting. The appointing authority shall render a written decision on the complaint within five (5) working days.

If the employee fails to meet the required timeframes within a step, the complaint shall be dismissed from further action. Failure of the employer to respond within the given timeframes shall move the complaint to the next available step in the process. No appointing authority or other management personnel may retaliate or discriminate against any employee for making a complaint or disputing the application of any of these personnel policies in good faith.

## **REDUCTIONS IN WORK FORCE**

The appointing authority may reduce staffing levels due to lack of work, lack of funds, or job abolishment for purposes of economy and/or efficiency. In the event of layoff, Management and Supervisory personnel, shall determine in which Classification(s) such reduction will occur in accordance with applicable portions of the Ohio Revised Code. Employees shall be selected for retention or layoff on the basis of performance, ability, qualification, and seniority.

The appointing authority, as a matter of policy, shall first attempt to accomplish reductions on the basis of attrition. In the event reductions in force are deemed necessary, the County shall first attempt to layoff temporary, part-time, seasonal, casual, and probationary employees in classifications affected by layoff if qualified full time employees are available that can perform the functions of the position.

## **SEPARATION**

Should you decide to resign from County employment, a written resignation should be submitted to your supervisor at least two weeks prior to the date of departure. At the discretion of the appointing authority, a classified employee is eligible for re-employment within one year of termination providing a vacancy exists.

## **SEVERANCE PAY**

An employee in the active service with Delaware County may elect at the time of disability or service retirement under the Public Employees Retirement System, to be paid in cash for one-fourth the value of his accrued, but unused, sick leave balance accumulated with Delaware County. The total value of the sick leave paid, earned with Delaware County, as severance pay shall not to exceed the value of 60 days paid leave. The payment shall be based on the employee's rate of pay at the time of retirement.

An employee in the active service with Delaware County who has a sick leave balance that has accumulated with the state of Ohio, or any other political subdivision of state, may elect at the time of disability or service retirement under the Public Employees Retirement System, to be paid in cash for one-fourth of the value of his accrued, but unused, sick leave. The total value of the sick leave paid, earned with another political subdivision, as severance pay shall not to exceed the value of 30 days paid leave. The payment shall be based on the employee's rate of pay at the time of retirement.

To qualify for this severance benefit, the employee must meet the requirements for a disability or service retirement and have at least 10 years of service with the state, any political subdivision of the state, or any combination of such service, and must be in the active service with Delaware County at the time of retirement.

The total value of the sick leave paid under this policy, earned with Delaware County and another political subdivision combined, as severance pay shall not exceed the value of 60 days paid leave. Payment for sick leave will eliminate all sick leave credit accrued by the employee at that time.

### **POLITICAL ACTIVITY**

Delaware County employee's permissible participation in political activity varies depending upon the classification of the employee. Generally, unclassified employees may participate in political activity with few restrictions while classified employees have stricter limitations on their participation. A County employee may verify his/her classification by contacting his/her supervisor.

The following are general guidelines regarding County employee participation in political activities. These guidelines are not intended to be complete in scope but rather to provide general guidance on political participation by County employees.

The purpose of this rule is to provide appointing authorities, personnel officers, and others with guidelines concerning political activity. Employees in the classified service are prohibited by section 124.57 of the Revised Code from engaging in political activity.

"Classified service" means all persons in active pay status serving in the competitive classified civil service of the state, the counties, or the general health districts, whether in certified or provisional status. Unless specifically exempted from the classified service in accordance with the Revised Code and these rules, an employee shall be considered to be in the classified service for purposes of this rule.

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

#### **Permissible Activities for Classified Employees:**

- (1) Registration and voting;
- (2) Expression of opinions, either oral or written;
- (3) Voluntary financial contributions to political candidates or organizations;
- (4) Circulation of nonpartisan petitions or petitions stating views on legislation;
- (5) Attendance at political rallies;
- (6) Signing nominating petitions in support of individuals;
- (7) Display of political materials in the employee's home or on the employee's property;

- (8) Wearing political badges or buttons, or the display of political stickers on private vehicles; and
- (9) Serving as a precinct election official under section 3501.22 of the Revised Code.

**Classified Employees Are Prohibited From:**

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

**Unclassified Employees Are Prohibited From:**

- (1) Participating in any political activity on County time; and
- (2) Soliciting political contributions from any County employee during work hours.

A classified employee of the County who engages in any prohibited activities listed above is subject to removal from his/her position. The appointing authority may initiate such removal or suspension action in accordance with the normal procedures. The County Prosecutor of the County in which an offense is alleged to have been committed, may also institute action where the law has been violated.

Unclassified employees who wish to participate in political activity during normal business hours must utilize administrative leave without pay, vacation or personal leave. No compensatory leave or any other type of leave, except as listed above, may be used to participate in political activity.

A public employee may not solicit a contribution from any person nor shall any person solicit a contribution from any public employee while the public employee is performing official duties or in those areas of a public building where official business is transacted or conducted. A "contribution" includes a contribution to a ballot issue as well as a candidacy. A violation is a first degree misdemeanor. If any person holding public office or employment is convicted of violating the Revised Code provisions prohibiting abuse of political influence, such office or position shall thereby be rendered vacant.

## **TRAVEL**

In your employment with Delaware County you may have to travel to conduct business. Employee travel for County business is covered under Sections 124.71 and 325.20 of the Ohio Revised Code and the Travel & Expense Reimbursement Policy found in the Delaware County Standard Operations Procedures Manual.

### **Types of Travel**

Travel can be defined in three categories:

ROUTINE BUSINESS TRAVEL is travel by an official or county employee in the administration of a particular program or activity, or which occur in the performance of job-related duties and do not include overnight lodging.

TRAINING TRAVEL is the travel by an official or county employee to participate in educational and/or staff development programs separate from a conference or convention that do not include overnight lodging.

CONFERENCE TRAVEL is the travel by an official or county employee in (1) traveling out of the area on county business, requiring overnight lodging, or (2) attending a conference or convention of a job-related professional association.

Routine Business Travel requires no formal written authorization as it is usually part of the position description or authorized directly by the supervisor or appointing authority.

An employee wishing to travel for Training Travel or Conference Travel are required to itemize all expected expenses on the appropriate Travel Request form and have this form approved by his/her appointing authority and the Board of County Commissioners prior to the registration deadline.

### **Travel Expense Reimbursements**

An employee incurring expenses from travel (mileage, parking, etc.) may apply for reimbursement by completing the Travel Expense Form and attaching the original receipts for expenses. This form should be presented to the employee's appointing authority for approval. Payment may then be made through the Auditor's Office using the County payment procedure. Reimbursement for travel may be withheld if an employee does not have authorization to drive on County business.

### **Driving on County Business**

- **QUALIFICATIONS FOR DRIVING ON COUNTY BUSINESS**

Prior to driving on County business, an employee must meet or exceed the "Qualifications for Driving on County Business," located in the Self-Insurance Program adopted by the Board of County Commissioners, **and** be given authorization by his/her appointing authority. From time to time the County will check your motor vehicle record. An accumulation of violations that violates the "Qualifications" will result in a loss of driving privileges for county business.

An employee must immediately report to his/her supervisor any condition that results in the temporary or permanent suspension or revocation of his/her driver's license or may result in his/her no longer meeting the "Qualifications for Driving on County Business." These conditions include but are not limited to arrests or citations for any violation that penetrates the maximum violations allowed under the "Qualifications for Driving on County Business," such as but not limited to reckless operation, operating a vehicle while intoxicated, vehicular homicide, etc.

- **DRIVING COUNTY VEHICLES**

In the event that you are driving a county vehicle, you must follow the following standards:

1. County vehicles are meant for county business only. The Ohio Revised Code explicitly forbids the use of a county vehicle for personal business. Any use of a county vehicle for personal business will result in discipline and possible termination.
2. A county vehicle is a reflection of county government and the public has a right to expect that the employees and vehicles they support are engaged in conducting business in a proper manner. You are required to follow all laws and drive in the safest and most courteous manner. Any fines or

citations received for driving or parking violations are your sole responsibility.

3. Smoking is prohibited in all county owned or leased vehicles.
4. Should you discover any unsafe or hazardous conditions with a vehicle while using it, report these conditions immediately to your supervisor or appointing authority to have the vehicle checked and/or repaired. The supervisor or appointing authority will relay the message to the appropriate party.
5. Any county gasoline credit card shall be used for county use only. Any use of a county gasoline credit card for personal use will result in discipline and possible termination.

- DRIVING PERSONAL VEHICLES ON COUNTY BUSINESS

From time to time or as part of your job description, you may be required to drive your personal vehicle for county business. The "Qualifications for Driving on County Business" will still apply in this instance, including the minimum insurance limit requirements provided in the Self-Insurance Program. In the State of Ohio, insurance follows the vehicle. In the event you are in an accident using a privately owned vehicle, your personal auto insurance will be the primary insurance and the County's insurance will be excess insurance.

The below statements apply to reimbursement for driving personal vehicles on county business:

1. If all "Qualifications" and requirements of the Travel and Expense Reimbursement Policy are met or exceeded, the County will reimburse mileage to you on a rate per mile basis established by the Board of County Commissioners.
2. The County will not reimburse for travel between an employee's home and the job site (either home office or field assignment).
3. The County will only reimburse one of two or more employees traveling in the same privately owned vehicle.

- DRIVER SAFETY

To maintain driver safety, employees driving County-owned or personal vehicles should review the vehicle for any equipment concerns prior to driving. While driving, the driver should make every attempt to eliminate or limit unnecessary distractions that may take his/her attention away to the immediate job-at-hand -- driving safely. Typical distractions that should be reduced as much as possible include: eating, drinking, applying make-up, reviewing or performing paperwork, utilizing a cellular telephone,

changing radio stations, and any other distraction that takes the driver's attention away from the current primary duty of safely operating the vehicle.

### **DELAWARE COUNTY EMPLOYEE HANDBOOK RECEIPT**

I have received my copy of the Delaware County Employee Handbook that outlines my privileges and obligations as an employee of Delaware County.

I will read and familiarized myself with the information in this book and I fully understand that this constitutes a summary of the benefits and personnel policies of the County. **I am also aware that this handbook is not a contract or guarantee of employment.**

Since the information in this booklet is necessarily subject to change without notice by action of the appointing authority, it is understood that any changes in the policies or benefits herein may be made and employees will be notified of such changes through the usual channels of communication.

Any provisions of the bargaining agreements in effect for union employees, which are inconsistent with the policies in this handbook, shall govern.

**DELAWARE COUNTY EMPLOYEE HANDBOOK RECEIPT**

PLEASE READ CAREFULLY, SIGN, TEAR OUT, AND RETURN THIS RECEIPT SLIP TO YOUR SUPERVISOR.

DATE: \_\_\_\_\_

I have received my copy of the Delaware County Employee Handbook that outlines my privileges and obligations as an employee of Delaware County.

I will read and familiarized myself with the information in this book and I fully understand that this constitutes a summary of the benefits and personnel policies of the County. **I am also aware that this handbook is not a contract or guarantee of employment.**

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Any provisions of the bargaining agreements in effect for union employees, which are inconsistent with the policies in this handbook, shall govern.

SIGNATURE OF EMPLOYEE

DATE

\_\_\_\_\_

\_\_\_\_\_

APPOINTING AUTHORITY OR REPRESENTATIVE

DATE

\_\_\_\_\_

\_\_\_\_\_



# DELAWARE COUNTY PUBLIC RECORDS POLICY

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## I. Introduction:

It is the policy of the Delaware County, Ohio Board of County Commissioners (“Board”) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is therefore the policy of the Board and the government of Delaware County, Ohio (“Delaware County”) to strictly adhere to the state’s Public Records Act.

## II. Purpose:

The Board acknowledges that Delaware County maintains many records including, but not limited to, both fixed medium (i.e. paper, film, etc.) and electronic (i.e. email) that are used in the administration and operation of Delaware County. The records maintained by the Board and/or Delaware County and the ability to access them are a means to provide trust between the public and Delaware County. To foster, maintain and continue to build such trust, the Board and Delaware County, in accordance with state law, adopts this Public Records Policy (“Policy”). (R.C. § 149.43(E)(1)).

## III. Definitions:

As provided by the Ohio Revised Code, the following definitions apply to this Policy:

- A. "Records" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (R.C. § 149.011(G)).
- B. "Public Record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the records listed in R.C. § 149.43(A)(1)(a) through (y). (R.C. § 149.43(A)(1)).

#### IV. Scope:

All records of the Board and Delaware County are public records unless they do not meet either or both of the definitions of "Records" or "Public Record" as defined by the Ohio Revised Code (R.C. § 149.011G and R.C. § 149.43(A)(1)) or are otherwise specifically exempt from disclosure pursuant to the Ohio Revised Code or applicable federal law.

#### V. Internal Procedure:

- A. Each office, department or function that maintains records shall designate and maintain a designated employee who serves as the custodian of all records maintained by that office, department, or function.
- B. Each such designated employee and/or record custodian shall have a copy of this Policy or, in lieu of this Policy, a public records policy developed by that individual office, department, or function. The designated employee and/or record custodian shall, in writing, acknowledge receipt of this Policy or the public records policy developed by that individual office, department, or function in lieu of this Policy. (See Form 1) (R.C. 149:43(E)(2)).
- C. This Policy, as well as, the Schedules of Records Retention and Disposition (RC-2) applicable to that office, department, or function are located at every location of that office in which the public may access to records.
- D. This Policy is a part of and shall be located in and/or attached to the Delaware County Employee Handbook.
- E. A poster which generally describes this Policy shall be displayed at every location in which the public may access records.

#### VI. Fees and Costs:

- A. Unless a different fee is required by law (i.e. copies of certain recorded documents provided by the Delaware County Recorder), in accordance with R.C § 149.43, the following fee schedule is established for providing copies or reproductions of public records:

<b>Media Type</b>	<b>Unit</b>	<b>Cost Per Unit</b>
Letter or Legal Sized Paper Copy (Single Side)	Page	\$0.05
Letter or Legal Sized Paper Copy (Double Side)	Two Sided Page	\$0.05
Certified Paper Copy	Page	\$1.00
Microfiche	Fiche	\$0.50
Film Duplication	16mm Roll	\$15.00
Film Duplication	35mm Roll	\$20.00
Computer Diskette	3.5" Diskette	\$1.00
Audio Cassette Tape	Tape	\$1.00
Video Cassette Tape	Tape	\$2.50
CD/CD Rom	Disk	\$1.00
Email Documents	Various Forms	See Cost Per Unit Above

- B. The above fee schedule shall be clearly posted and visible to the public at all locations authorized to provide copies of public records. (See Form 2).
- C. Advance payment is required before any copies are prepared.
- D. The Board and/or Delaware County shall charge the actual cost of material for media not listed in the fee schedule above.
- E. As a result of security issues and to preserve the integrity of Delaware County's computer systems, the Board and/or Delaware County will not accept blank media supplied by the requesting party. The Board or Delaware County will supply the media. The cost of the media is included in the fee schedule above or, if not contemplated in the fee schedule above, the media will be supplied at cost.
- F. The Board and/or Delaware County shall notify the requesting party in advance in writing of any costs for labor or materials in situations where an outside vendor must be hired to fulfill the request(s).
- G. The Board and/or Delaware County will charge the actual costs of postage and mailing supplies when the requesting party requires the public records be transmitted via the United States Postal Service or any type of priority mail service.

VII. Availability/Inspection

- A. Upon request and subject to R.C. § 149.43(B)(8), all public records shall be promptly prepared and made available for inspection to any person during regular business hours, with the exception of legal holidays.

- B. Copies or reproductions of the requested records shall be made available at cost (See Fee Schedule) and within a reasonable period of time.
- C. “Promptly” and “Reasonable,” as used above and in connection with the preparation and production of the requested records, is to be determined by the facts and circumstances of each public records request and take into account the following:
  - 1. The opportunity for legal review,
  - 2. The volume of records requested, and
  - 3. the proximity of the location where the records are stored.

### VIII. Requests for Public Records

- A. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- B. No specific language is required to make a request for public records. The requestor must, however, identify the records requested with sufficient clarity to allow the Board and/or Delaware County to identify, retrieve, and review the records.
- C. If it is not clear what records are being sought, the records custodian shall contact the requestor for clarification and should inform the requestor of the manner in which the office keeps its records.
- D. The requestor may be asked, but the requestor does not have to:
  - 1. Put a records request in writing,
  - 2. Provide his or her identity, or
  - 3. The intended use of the requested public record.

If the requestor is asked for any of this information, he or she shall first be advised:

- 1. The requestor does not have to answer any of these questions, and
- 2. The requestor's refusal to provide any of this information does not impair the requestor's right to inspect and/or receive copies of the requested public records. (R.C. 149.43(B)(5)).

- E. For the purpose of enhancing the ability of the Board and/or Delaware County to identify and provide for prompt inspection and/or copies of the requested records in a reasonable period of time, the requestor shall be provided with Form 3 for the requestor to complete. In providing Form 3 to the requestor, the requestor shall be informed:
  - 1. The requestor does not have to complete Form 3, and
  - 2. The requestor's refusal to complete or provide any and/or all information on Form 3 does not impair the requestor's right to inspect and/or receive copies of the requested public records. (R.C. 149.43(B)(5)).

#### IX. Response/Release

- A. Requests for public records shall be processed the same regardless of the means by which the request was made. (Note Section X - Special Provisions for Public Records Requests Received by Email, Regular Mail, or Other Delivery Service.)
- B. The records custodian shall complete the public records request using Form 4.
- C. Requests for records that are capable of being satisfied immediately and about which there are no issues concerning release should be satisfied immediately.
- D. Requests for public records that are not capable of being satisfied immediately shall be dealt with as follows:
  - 1. Voluminous/Copying or Reproduction Time Required Request: (Form 5)
    - a. Each such request for public records should be evaluated for the estimated number of copies required to satisfy the request and/or an estimated length of time required to gather the records.
    - b. The requestor shall be informed of the estimated length of time required to respond.
    - c. The requestor shall be informed of the estimated total fee/cost associated with copying or reproducing and delivery of the record(s) and that such estimated total cost must be paid in full prior to the record(s) being copied or reproduced.
    - d. The requestor shall be informed that any difference between the total estimated cost and the total actual cost shall be settled either by Delaware County re-paying any overage or, prior to the delivery of the records, the requestor paying any deficit.
    - e. The requestor shall be informed of any items within the request that may be exempt from disclosure.
    - f. If the request is made verbally the above information shall be

provided to the requestor either verbally or in writing. If the request is made in writing, the requestor shall be informed of the above information in writing.

- g. All such information as required above shall be provided to the requestor in no more than three (3) days after receiving the request.
- h. Considering the volume of records requested, the requested records should be made available to the requestor within a reasonable period of time.

## 2. Legal Issue Concerning Release: (Form 6)

- a. In the event a request for public records is made to inspect and/or obtain a copy of a record whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to legal counsel (Delaware County Prosecuting Attorney) for research and/or review.
- b. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released. If the request is made verbally this information shall be provided to the requestor either verbally or in writing. If the request is made in writing, the requestor shall be informed in writing.
- c. If after review, it is determined that the record shall be released, refer to the procedures in subsection (A) and (B) above, whichever, depending on the record(s) requested, is applicable.
- d. If after review, it is determined that the record shall NOT be released, refer to Section XIII.

E. Copied records may be forwarded to the requestor by any means reasonably acceptable to the requestor.

F. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by R.C. 149.43(A)(1), shall NOT be subject to public inspection. Refer to Section XIII.

## X. Special Provisions for Public Records Requests Received by Email, Regular Mail, or Other Delivery Service

A. Requests for public records received by email, regular mail, or other delivery service shall be responded to in the same manner as public records requests received via any other means, except that the records custodian, upon receipt of the request, shall, by any means practical, contact the requestor and advise them as follows:

1. Advance payment is required prior to providing copies of public records,
  2. The estimated total fee/cost associated with copying or reproducing and delivery of the record(s) and that such estimated total cost must be paid in full prior to the record(s) being copied or reproduced.
  3. That any difference between the total estimated cost and the total actual cost shall be settled either by Delaware County re-paying any overage or, prior to the delivery of the records, the requestor paying any deficit.
  4. Any items within the request that may be exempt from disclosure.
- B. Upon receipt of the fees/costs and where no issues concerning release exist, the copied or reproduced records shall be forwarded to the requestor by any means reasonably acceptable to the requestor.
- C. Voluminous requests, requests requiring time for copying or reproduction, and/or requests involving legal issues concerning release shall in all other respects be handled in accordance with Section IX.

## XI. Medium

- A. The requestor shall be permitted to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or record custodian determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or records custodian. When the requestor makes a choice, the public office or records custodian shall provide a copy of it in accordance with the choice made by the requestor. (R.C. 149.43(B)(6)).
- B. Persons seeking copies of public records are not permitted to make their own copies of the requested records regardless of means or media. (R.C. 149.43(B)(6)).

## XII. Limited Requests

- A. In accordance with section 149.43(B)(7) of the Ohio Revised Code, the Board and Delaware County limits the number of requested public records to be transmitted through United States mail to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
- B. For purposes of this section, "commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering

information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

### XIII. Response/Denial

#### A. Records Not Maintained by the Office Where the Request is Made

1. The requested records have never been maintained by the office where the request is made,
2. The requested records are no longer maintained or have been disposed of or transferred pursuant to applicable Schedules of Record Retention and Disposition (RC-2),
3. The requested record is a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1) or Certificate of Records Disposal (RC-3),
4. The requested record is not a record used or maintained by the office where the request is made. In such case, the requestor shall be notified that in accordance with Ohio Revised Code Section 149.40, that there is no requirement to create records to meet public record requests.

#### B. Ambiguous or Overly Broad Request for Public Records (R.C. 149.43(B)(2))

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

1. The request may be denied.
2. However, the requestor shall be provided with an opportunity to revise the request. In such case, the records custodian shall inform the requestor of the manner in which records are maintained by the office and accessed in the ordinary course of the office's or records custodian's duties.

#### C. Denial of the Public Records Request

1. The request for a record or public record maintained by the office where the request is made may be denied if the record that is requested is prohibited from release due to applicable state or federal law.
  - a. Any denial of public records requested must include an explanation, including legal authority.

- b. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.
    - c. Employees shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
  2. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in whole or in part, the requestor shall be provided with an explanation, including legal authority, setting forth why the request was denied.
  3. If the initial request was provided in writing then the explanation shall also be provided in writing.
  4. The explanation shall not preclude the Board or Delaware County from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

#### D. Redaction/Procedure

##### 1. Definition and Effect of a Redaction

- a. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code. (R.C. 149.43 (A)(11)).
- b. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43(B)(1)).

##### 2. Redaction Procedure

- a. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the information within the public record that is exempt shall be redacted and that information in the record which is not exempt shall be made available.
- b. Where a redaction is to be made, the records custodian shall reproduce a copy of the page where the redaction is to be made. The redaction shall be made on the copied page. The copied page shall then be re-copied with the redactions. The resulting copy shall be the page that is released to the requestor.

- c. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.
- d. When making that public record available for public inspection or copying, the records custodian shall notify the requestor of any and all redactions and/or make any and all redactions plainly visible. (R.C. 149.43(B)(1)).
- e. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in whole or in part, including redactions, the requestor shall be provided with an explanation, including legal authority, setting forth why the request was denied.
- f. If the initial request was provided in writing then the explanation shall also be provided in writing.
- g. The explanation shall not preclude the Board or Delaware County from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

#### XIV. Special Provisions Related to Email

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. Email shall be treated in the same fashion as records in any other format and should follow the same retention schedules.

- A. Records in private email accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Board and Delaware County are instructed to retain their e-mails that relate to public business and to copy them to their business email accounts and/or to the office's records custodian.
- B. The records custodian is to treat the emails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

#### XV. Grievances

- A. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may contact the senior representative of the office where the request was made.
- B. If the person is not satisfied after contacting the senior representative of the office where the request was made, they shall be advised that Ohio Revised Code

section 149.43 provides a legal means for addressing their complaint in these disputes. (R.C. 149.43(C)(1) and(2)).

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

The Board and Delaware County recognize the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the failure to comply with a request may result in a court ordering the Board and/or Delaware County to comply with the law and to pay the requestor's attorney's fees and damages.

#### XVII. Training and Education

The Board and Delaware County continue to update and address all education, training, disclosure, and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E)(1)(2).

# FORM 1



**ACKNOWLEDGEMENT OF  
RECEIPT OF THE DELAWARE COUNTY  
PUBLIC RECORDS POLICY**

I, \_\_\_\_\_ am the designated employee and/or record custodian for \_\_\_\_\_. I hereby acknowledge that I have received on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ a copy of the Delaware County Public Records Policy dated \_\_\_\_\_.

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

# **FORM 2**



**FEE SCHEDULE AND POLICY REGARDING  
FEES FOR COPIES AND REPRODUCTIONS  
OF PUBLIC RECORDS**

Unless a different fee is required by law (i.e. copies of certain recorded documents provided by the Delaware County Recorder), in accordance with R.C § 149.43, the following fee schedule is established for providing copies or reproductions of public records:

<b>Media Type</b>	<b>Unit</b>	<b>Cost Per Unit</b>
Letter or Legal Sized Paper Copy (Single Side)	Page	\$0.05
Letter or Legal Sized Paper Copy (Double Side)	Two Sided Page	\$0.05
Certified Paper Copy	Page	\$1.00
Microfiche	Fiche	\$0.50
Film Duplication	16mm Roll	\$15.00
Film Duplication	35mm Roll	\$20.00
Computer Diskette	3.5" Diskette	\$1.00
Audio Cassette Tape	Tape	\$1.00
Video Cassette Tape	Tape	\$2.50
CD/CD Rom	Disk	\$1.00
Email Documents	Various Formats	See Cost Per Unit Above

- A. The above fee schedule shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.
- B. Advance payment is required before any copies are prepared.
- C. The Board and/or Delaware County shall charge the actual cost of material for media not listed in the fee schedule above.
- D. As a result of security issues and to preserve the integrity of Delaware County's computer systems, the Board and/or Delaware County will not accept blank media supplied by the requesting party. The Board or Delaware County will supply the media. The cost of the media is included in the fee schedule above or, if not contemplated in the fee schedule above, the media will be supplied at cost.
- E. The Board and/or Delaware County shall notify the requesting party in advance in writing of any costs for labor or materials in situations where an outside vendor must be hired to fulfill the request(s).
- F. The Board and/or Delaware County will charge the actual costs of postage and mailing supplies when the requesting party requires the public records be transmitted via the United States Postal Service or any type of priority mail service.

# **FORM 3**



**DELAWARE COUNTY, OHIO  
REQUEST FOR PUBLIC RECORDS  
(FORM 3)**

The Delaware County, Ohio government belongs to the citizens of Delaware County, Ohio. We conduct our government activities in the open and we are proud of our strong commitment to this important principle of democracy.

**IMPORTANT:**

**COMPLETION OF THIS FORM IS NOT MANDATORY. YOUR REFUSAL TO COMPLETE OR PROVIDE ANY AND/OR ALL INFORMATION ON THIS FORM WILL NOT AFFECT YOUR RIGHT AND/OR ABILITY TO INSPECT AND/OR RECEIVE COPIES OR REPRODUCTIONS OF THE REQUESTED RECORDS. (R.C. 149.43(B)(5)).**

**IF YOU COMPLETE THIS FORM IT WILL HELP US TO BETTER AND MORE EFFECTIVELY SERVE YOU IN PROVIDING YOU WITH THE RECORDS YOU ARE REQUESTING.**

**1. GENERAL INFORMATION:** (Please Print.)

Today's Date	
Name	
Street Address	
City	
State	
Zip Code	
Telephone Number	
Facsimile Number	

**2. INFORMATION ON RECORD REQUESTED:** (Please Print.)

With as much specificity as possible, please describe what records you are requesting. (Use the back or attach other sheets as needed.)

--

**3. INSPECTION OF RECORD:** (Check your preference below.)

There is no charge to inspect public records while in the Delaware County, Ohio office where the records are kept. Delaware County, Ohio has adopted and provides photocopies and reproductions of public records in accordance with the Fee Schedule and Policy Regarding Fees for Copies and Reproductions of Public Records.

	I would like to inspect these records in the office when they are ready.
	I would like these records copies/reproduced and I will pick them up when they are ready.
	I would like these records copied and mailed to me at the address on this form.

**4. MEDIUM:**

Preferred Medium (i.e. paper, email (pdf or locked format only), CD-Rom, ect . . .) for Copy/Reproduction. <sup>1</sup>	
---	--

<sup>1</sup> Medium is limited by the determination of record custodian as to the types of media upon which the record can reasonably can be duplicated as an integral part of the normal operations of the public office or records custodian.

# **FORM 4**



<b>PROCESSING FORM FOR REQUESTS FOR PUBLIC RECORDS</b>
--

<b>Name of Requestor</b>	
<b>Date request Received</b>	
<b>Date Request Completed</b>	

<b>Name of Employee Handling Request</b>	
--	--

**1. ESTIMATED NUMBER OF COPIES/FEES**

Type of Unit	Estimated Number of Units	Cost Per Unit	Estimated Total of Fees/Costs

**2. PREPAYMENT (REQUIRED)**

<b>Prepaid</b>
----------------

<b>Amount of Prepayment</b>	
<b>Receipt Number</b>	

**3. ACTUAL NUMBER OF COPIES/FEES**

Type of Unit	Actual Number of Units	Cost Per Unit	Actual Total of Fees/Costs

**4. SETTLEMENT WITH REQUESTOR**

<b>Yes / No / Not Applicable</b>	<b>Settlement Necessary</b>
<b>Yes / No / Not Applicable</b>	<b>Settlement Made</b>

<b>Amount of Refund to Requestor</b>	
<b>Check/Warrant Number</b>	

**OR**

<b>Amount Due From Requestor</b>	
<b>Paid</b>	<b>Yes / No</b>

**5. RECORDS NOT AVAILABLE**

	<b>Record has never been maintained by the county.</b>		
	<b>Record is no longer maintained or has been disposed of or transferred pursuant to RC-2</b>		
	<b>Record has been disposed of pursuant to an application of One-Time Records Disposal RC-1 or Certificate of Records Disposal (RC-3)</b>		
	<b>Record is prohibited from release due to applicable state or federal law.</b>		
	<table border="1"> <tr> <td><b>Cite for the applicable state or federal law.</b></td> <td></td> </tr> </table>	<b>Cite for the applicable state or federal law.</b>	
<b>Cite for the applicable state or federal law.</b>			

**6. LEGAL ISSUE**

	<b>Record has been forwarded to legal counsel for research/review.</b>		
	<b>Record has been reviewed by legal counsel and records are to be released in their entirety.</b>		
	<b>Record has been reviewed by legal counsel and contained non-releasable material.</b>		
	<table border="1"> <tr> <td><b>Non-releasable material has been redacted</b></td> </tr> </table>	<b>Non-releasable material has been redacted</b>	
<b>Non-releasable material has been redacted</b>			
	<table border="1"> <tr> <td><b>Cite for the applicable state or federal law permitting redaction.</b></td> <td></td> </tr> </table>	<b>Cite for the applicable state or federal law permitting redaction.</b>	
<b>Cite for the applicable state or federal law permitting redaction.</b>			
	<b>Record has been reviewed and release of the entire record has been denied by legal counsel.</b>		
	<table border="1"> <tr> <td><b>Cite for the applicable state or federal law.</b></td> <td></td> </tr> </table>	<b>Cite for the applicable state or federal law.</b>	
<b>Cite for the applicable state or federal law.</b>			

# **FORM 5**

Date

Mr. John Requestor  
123 North Sandusky Street  
Delaware, Ohio 43015

Re: Public Request to \_\_\_\_\_

Dear Mr. Requestor:

This letter is to acknowledge receipt by \_\_\_\_\_ of your public records request dated \_\_\_\_\_. Be assured, this office has every intent of fulfilling your request, however, your request has been determined to be voluminous and/or requires time to copy and/or reproduce the requested records. As a result, the purpose of this letter is to advise you of the following concerning your request:

1. The estimated length of time required to your request is \_\_\_\_\_. Therefore, you can expect your request to be completed by this office on \_\_\_\_\_, 20 \_\_\_\_.
2. The estimated total fee/cost associated with copying or reproducing and delivery of the requested records is \_\_\_\_\_. This amount must be paid to this office in advance of any copying or reproduction of the requested records. If you have not done so already, please forward this amount to this office as soon as possible so that this office may proceed with your request and have your records ready for you at on the date specified above. A failure to forward this amount will result in a delay or the requested records not being produced. Any difference between the total estimated cost and the actual total cost shall be settled either by a) Delaware County re-paying any overage to you or b) prior to the delivery of the records, you paying Delaware County any deficit.
3. There are/are not items within your request that may be exempt from disclosure. These items which may be exempt are as follows.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Should you have any questions, please feel free to contact me at (740) \_\_\_\_\_, or email me at \_\_\_\_\_, or send mail to or meet with me personally at the above address.

Sincerely,

Records Custodian

# FORM 6

Date

Mr. John Requestor  
123 North Sandusky Street  
Delaware, Ohio 43015

Re: Public Request to \_\_\_\_\_

Dear Mr. Requestor:

This letter is to acknowledge receipt by \_\_\_\_\_ of your public records request dated \_\_\_\_\_. Please be advised you're your request is being reviewed by legal counsel. I will contact you regarding your request as soon as legal counsel completes it review and advises me regarding your request.

Should you have any questions, please feel free to contact me at (740) \_\_\_\_\_, or email me at \_\_\_\_\_, or send mail to or meet with me personally at the above address.

Sincerely,

Records Custodian