Hardin County Board of Developmental Disabilities
POLICY

Policy Number: P-2	Page: 1	Of: 9
Title: Personnel – Applicability of Personnel Policies		
Regulatory Authority:		
Effective Date: 3/21/18- Review: January 21, 2025		
Reviewer/Job Title: Superintendent or designee		

PERSONNEL
APPLICABILITY OF PERSONNEL POLICIES

A. SCOPE OF COVERAGE

(1) These policies generally apply to all employees employed by HCBDD. Some employees serve in the unclassified civil service (see section 3.3), or occupy positions which have been exempted from the classified service. Such employees serve at the pleasure of the HCBDD. Whenever used in this manual, the Hardin County Board of Developmental Disabilities is defined as the HCBDD. None of these policies establish for employees tenure rights or contractual rights that are not required by law. Although the HCBDD subscribes to these policies, the HCBDD may waive irregularities in policies or procedures.

(2) These policies supersede any previous conflicting policies. Also, some previous policies may have been deliberately omitted because the HCBDD intends they no longer be in effect.

(3) To the extent not prohibited from doing so by law, the HCBDD retains the right to hire, fire, set compensation, and manage unclassified and probationary employees without restriction, and the HCBDD retains all such rights regarding classified employees as allowed by law.

(4) In the event there is a conflict between these policies and procedures and the provisions of a collective bargaining agreement, the collective bargaining agreement shall prevail.

(5) In the event of a conflict between this manual and any applicable law, the law shall prevail, except where the HCBDD may supersede them and has intentionally done so as a matter of policy.

B. POLICY AMENDMENTS

(1) The HCBDD may amend, revise, or delete policies by resolution and such amendments shall also apply to all employees of the HCBDD.

(2) When the HCBDD adopts a new policy or procedure, the policy or procedure shall be reviewed to determine whether it amends, revises, or deletes a section of this manual. If so, the effected manual section shall be entirely rewritten.

(3) The HCBDD shall maintain a master copy of the manual with each of the changes and amendments. An electronic copy of the manual may be utilized by the HCBDD.

(4) Each time the HCBDD amends their manual a copy of the new section shall be given to the Superintendent. The Superintendent shall give a copy of the new section to each supervisor with a hard copy or by electronic means to be added to the manual.

C. DEFINITIONS

(1) Unless otherwise indicated in these policies, the following definitions apply.

"Absent without leave" means a failure to report for work without authorization from the Superintendent or designee to be absent.

"Absenteeism" means the practice of a worker failing to report for work for a period of one (1) or more days or report within the prescribed time when he or she has been assigned to or scheduled for work. Misuse or abuse of sick leave regulations can be considered absenteeism.

"Active pay status" mean that except where otherwise defined in this manual, active pay status is a period when an employee is eligible to receive pay directly from the HCBDD and includes: hours worked, vacation leave, sick leave, holidays, paid administrative leave, compensatory time, paid military leave, and paid court leave. For the purpose of determining overtime or compensatory time for an employee who is eligible for overtime compensation, only hours actually worked count towards the calculation of overtime, unless otherwise specified.

"Classification" means a group of positions that involve similar duties and responsibilities require similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. A class may include only one (1) position in some circumstances.

"Classified employee" means an employee who, after serving a probationary period, may only be disciplined for cause and pursuant to the Ohio Revised Code.

"Compensatory time" means paid time off in lieu of monetary overtime compensation, at a rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked or one (1) hour based upon employment status.

"COBRA" means Consolidated Omnibus Budget Reconciliation Act.

"County" means the county of Hardin, state of Ohio.

"DAS" means the Ohio Department of Administrative Services.

"Department" means a HCBDD organizational unit directed and controlled by the Superintendent.

"Discourteous treatment of the public" means a failure by an employee to treat any member of the general public with respect, in a polite and courteous manner; this would include in person, on the phone, electronic, and in written form.

"Dishonesty" means the disposition to lie, cheat, or defraud; untrustworthiness; lack of integrity.

"Distribution" means an act of distributing goods, materials, and/or written materials or literature.

"Employee" means any person holding a HCBDD position subject to appointment, removal, promotion, demotion, or reduction by the Superintendent.

"HCBDD" means the Hardin County Board of Developmental Disabilities

"Exempt employee" mean an employee determined to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act, and who, therefore, does not have to legally be paid the statutory minimum wage and/or to be compensated, at premium rates, for excessive hours worked in the workweek.

"Excused absence" means being absent from work with the approval of the Superintendent or designee (e.g., vacation, holiday, compensatory time, unpaid leave of absence, etc.).

"Flex time" mean an adjustment of an employee's work hours to avoid the employee working in excess of 40 hours in one (1) workweek or any other standard work period established in accordance with the FLSA.

"FLSA" means the Fair Labor Standards Act.

"Failure of good behavior" means the failure by an employee to accept, adhere to, or maintain the expected levels of performance and/or conduct required by the HCBDD.

"Immoral" means contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to public welfare according to the standards of a given community, as expressed in law or otherwise.

"Immoral conduct" means conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

"Incompetency" means a lack of ability, legal qualification, or fitness to perform tasks required of an employee.

"Inefficiency" mean quality of being incapable or indisposed to perform the tasks required of an employee.

"Insubordination" means the state of being unwilling to do the things required of an employee. Refusal to obey an order issued by the employee's administrative supervisor.

"Intoxication" means the condition of a person affected by the use of intoxicating drinks or other substances; the state of one who is under the influence of alcohol or controlled substances. The effect produced upon the person by drinking intoxicating liquors or ingesting another intoxicating substance to such an extent that the normal condition of the

individual is changed and the person's capacity for rational action and conduct is substantially lessened.

"Malfeasance" means the commission of an act which is unlawful; the doing of an act which is wholly wrongful and unlawful; the doing of an act which a person ought not to perform.

"Misfeasance" means the improper performance of some act which a person may lawfully do; the improper doing of an act which a person might lawfully do.

"Neglect of duty" means the omission or failure to do a thing that can be done, or that is required to be done; an absence of care or attention in the doing; an omission of a given act; a designed refusal or unwillingness to perform one's duty.

"Nonexempt employee" means an employee who is entitled to be paid the federal minimum wage and to be paid at the rate of one-and-one-half (1½) times their regular rate of pay for all hours worked in excess of 40 in an established workweek.

"Nonfeasance" means the nonperformance of some act which ought to be performed, omission to perform a required duty at all, or total neglect of duty. "Nonfeasance" means the total omission of an act which a person ought to do.

"Non-work area" means those areas of the HCBDD's property such as the employee's lounge and parking lot, or other areas where no official HCBDD business nor operations are conducted.

"Non-work time" means any time during an employee's workday where the employee is totally relieved of work duties, such as break time or lunch time; whether an employee is in active pay or no-pay status during these times is immaterial to the designation of non-work time.

"OAC" means the Ohio Administrative Code.

"OPERS" means the Ohio Public Employees Retirement System.

"ORC" means the Ohio Revised Code.

"Overtime" means compensation paid to an employee at a wage rate of one and one-half (1½) times the employee's regular rate of pay for hours worked in excess of 40 hours in the established workweek. The HCBDD has elected to compute eligibility for overtime (including compensatory time) based on all hours actually worked.

"Position" means any specific employment, or job calling for the performance of certain duties, and the exercise of certain responsibilities by an individual. All of the slots in the organizational chart constitute the positions within the department. The arrangement of these positions under different supervisors, sections, or crews constitute job assignments. Positions can be rearranged or reassigned, but the employee's classification remains the same unless reclassified.

"Probationary period" means a period of time, as defined in the HCBDD position description, at the beginning of an original appointment or immediately following a promotion, which constitutes a trial or testing period for the employee, and during which

he may be terminated (in case of original appointment) or reduced (in case of promotion). (Applies to classified appointments only.)

"Promotion" means the movement of an employee from one position to a vacant position which is assigned to a different classification and a higher pay range, or higher salary where pay ranges do not exist. For the purposes of this definition, a higher pay range is determined by comparing the step one rates of the relevant pay ranges.

"Reduction" means a change of the classification held by an employee to one having a lower base pay range, a change to lower step within a salary range, or any decrease in compensation for an employee. For purposes of layoff, a "reduced employee" is one serving in a classification lower than the one from which the employee was laid off or displaced.

"Registry Check" means an effective, time-saving tool that allows employers to conduct pre- and post-hiring checks of employees in six required registers.

"SERB" means the State Employee Relations Board.

"SPBR" means the State Personnel Board of Review.

"Seniority" means the uninterrupted length of continuous service with the HCBDD. No employee shall acquire HCBDD seniority rights, however, until he has been continuously employed by a department for 180 calendar days, unless otherwise provided by law. An authorized leave of absence does not constitute a break in service, and seniority time continues to accumulate during the term of the approved leave, provided that the employee complies with the rules and regulations governing his or her leave of absence.

For the purposes of layoffs, seniority is defined as a continuous service with the county, state, state-supported college or university, or health district within Ohio so long as a break in service does not occur. "Break in service" means an employee has had a separation from service of 31 days or more. An authorized leave of absence or any separation from service that carries with it the right to reinstatement, or reemployment as a result of a reduction in force (RIF), shall not constitute a break in service, provided the employee is reinstated or reemployed within the allowable time. The time the employee was separated shall not be counted toward the calculation of retention points for continuous service.

Employees who are reinstated from layoff within one (1) year of the RIF date will retain previously accumulated seniority, but will not be credited with seniority for the time spent on RIF.

Seniority for the purposes of determining retirement benefits is defined by the provisions of the retirement system in which the employee participates.

For all other purposes other than those specified above, seniority shall be defined as set forth in the provisions of the Ohio Revised Code.

"Sick leave abuse" means the use of sick leave for any purpose other than as provided by applicable law: calling in sick when the employee is able to work; reporting illness in the immediate family when such illness does not exist; reporting off sick to participate in

some other activity or take care of personal business; setting a pattern of reporting off sick on certain days of the week or following regular days off over an extended period of time; failure to follow the rules and regulations regarding use of sick leave and reporting procedures.

"Solicitation" means an act of requesting an individual to purchase goods, materials, or services, or a plea for financial contribution.

"State service" includes states, counties, and general health districts. State service does not include cities, city health districts, or city school districts (see "Service of the State").

"Supervisor" means an employee appointed by the Superintendent to direct and have responsibility over a group of employees or a department.

"Suspension" means relieving an employee from duty without pay as a disciplinary measure aimed at improving the employee's conduct. A pre-disciplinary conference must be held prior to issuing a suspension. (See *Pre-disciplinary Conference*, and *Guidelines for Disciplinary Action and Penalties*.)

"Transfer" means the movement of an employee from one (1) position to another where there is no change in level of responsibility, classification, or salary.

"Unclassified service" means the civil service status of employees appointed without competitive examination to positions that are not subject to the discipline or removal provisions contained in the Ohio Revised Code. This includes employees who receive intermittent, or temporary appointments pursuant to the Ohio Revised Code, those employees appointed to administrative staff positions for which the Superintendent is given specific statutory authority to set compensation, and the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals, clerical and administrative support employees exempted pursuant to the Ohio Revised, and other positions specifically exempted pursuant to the Ohio Revised Code. Such employees serve at the pleasure of the Superintendent.

"Vendor" means any individual or group engaged in or desiring to engage in the supply of goods, materials, or services to the HCBDD and/or its employees, which goods, materials, or services are utilized in the conduct of public business.

"Verbal warning" means the discussion a supervisor holds with an employee in which the supervisor disciplines the employee for his or her conduct and impresses upon him or her the need for improvement This method of discipline can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. A notation of date, time, and reason for a verbal warning must be kept in the employee's personnel file by the Superintendent designee. In the event the conduct of the employee does not improve, more severe disciplinary action is required

"Work area" means any office, room, vehicle, equipment, work site, or physical location where official HCBDD business is transacted and/or operations of the HCBDD are being conducted.

"Work time" means all the time when an employee's duties require that the employee be engaged in work tasks, not including meal periods, scheduled breaks, and time before or after work.

"Working suspension" means a disciplinary action in which an employee is required to report to work and receive compensation, but such period shall be recorded as a suspension.

"Workweek" means seven (7) consecutive 24-hour periods.

"Written reprimand" means a written record of disciplinary action, usually issued after a verbal reprimand has failed to improve an employee's conduct. It is placed in the employee's personnel file and remains part of the employee's record.

(D) DISSEMINATION

(1) The HCBDD has the exclusive right and authority to create and issue policies and procedures.

(2) All employees shall be required to be familiar with the policies and procedures contained in this manual.

(3) All supervisory personnel responsible for administering policy shall receive or have electronic access to and be thoroughly familiar with this manual, administer each policy contained herein, and ensure that subordinate personnel do likewise.

(4) This manual shall remain the exclusive property of the HCBDD and shall be surrendered upon request. Unauthorized reproduction is prohibited.

(5) The Superintendent or designee shall make and distribute a copy (hard copy or electronic) of the policy manual and corresponding procedure documentation to each of the department heads and maintain a list of each department head receiving a copy and the date issued.

(6) Department heads shall make and distribute a copy (hard copy or electronic) of the Policy manual and corresponding Procedure's documentation to each of their supervisors and maintain a list of each supervisor receiving a copy.

(7) The HCBDD will require each employee to sign an acknowledgment (or the electronic equivalent) evidencing that he or she has been given notice of the existence of these policies and has been informed of the right to review them.

(E) VOLUNTEERS

(1) The HCBDD believes that volunteers provide a valuable service for persons with a developmental disability. The time and talents offered by volunteers greatly enhance and enrich the quality of services provided by the HCBDD.

(2) The Board encourages the growth of the volunteer program and recognizes individuals in the following categories as current or potential volunteers:

(a) Parents/guardians and other family members;

(b) Staff (during non-working hours); must be unrelated to job duty;

(c) Members of specialized volunteer programs (i.e. foster grandparent program, high school class projects, scouting groups);

(d) Students sponsored by the local colleges and universities in a capacity as a student teacher, intern, or practicum students;

(e) Interested citizens; and

(f) Service/civic organizations.

(3) A volunteer must have completed standard admittance procedures and obtain written parental permission if under 18 years of age. All volunteers must be at least sixteen (16) years of age and for persons between the ages of 16 - 18 years shall have the volunteer waiver signed by the parent/guardian.

(4) Volunteers shall provide services which are based on the needs of individuals served, on staff requests, and on the volunteer's skills, abilities, and experiences. Persons providing volunteer services will do so under the supervision of professional staff. At no time will a volunteer act in lieu of staff or be assigned to work involving confidential information and/or information protected by HIPAA.

(5) Procedures for recruitment, selection, training, assignment/evaluation, recognition, and termination of volunteers will be developed and disseminated to all volunteers and staff.

(6) Volunteers will be recruited to provide direct service for enrollees and indirect supportive services. Persons who volunteer may do so during regularly scheduled program hours and during extra-curricular events sponsored by the Board.

(7) Persons are expected to apply for volunteer status through the proper building authority and to be formally accepted and oriented as a volunteer prior to beginning their volunteer experience. Any person acting without such recognition will be considered a "visitor" and, as such, will be subject to the policies and procedures of the Board regarding "visitors".

(8) Volunteers shall comply with applicable Board policies (i.e. behavior management, individual rights). Volunteers are not authorized to act as representatives of the Board.

(9) Volunteers shall be enrolled in a background and registry check for up to five (5) years.

(10) The Communication, Family and Outreach Coordinator shall establish procedures to implement this policy.

(F) VOLUNTEER POLICY DEFINITIONS

(1) Unless otherwise indicated in these policies, the following definitions shall apply:

"Volunteer" means any person providing assistance to HCBDD programs through its formal, volunteer program without payment for services rendered. This includes, but is not limited to community members, university students, etc.

"Staff Volunteer" means a HCBDD staff who volunteer in the program during non-working hours in non-work related activities. Non-exempt staff are not permitted to volunteer in positions which constitute similar duties under federal wage/hour regulations.

"Level I Volunteer" mean a volunteer who is only involved one (1) time in a special event per month. (I.e. trip to zoo, trip to pumpkin patch, fundraising event). Volunteer shall be in the presence of a HCBDD Staff member at all times.

"Level II Volunteer" means a volunteer who may or may not have direct contact with a Hardin County Board of DD enrollee. Level II Volunteers assist the Board on regular basis. Volunteering in excess of eight (8) hours in any one- month period. Shall be required to have Substance Abuse Screening and BCII Check.

"Group Volunteers" means any organization that provides direct service support to the HCBDD.

"B.C.I.I. Check" means the Bureau of Criminal Identification and Investigation screening for Level volunteers. Costs paid for by the Board.

"Rapback/ARC" are computer software programs that enroll an individual in a background and registry check which will notify HCBDD if pertinent information is attached to an enrolled individual's name.

"Registry Checks: – Rapback/ARC are the software programs HCBDD utilizes to ensure all staff and volunteers adhere to HCBDD employment and volunteer requirements.

"Similar Duties" means the duties which are the same under federal wage/hour standards but which may be titled differently (i.e. teacher, job coach and teacher's assistant) in HCBDD job descriptions.

"Substance Abuse Screening" means the screening required of all HCBDD staff and Level II Volunteers. Fees for substance abuse screening under this section shall be paid by the HCBDD and conducted by an agency designated by the HCBDD.