Hardin County Board of Developmental Disabilities
POLICY

Policy Number: P-3	Page: 1	Of: 5
Title: Personnel – Management Authority & Status		
Regulatory Authority:		
Effective Date: 3/21/18 Review: January 21, 2025		
Reviewer/Job Title: Superintendent or designee		

PERSONNEL
MANAGEMENT AUTHORITY & STATUS

(A) MANAGEMENT AUTHORITY

(1) The Superintendent maintains the authority to establish, interpret, and administer policies, to set compensation in accordance with the HCBDD approved compensation plan. The HCBDD shall be consistent with all state and federal laws, and applicable agreements. These policies include, but are not limited to:

(a) To manage and direct employees including the right to select, hire, promote, transfer, assign, evaluate, lay off, or to reprimand, suspend, discharge, or otherwise discipline according to law;

(b) To manage and determine the location, type, and number of physical facilities, equipment, programs, and the work to be performed;

(c) To determine goals, objectives, programs, and services, and to utilize personnel in the manner designed to effectively meet these purposes;

(d) To determine the size and composition of the work force, and the organizational structure;

(e) To determine the hours of work and work schedules required to most efficiently operate;

(f) To determine when job vacancy exists, the duties to be included in all classifications, and the standards of quality and performance to be maintained;

(g) To determine the necessity to schedule overtime and the amount required thereof;

(h) To maintain the security of personnel and financial records and other important data or information;

(i) To maintain and improve the efficiency and effectiveness of the operations;

(j) To determine and implement necessary actions in emergency situations; and

(k) To enforce ethics laws.

(2) The exercise of any such right, power, authority, duty, or responsibility by and the adoption of such rules, regulations, or policies as may be deemed necessary, shall be limited only by the specific express terms of applicable law and any contractual agreement with employees under Ohio's collective bargaining law and also by the HCBDD's approved budget appropriations.

(B) EMPLOYEE STATUS

(1) The Superintendent shall set the hours to be worked for both full-time and part-time employees. The Superintendent or designee shall notify the auditor of such designation.

(2) Full-time employees, part-time employees and limited scheduled employees (HLC) working at least 20 hours per week shall be entitled to all benefits provided by the HCBDD including sick leave, vacation, funeral leave, civil leave, military leave, holiday pay, and other benefits as explained in this policy manual. Only those employees working an average of 30 hours per week will be eligible for insurance offered by HCBDD.

(3) Temporary, part-time working less than 20 hours per week, seasonal, and intermittent employees shall be entitled to only sick leave, civil leave, funeral leave, and holidays as outlined in policy P-6, and military leave.

(4) If a part-time, temporary, seasonal, student, or intermittent employee works at least 40 hours per week for more than six (6) continuous months, will be granted a change of status. The decision to grant the change of status shall be left to the discretion of the superintendent.

(C) CLASSIFIED AND UNCLASSIFIED EMPLOYMENT

(1) All HCBDD employees are presumed to be classified civil servants unless the position they occupy has been exempted from the classified service by a lawful request of the Superintendent, or by operation of law. After completion of the probationary period as defined in the position description, classified employees may only be disciplined for cause, and by following the procedures set forth in Chapter 124 of the Ohio Revised Code, the rules and regulations of the State Personnel Board of Review (SPBR), and applicable rules of theDepartment of Administrative Services. Classified status does restrict an employee's ability to participate in partisan politics (see Political Activity).

(2) Some HCBDD employees are in the unclassified civil service, and serve at the will of the Superintendent. Some unclassified employees are those persons employed by and directly responsible to the superintendent, and who hold a fiduciary or administrative relationship to such official, as defined in the Ohio Revised Code. Other unclassified employees may be exempted by other operation of law. Unclassified employees are not

prohibited from partisan political activity on their own time and away from areas in public buildings where official business is transacted or conducted.

(3) Some employees may be classified civil servants who occupy positions which have been exempted from classified service. Such employees shall maintain the same civil service protection as employees who occupy positions which have not been exempted. However, the next person to accept the unclassified position will serve in the unclassified service, providing the Superintendent informs him or her, in writing, that he or she is accepting an unclassified position as a condition of employment.

(4) Employees appointed to positions on a temporary or intermittent basis are unclassified and serve at the pleasure of the Superintendent and therefore have no right to appeal any suspension or removal to the State Personnel Board of Review.

(5) The Superintendent may file to unclassify a position through one (1) of the following legal exemption justifications:

(a) A personal exemption;
(b) A fiduciary exemption; and/or
(c) Any of the other relevant exemptions of the Ohio Revised Code

(6) Personal Exemptions: The Superintendent wishing to request a personal exemption files the appropriate documentation within 90 days after appointment of an employee to an unclassified position with the State of Ohio Department of Administrative Services (DAS). If exemptions have not been designated by the Superintendent or designee, the exemptions previously designated and in effect under this provision shall be considered the exemptions claimed. Such documentation must include:

(a) A cover letter expressing the Superintendent's desire to request approval of a personal exemption for the specified position. This letter will also include the incumbent's name and class title;

(b) A document which designated the position as exempt, signed by the Superintendent;

(c) A document signed voluntarily by the incumbent of the exempted position exempting himself or herself from civil service protection. Note that this action is entirely voluntary on the incumbent's part. If he or she chooses not to sign this document, he or she will continue in his or her classified status, but in an exempted position. In this case, an alternate document should be signed by the employee indicating that he or she understands that the position he or she occupies has been exempted, however, he or she chooses to remain a classified employee. In the alternative, written notice may be given to the employee notifying the employee of his or her status as a classified employee in an exempt position;

(d) A position description outlining the position's duties, responsibilities, and minimum qualifications. The position description must be signed by the Superintendent; and

(e) A table of organization reflecting the department's current reporting relationships.

(7) Upon receipt of the above documents, the Department of Administrative Services will notify the HCBDD in writing that his or her request was received.

(8) Fiduciary and Administrative Exemptions: The Superintendent wishing to request a fiduciary exemption may file the appropriate documentation any time during his or her contract to the Department of Administrative Services. Such documentation must include:

(a) A cover letter expressing the Superintendent's desire to request approval of a fiduciary exemption for the specific position. The letter should state that the position reports directly to the Superintendent, and performs substantially administrative, fiduciary, and policy-making duties. This letter will also include the incumbent's name and class title;

(b) A position description outlining the duties, responsibilities, and minimum qualifications of the position. Such description must reflect a fiduciary relationship to the Superintendent. The position description must also be signed by the Superintendent; and

(c) A table of organization reflecting the department's reporting relationships. It must also reflect the requested exempted position reporting directly to the Superintendent.

(9) Upon receipt of the required documents, DAS will notify the Superintendent that his or her request was received.