Hardin County Board of Developmental Disabilities
POLICY

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Title: Personnel – EEO & Employment		
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PERSONNEL
EQUAL EMPLOYMENT OPPORTUNITY & EMPLOYMENT

(A) EQUAL EMPLOYMENT OPPORTUNITY

(1) The HCBDD is an equal opportunity employer. No personnel decisions concerning any term or condition of employment shall be based upon race, color, religion, sex, national origin, age, military status, ancestry, disability, or genetic information except where such criteria constitutes a bona fide occupational requirement.

(2). The HCBDD will have a designated EEO Coordinator. The EEO Coordinator is responsible for providing information regarding anti-discrimination laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination.

(3) The EEO Coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity, including training. The Superintendent and department heads/supervisors shall maintain responsibility for their actions in regard to offering equal opportunity to each department employee or job applicant and for attempting to resolve discrimination complaints within their respective departments not personally involving the department head.

(4) No inquiry shall be made as to religious, racial, or ethnic origin of an applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information by the employee is a voluntary action on the applicant's part.

(B) AMERICANS WITH DISABILITIES ACT

(1) The HCBDD supports the intent and purposes of the Americans with Disabilities Act (ADA), as amended from time to time, and will not discriminate against qualified individuals with disabilities because of the disability of such individual in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment. The HCBDD will provide a

reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause an undue hardship.

(2) The EEO Coordinator is responsible for providing information about the ADA to employees and others, and for reviewing and resolving complaints involving alleged discrimination against the disabled.

(C) DISCRIMINATORY HARASSMENT

(1) It is the policy of HCBDD to maintain an environment free from all forms of discrimination, including gender-based discrimination due to sexual harassment. In order to maintain this environment, discriminatory harassment, whether committed by supervisors, coworkers, or members of the public, is strictly prohibited.

(2) Definition: Discriminatory harassment is any type of harassing conduct that is based upon an employee's race, color, sex, national origin, age, religion, military status, ancestry, disability, genetic information, or other protected activity as defined by law. Sexual harassment, which is a form of sex discrimination, includes, but is not limited to, the following:

(a) Repeated unwanted and/or offensive sexual flirtations, advances, or propositions;

(b) Repeated verbal abuse of a sexual nature;

(c) Graphic or degrading verbal or written comments about an individual, the individual's appearance, or the individual's sexual orientation; and

(d) The display of sexually suggestive objects, pictures, or the display of same through other media;

(e) The implication or threat that an employee's or applicant's employment, assignment, compensation, advancement, career development, or other condition of employment will depend on the employee or applicant's submission to sexual harassment in any form; and

(f) Any offensive, abusive, or unwanted physical contact.

(3) Responsibility:

(a) It is the responsibility of all employees to aid the HCBDD in maintaining a work environment free from discrimination, including sexual harassment. Therefore, it is the responsibility of each employee, including supervision and management, to immediately report any instances of discriminatory harassment to the proper authority (see reporting procedure below). Any employee who observes any conduct that may constitute discriminatory harassment of a coworker, but fails to report same, may be subject to disciplinary action. Moreover, any employee who receives a complaint alleging conduct which may constitute discriminatory harassment of any

county employee, but fails to report same, may be subject to disciplinary action.

(b) It is further the responsibility of each supervisor to ensure that all employees who report to the supervisor are aware of the policy against discriminatory harassment, that they are aware of the complaint and reporting procedures, and that they are aware of the consequences of engaging in discriminatory harassment.

(c) It is the responsibility of management to maintain an environment free from discriminatory harassment. Management shall ensure that its supervisors are sufficiently trained in recognizing discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedure regarding discriminatory harassment.

(d) Management shall also ensure that all employees are aware of this policy and will ensure that all employees receive sufficient training to maintain an environment free from discriminatory harassment. Additionally, each newly-hired employee will receive training in this policy as a part of their employee orientation.

(e) Each employee will be granted access to HCBDD Policy and Procedure documentation

(4) Procedure:

(a) Once a complaint of discriminatory harassment has been received, or an instance of discriminatory harassment has been reported, the complaint shall be immediately forwarded to the Superintendent or designee for investigation (see reporting procedure below). The Superintendent or designee shall then immediately investigate the matter in accordance with the investigation procedure. The complaining employee and/or the reporting employee will be informed of the results of the investigation.

(b) If, after a thorough and prompt investigation, it is determined that discriminatory harassment has occurred, the employee who has been found to have committed discriminatory harassment will immediately be disciplined in accordance with the disciplinary procedure for discriminatory harassment. The complaining and/or reporting employee(s) will be informed of the results of the disciplinary procedure.

(c) If, after the investigation, it is determined that no discriminatory harassment occurred, or that there is insufficient evidence to determine whether or not discriminatory harassment has occurred, the complaining employee and/or reporting employee will be informed of same.

(d) The HCBDD will make every effort to keep the complaint confidential, except as required by law and as may be reasonably necessary to successfully complete the investigation.

(e) The HCBDD will protect, as much as possible, employees involved as part of the investigation, from retaliation.

(5) Complaint Procedure: Any employee who believes that he or she has been the subject of discriminatory harassment, and/or any employee who has witnessed an incident, or incidents, of discriminatory harassment, shall report the matter to the Superintendent or designee immediately. There will be no reprisals against any employee for making a report as provided in this section.

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(6) Reporting Procedure:

(a) Any employee who believes that he or she has been the subject of or witness to discriminatory harassment should immediately report the alleged act(s) to his/her immediate supervisor or the Superintendent designee.

(b) If there is no one in the office or department to which the employee can report the alleged act(s) (for example, the immediate supervisor, member of management, or the Superintendent is the subject of the complaint), the employee should report to the Board President or county prosecutor. If the county prosecutor is the subject of the complaint, the employee should report the matter to the HCBDD Superintendent.

(c) The employee alleging discriminatory harassment shall complete a written complaint provided for that purpose. The employee should provide:

(i) The employee's name;
(ii. The name of the subject of the complaint;
(iii) The act(s) complained of;
(iv) The date(s) of the act(s);
(v). Any witnesses to the alleged and
(vi) The remedy the employee is seeking.

(d) If the employee alleging discriminatory harassment is unwilling to complete the complaint, the matter should be addressed under the "duty to report" section and the written complaint completed by the person to whom the verbal complaint was made.

(e) This form should be completed by the employee as soon as possible. A copy of this form should be forwarded to the Superintendent. If it is alleged that the Superintendent is the subject of the complaint, then a copy of this written complaint should be sent to the Board President or county prosecutor.

(7) Investigation:

(a) After the written complaint form has been completed, the complaint will promptly be investigated by the Superintendent or designee. If the Superintendent is the subject of the complaint, the investigation shall be conducted by the county prosecutor or designee. Notwithstanding, the EEO Coordinator and/or county prosecutor shall be notified of any such complaint.

(b) The HCBDD may place the charged party on paid administrative leave pending the investigation.

(c) If the investigation reveals that the complaint is valid, prompt remedial action will be taken to end the harassment immediately.

(d) Any employee who is found, after appropriate investigation, to have engaged in discriminatory harassment of another employee or a member of the public shall be subject to disciplinary action, up to and including termination.

(8) Any employee who is found, after appropriate investigation, to have maliciously or intentionally filed a false claim of discriminatory harassment of another employee or member of the public shall be subject to disciplinary action, up to and including termination.

(D) EQUAL EMPLOYMENT OPPORTUNITY/ADA/ANTI-DISCRIMINATION COMPLAINT PROCEDURE

(1) Any person may file a complaint if they believe that another person has illegally discriminated against them under any local, state, or federal anti-discrimination law, including a violation of the ADA or conduct involving sexual harassment.

(2) All complaints alleging illegal discrimination shall be filed on the EEO complaint form. This form shall be filed as soon as possible.

(3) The EEO Coordinator shall investigate all complaints and respond to the complainant within 10 working days of the filing. If the complainant is not satisfied with the EEO Coordinator's response, he or she may file a complaint with the Superintendent or designee. The Superintendent or designee will investigate and respond within 10 working days of the filing. "Working days" are scheduled workdays for employees, business days for non-employees.

(4) When reviewing complaints alleging a violation of the ADA, as may be amended from time to time, the EEO Coordinator and the Superintendent or designee, if applicable, will determine whether the complainant is a "qualified person with a disability," whether the HCBDD may have discriminated against the complainant, and if so, whether the HCBDD can "reasonably accommodate" the complainant or otherwise resolve his or her complaint.

(5) Any employee who has been found by the Superintendent or designee, after appropriate investigation, to have committed an act of illegal discrimination against another employee, job applicant, or other person will be subject to appropriate disciplinary action.

(6) The general public (non-employees) found to have committed an act of illegal discrimination against an employee will be dealt with appropriately by law.

(E) VACANCIES: ANNOUNCEMENTS AND APPLICATION

(1) Vacancies in positions above the lowest classification in a classification series shall be filled, insofar as it is practicable, by promotion of qualified current employees.

(2) The Superintendent or designee shall post positions internally and may also post available positions externally. Positions shall remain posted for a minimum of five (5) business days. Exceptions can be made in those cases where an employee is eligible for reinstatement from layoff to the vacant position.

(3) An internal posting is an employment posting that is posted and maintained in HCBDD buildings. An external posting is an employment posting that is posted and advertised outside of HCBDD buildings. When a position is posted internally, current HCBDD employees will be given sole consideration for the position.

(4) Each announcement, insofar as practicable, shall specify the title, salary range, nature of the job, required qualifications, type of selection procedure to be used, and the deadline for and method of application.

(5) During the five (5) business day posting period, any employee wishing to apply for the vacant position shall submit their interest in writing to the Superintendent or designee.

(6) The Superintendent or designee shall not be obligated to consider any applications submitted after the close of the posting period.

(7) An application must be properly completed and submitted before an applicant will be considered for employment.

(8) The Superintendent or designee is responsible for documenting that the person selected for employment is legally authorized to work in the United States.

(9) Unclassified appointments are exempt from this section.

(F) EVALUATION OF APPLICANTS

(1) The Superintendent or designee shall evaluate all job applicants. Applicants must submit to reference checks, interviews, background checks, and/or other job-related evaluation procedures. An applicant shall be required to provide any non-medical information, upon request, insofar as such information is job-related.

(2) The HCBDD may also require a selected applicant to pass an appropriate examination as a condition of employment to determine whether the applicant can physically and/or mentally perform the essential functions of the job, with reasonable accommodation where necessary. Upon a conditional offer of employment, tests to determine current use of illegal drugs and alcohol that may affect the applicant's ability to perform the duties of the job in question may be conducted.

(G) BASIS FOR SELECTION/DISQUALIFICATION

(1) Appointments to vacant positions, either from internal promotion or selection from outside job applicants, shall be made based solely on the applicant's knowledge, skills, and abilities, and other job-related practical selection methods.

(2) An applicant shall be eliminated from consideration if he or she:

(a) Does not possess the knowledge, skills, and abilities necessary to effectively perform the duties of the vacant position;

(b) Has made a false statement of material fact on the application form or supplements thereto;

(c) Has committed or attempted to commit a fraudulent act at any stage of the selection process;

(d) Is an alien not legally permitted to work; and

(e) Has been previously terminated for just cause except in unusual circumstances to be determined by the Superintendent or designee after review with the previous supervisor.

(3) An applicant may be eliminated from consideration upon other reasonable and legal grounds relating to job requirements.

(4) If an employee is hired and it is subsequently learned that any of the above disqualifying criteria apply, the employee may be terminated.

(5) The Superintendent or designee is responsible for documenting that the person selected for employment is legally authorized to work in the United States (see section 4.17). All I-9 forms must be maintained in a file separate from the employee's personnel records.

(6) Once the applicant is hired as an employee, the Superintendent, department head, or designee must provide a position description within 30 days to any such employee who is newly hired and unclassified.

(H) PHYSICAL EXAMINATIONS OF APPLICANTS FOR HIRE OR PROMOTION

(1) HCBDD requires a physical examination for all employees before beginning work as a teacher, classroom assistant, other school related positions, maintenance staff, Special Olympics staff and nurses. All HCBDD staff are required to have a drug screen prior to employment and at will. HCBDD will only require the physical examination after selecting preferred applicant or applicants for appointment. Physicals are not required on a regular basis thereafter.

(2) If the HCBDD requires an employee or applicant to take a medical examination, the HCBDD will pay for the cost of that examination.

(3) The Superintendent's designee shall select the licensed practitioner to administer the examination and shall pay the cost. Applicants may obtain, with approval of the Superintendent, a waiver of the medical examination requirement for the following reasons:

(a) Verified religious opinion or affiliation; and
(b) Reinstatement within one (1) year of separation.

Any applicant requesting to waive the examination requirement for one (1) of the above reasons shall submit a written affidavit describing the applicant's state of health at the time of employment.

(4) After hire, employees may be legally required to submit to medical examinations for certain purposes during their period of employment with the HCBDD. Such an examination is intended to ensure that the incumbents continue to be physically and mentally able to perform the duties of their position. Examples include examination to certify eligibility for family and medical leave or other leaves of absence, examination to assess eligibility for workers' compensation, examination required by occupational safety and health programs, etc. A medical examination may also be required to determine an employee's ability to return to work following a medically related leave of absence.

(5) The Superintendent or designee shall include GINA (Genetic Information Nondiscrimination Act) "safe harbor" language directed to the health practitioner conducting the medical examination.

(I) SAFE LIFTING

(1) The purpose of the safe lifting policy is to maintain a healthy work environment and minimize the risk of injury to consumers and staff, it is the policy of the HCBDD that all staff shall use the safest techniques and equipment available when performing job related tasks involving lifting or transferring.

(2) All staff are required to perform the essential functions of their positions. An employee physical may be required of all new employees to determine physical ability to perform job requirements.

(3) In the event that a staff person is temporarily unable to perform the duties required by the job due to work related injury involving lifting and transfer, medical documentation must be provided indicating extent of the injury, work restrictions and/or limitations. Attempts will be made to reasonably accommodate and place the injured staff person in a temporary transitional duty assignment until he or she receives a full release to return to normal work assignments.

(4) All staff will be trained in proper body mechanics, injury prevention, and approved methods of safely lifting and transferring objects and individuals. Approved safe lifting and transfer training will be provided, and documented for the employee's personnel training file. Employees will be trained in approved techniques for the manual transfer of persons or objects and in the use of mechanical lifting devices prior to actual performance of tasks

requiring lifting and transfer of individuals or objects as it relates to specific job responsibilities.

(5) All staff will sign a statement of understanding and compliance with the Safe Lifting and Transferring policy during orientation. This statement and documentation of training will be maintained in employee personnel files.

(6) Prior to using a mechanical lifting device on an individual, staff must be trained on the use of the device and provide a satisfactory return demonstration. Annual skills checks may be required to demonstrate competency in the use of the equipment. Additional individual specific training will be provided as needed to ensure safety of the individual and assisting staff.

(7) Staff will use approved manual transfer techniques, mechanical lifting devices and other approved aids in accordance with instructions and training. Program supervisors or managers will periodically assess staff members' knowledge and consistent use of approved lifting and transfer techniques. In addition to protecting the individuals they are assisting, according to the Ohio Revised Code, it is the duty of staff to take reasonable care of their own health and safety as well as that of co-workers. Non-compliance with approved lifting and transfer techniques will indicate a need for retraining. Repeated non-compliance will lead to disciplinary action.

(8) Unusual or emergency situations may occur where persons who normally require use of a mechanical device or other aids for transfer may need to be assisted manually. Staff will use their best judgment in determining how to safely transfer the individual using the resources available. Staff will not be disciplined for failing to use mechanical equipment or other aids in situations that have been determined to be an emergency with no viable alternative available.

(9) An adult individual or child who requires more than minimal assistance, meaning the individual is able to complete at least 75% of the effort required for movement and assistance provided is less than 25% of the required effort for movement, with ambulation or transferring for personal care will be assessed by an occupational or physical therapist. Appropriate assessments will be completed with recommendations for safe lifting and/or transferring prior to staff being required to assist the individual. Minimal assistance is defined as providing a light amount of assistance in balancing, steadying, shifting, or guiding an individual who can perform most of the task independently.

(10) If the need and type of assistance is clearly identified by previous assessment or is obvious due to the needs of the individual, initial and/or further assessment may be waived by the individual's team and the assistance required for safe lifting and transferring of the individual can be incorporated into the ISP or IEP and used immediately by staff.

(11) A staff member may request an assessment by a physical or occupational therapist by utilizing the Request for Services Referral process for an individual already enrolled in HCBDD programming. Reasons for referral include but are not limited to:

(a) If there is a question about whether the level of assistance required for transferring an individual exceeds more than minimal assistance due to change in health status or ability;

(b) When staff have a concern that the current method used to lift or transfer an individual may be causing or potentially cause discomfort or injury to the individual or staff;

(c) There has been an occurrence of at least one incident where either the individual or staff were injured while staff was lifting or transferring an individual;

(d) It is the recommendation of the individual's team or Safety Committee that an evaluation is needed;

(e) Once it is determined that an OT/PT assessment is needed, the Service and Support Administrator (SSA) will request approval from the individual or guardian for an assessment to be completed; and

(f) Written OT/PT recommendations for specific routine procedures and the type of equipment to be used for safe lifting and transfers will be forwarded to the team for incorporation into the ISP, IEP, and/or Nursing Plan of Care. Staff will follow procedures for lifting and transferring prescribed by the occupational or physical therapist and listed in the individual's plan.

(g) Mechanical lifting devices and other equipment/aids that have been recommended by OT/PT evaluations will be available for staff use to the extent possible within the budget.

(h) Mechanical lifting equipment will be cleaned regularly and stored in a safe manner that is easily accessible to staff. Equipment will be serviced regularly and kept in proper working order. Maintenance will be provided by the Facilities staff if appropriate, by the equipment manufacturer, or by an agency contracted by the Board to service the equipment. Staff members are to report malfunctioning equipment immediately to their supervisor or manager

(J) TRANSFER

(1) A transfer is defined as the movement of an employee from one (1) job to another where there is no change in level of responsibility, classification, or salary. There are two types of transfer:

(a) Intra-departmental transfer: A transfer from one (1) position to another bearing the same classification title within the UCBDD is considered an intra-departmental transfer.

(b) Inter-departmental transfer: A transfer from one (1) position to another bearing the same classification title between one (1) superintendent's office and another superintendent's office is considered an inter-departmental transfer.

(2) Requests for transfer will be granted based upon the needs of the departments' availability of positions and the approval of the affected appointing authorities.

(K) TEMPORARY ASSIGNMENTS

(1) A temporary assignment is defined as the assignment of an individual employee to a classification different from his or her own, which has substantially different duties than the employee would normally perform. A temporary assignment shall be made by the Superintendent or designee to meet the operational needs of the department due to illness, emergencies, or special circumstances, and shall not be done for disciplinary purposes.

(2) All temporary assignments of classified employees shall be accomplished by a written letter of assignment delivered to the employee with copies to the auditor (if a pay adjustment is necessary).

(3) Classified employees temporarily assigned to a position with a higher rate of pay for more than 10 consecutive workdays shall receive the lowest rate of pay for that position which represents an increase in pay to the employee, beginning on the eleventh (11th) consecutive workday. This temporary increase in pay does not apply to employees who are actively involved in training.

(4) Classified employees temporarily assigned to a position with a lower rate of pay shall continue to receive their current rate of pay.

(L) PROMOTION

(1) It is the policy of HCBDD to train and develop entry level employees for promotion to higher level classifications, whenever possible.

(2) Factors to consider for promotion include an employee's completion of required training courses, general performance evaluation ratings, and the employee's knowledge, skills, and abilities to perform the essential functions of the vacant position.

(3) Employees accepting promotions to a classified position will be required to successfully complete a probationary period.

(4) All promotions must be made in accordance with the HCBDD equal employment opportunity policy as set forth in policy.

(M) TRAINING

(1) The Superintendent or designees shall ensure that both probationary and non-probationary employees receive sufficient training to effectively perform their jobs to the prescribed performance level. New employees will be provided with personnel policy and procedure requirements and will receive a complete tour of their department in order to acquaint the employee with the facilities and work rules.

(2) The Superintendent or designee shall periodically examine current and proposed training programs to ensure the program's relevance to both the individual employee and organizational training needs.

(3) Employees may be required to attend job-related training programs, courses, workshops, seminars, etc.

(4) An employee may request that the HCBDD provide additional job training to upgrade performance levels in his or her current position or in preparation for anticipated position vacancies. Such training may be considered by the Superintendent's designee.
In all cases, however, such additional paid training shall be subject to the approval of the HCBDD.

(5) If such training is required by the HCBDD, the expenses incurred shall be paid by HCBDD. The HCBDD will not, however, pay for training when it is taken voluntarily by the employee and not required by HCBDD. Any absence due to training taken voluntarily by the employee shall be subject to the prior approval of the Superintendent or designee.

(6) Travel time, which occurs all on the same day, will be counted as hours worked when such travel is required by the HCBDD to attend job-related required training. Travel time will not be counted as hours worked when the employee is attending training not required by the HCBDD (see F above). However, when travel time is compensable, the employee's normal travel time to and from work will be deducted from the compensable travel time.

(7) Employees approved to attend out-of-town training are required to be in attendance for the entire program.

(N) PROBATION PERIOD

(1) Each person entering HCBDD service in a full-time or part-time classified position, shall be required to successfully complete a probationary period as defined in the position description, with its effective date beginning the effective date of the appointment. Part-time employees who work less than the normal number of working days per week shall serve a probationary period of 1000 hours. Temporary and intermittent appointments do not serve a probationary period as they are in the unclassified service.

(2) If an employee is granted a leave of absence or is removed from active pay status for any period of time during his probationary period, the time of such leave is not counted as part of the probationary period.

(3) The HCBDD shall retain only those employees who meet acceptable standards. A probationary employee may be separated at any time during the probationary period. Removal during the probationary period is not appealable to the State Personnel Board of Review.

(O) PERFORMANCE EVALUATION

(1) Written performance evaluation provides supervisors with an effective mechanism to measure and communicate levels of job performance to employees. It provides the employee with documented, constructive feedback concerning current job performance. Documented performance evaluation serves as a basis for important management decisions

regarding training needs, job assignments, promotion, and retention of employees. The work performance of each permanent employee shall be evaluated in accordance with established procedures.

(2) Employees serving initial or promotional probationary periods shall receive a probationary evaluation during the course of such periods. Should a new employee be given a probationary removal before the end of his or her probationary period, a final evaluation shall be made at the time of removal.

(3) Employees not serving in probationary periods shall have regular conversations with the supervisor during which the supervisor will give feedback about performance.

(4) Special evaluations may be made if authorized by the Superintendent or designee. Such evaluations may not be used for the purposes of influencing the order of layoff.

(5) Employees dissatisfied with their performance evaluations may seek reconsideration through use of the complaint procedure specified in this manual. Such appeal rights shall not apply to employees serving in a new-hire probationary period.

(P) DRUG FREE WORKPLACE POLICY

(1) The following is the HCBDD Drug Free Workplace Policy:

Drug Free Workplace Policy definitions:

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other lower molecular weight alcohols including methyl and isopropyl alcohol.

Controlled substance: Any controlled substance contained in Schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. 812), or as defined in the Ohio Revised Code.

Conviction: Any finding of guilt, including a plea of nolo contendere (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal, state, or municipal criminal drug statutes.

Criminal drug statute: A criminal statue which states that a person may not manufacture, distribute, dispense, use, possess, provide, or administer any controlled substance.

For purposes of this policy all definitions will be consistent with the Ohio Revised Code.

(2) It is the policy of HCBDD to maintain a safe and productive workplace free of alcohol and drugs and free of those individuals who use drugs and alcohol.

(3) The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance by any employee which takes place in whole or in part in the workplace is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.

(4) Any employee convicted of any federal, state, or municipal criminal drug statute must notify the HCBDD of that fact within five (5) calendar days of the conviction.

Notification by the employee does not excuse that employee from possible disciplinary action under the HCBDD's personnel policy manual.

(5) Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances or the abuse of legal substances will be subject to disciplinary action or discharge. Any decision to take such action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.

(6) Any employee convicted of a drug offense, who fails to report the conviction as required by the above, will be:

(a) Terminated from employment;
(b) Forever barred from future employment with HCBDD; and
(c) Held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

(Q) DRUG TESTING POLICY

(1) Drug Testing Policy:

(a) Applicant drug testing: Applicants for positions within the HCBDD will be required to sign a written waiver and consent form and take a drug test as a condition of employment

(b) Employee drug testing: The HCBDD reserves the right to set standards for employment and to require employees, as a condition of continued employment, to submit to physical examinations including breath or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.

2) In cases in which the HCBDD has a reasonable suspicion to believe that the employee is in an altered or impaired condition as the result of the influence of alcohol or

(2) In cases in which the HCBDD has a reasonable suspicion to believe that the employee is in an altered or impaired condition as the result of the influence of alcohol or the controlled substances referenced in the paragraph above, the HCBDD may require the employee to go to a medical clinic, at the HCBDD's expense, to provide breathe or urine specimens. For purposes of this policy, "reasonable suspicion" means suspicion based on personal observation by a HCBDD representative. HCBDD representatives should documents such reasonable suspicion by making written notations which may include descriptions of inexplicable or abnormal behavior, appearance, speech, or breathe.

(3) If requested, the employee will sign a waiver and consent form authorizing the clinic to examine a specimen of breath or urine and release the test results to the HCBDD.

(4) A refusal to sign a waiver and consent form or to provide either specimen will constitute insubordination and a presumption of impairment and may result in discharge.

(5) Any employee tested in accordance with the above procedure may request, in advance of the original test, that a portion of the original specimen be delivered to a third party for testing at the employee's expense.

(6) The results of any such test will constitute medical information and will remain confidential, to the extent provided by state law.

(7) An employee taking over-the-counter or prescribed medications which could impair his or her ability to perform the essential functions of his or her position safely may be referred by the Superintendent or designee to a medical review officer for such a determination. A copy of the employee's job description should be sent to the medical review officer. A "medical review officer" is a licensed physician with certification and experience with substance abuse, diagnostic, or occupational health work. If the employee is unable to work, he or she shall be placed on the appropriate leave.

(8) Bus Drivers will be required to adhere to FMCSA rules as outlined in the Educational booklet for Drivers from Ohio Health Consortium.

(R) IMMIGRATION REFORM AND CONTROL ACT POLICY

(1) **In general:** In accordance with the provisions of the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, and as further amended from time to time, the HCBDD has adopted the policy set forth below.

(a) The HCBDD shall not knowingly hire or recruit or continue employment of any alien hired after November 6, 1986, without substantiating and documenting that alien's eligibility in accordance with provisions established by this policy.

(b) The HCBDD has established an employment verification system and shall retain appropriate records establishing that each employee hired after November 6, 1986 is lawfully authorized to work in the United States as either a U.S. citizen or as a properly "documented alien."

(c) As a condition of continued employment, the HCBDD shall verify both the identity and the employment eligibility of all applicants considered for employment in accordance with procedures set by USCIS.

(2) **Post-hiring requirements:**

(a) Within three (3) business days after the appointment of the applicant, the HCBDD shall physically examine the documentation presented by the new

employee, ensure that the documents presented appear to be genuine and relate to the individual, then complete the remaining portions of Form I-9.

(b) Form I-9 and copies of supporting documentation shall not be used for any purpose or provided to any HCBDD or person other than for the purpose of complying with the requirements of the Act.

(c) Should an employee be rehired or reinstated by the HCBDD within one (1) year of the date of separation, the HCBDD may use the original I-9 form and supporting documentation for the purpose of complying with the Act.

(d) If an employee's authorization to work expires, the HCBDD must immediately re-verify that the employee is still authorized to work, based on the employee's documentation of continuing eligibility or new authority to work. The HCBDD must review the document, and verify on the I-9 form, noting the document's ID number and expiration date.

(3) **Anti-discrimination policy:** It is the intention of the HCBDD not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise provided by law. The HCBDD will not unlawfully discriminate against any citizen or national of the United States or against any alien authorized to work in the job at issue.

(S) NEW HIRE REPORTING

(1) **Generally:** In accordance with the Ohio Revised Code, the county auditor shall report certain information about employees who are newly hired, rehired, or who return to work after a separation of employment. This information will be used by the Ohio Department of Jobs and Family Services (ODJFS) to help locate parents who owe child support, to make adjustments in public assistance benefits, and to identify persons who are fraudulently receiving benefits. In addition, new hire reporting information is available to other state agencies to help detect and prevent erroneous unemployment or workers' compensation payments.

(2) **Employee definition:** The statute defines employee as any individual who is employed to provide services to HCBDD for compensation and includes an individual who provides services to HCBDD under a contract as an independent contractor and who is an individual, the sole shareholder of a corporation, or the sole member of a limited liability company.

(3) **Deadline:** Information regarding newly hired, rehired, or returning employees shall be submitted within 5 workdays of the hire or rehire date to County Auditor.

(T) REEMPLOYMENT OF RETIREE

(1) **Generally:** Based upon the HCBDD operational needs, the Superintendent or designee at his or her discretion may initiate discussions with a retiree or a potential retiree regarding reemployment with the county.

(2) **Definition:** Reemployment of a retiree occurs when such retiree returns to work in an OPERS-covered or another Ohio retirement system-covered position after retiring under OPERS or another Ohio retirement system retirement plan.

(3) **Notification by reemployed retirees:** Reemployed retirees shall notify the Superintendent or designee that they are receiving an Ohio retirement system benefit. Retirees shall complete and submit to OPERS a Notice of Reemployment of an OPERS Benefit Recipient or a Notice of Reemployment of an Elected Office, if applicable. These notices can be found at www.opers.org.

(4) **Certification by county:** The notice forms described above in (B) shall be certified by the HCBDD. Such forms serve as an official notification to OPERS of the hiring of a reemployed retiree.

(5) **Effect on retirement benefits:** If a retiree who is receiving benefits from one (1) of Ohio's retirement systems is reemployed in an OPERS position, his or her retirement benefit may be affected. (Pursuant to Ohio law, if an OPERS retiree begins reemployment during the first two (2) months in which he/she receives a retirement allowance from OPERS, the OPERS retiree forfeits his/her retirement allowance for any month of reemployment during the two (2) month period. After the first two (2) months of retirement, the retiree will receive his or her OPERS retirement benefit.) Any employee who is considering reemployment with the county after retirement should contact the appropriate retirement system for clarification on how reemployment will affect his or her retirement benefits.

(6) **HCBDD and employee contributions:** Such contributions shall begin on the first day of employment with the exception of contributions remitted during the first two (2) months after retirement. Reemployed retirees will contribute toward a money purchase annuity.

(7) **Money purchase annuity:** This annuity is based on the sum of employee contributions for the period of reemployment, plus allowable interest, multiplied by (2) two. There are certain age and other restrictions and requirements related to a money purchase payment.

(8) **Public notice and public hearing:**

(a) Public notice: The HCBDD must provide public notice for a person returning to the same position that is customarily filled by a vote of members of a board or commission or by the legislative authority of a county at least 60 days before the reemployment begins, that an individual is seeking to retire, draw a pension, and return to work in a position under the board.

(b) Public hearing: The board must also hold a public hearing 15 to 30 days before the reemployment is to begin to discuss the issue of such retiree being reemployed. The date, time, and location of the public hearing must be included in the public notice as described in (1) above.

(9) **Benefits following reemployment:** A reemployed retiree of any retirement plan offered by the state shall be permitted to earn vacation leave, sick leave, and longevity pay in accordance with HCBDD policies, as if he or she is a new employee with no prior service time. Such reemployed retiree shall also be eligible to receive other county-provided benefits in accordance with the terms and conditions of the policies, which control such benefits.

(a) Vacation leave: For purposes of computing vacation leave, an employee who has retired under the Ohio Public Employees Retirement System, and who is reemployed by a county after July 5, 1987, shall not have his/her prior service credit with the state or any political subdivision of the state counted.

(b) Sick leave: For employees hired after May 1, 2008 upon termination of a reemployed retiree's employment, the retiree is not permitted to be paid for accumulated sick leave unless the board adopts an alternative policy pursuant to the Ohio Revised Code.

(c) Longevity pay: Longevity pay (if applicable) for a reemployed retiree shall be calculated based upon the retiree's date of reemployment.

(d) Health care: If the retiree qualifies for the HCBDD health care coverage, the HCBDD must make appropriate coverage available to the reemployed retiree and the reemployed retiree cannot waive such health care coverage. During the period of reemployment, the HCBDD's health care coverage is primary and OPERS coverage is secondary, if the retiree is participating in the OPERS health care program.

(U) NEPOTISM POLICY

(1) Per the Ohio Revised Code: Members of the immediate families of Board members or the Board of County Commissioners may not be hired to work for the Hardin County Board of Developmental Disabilities.

(2) No person shall occupy any position in which he/she could directly supervise or otherwise influence a decision in favor of or against another member of his/her immediate family.

(V) WHISTLEBLOWER POLICY

(1) In accordance with the Ohio Revised Code, if an employee in the classified or unclassified civil service becomes aware, in the course of employment, of a violation of state or federal statutes or the misuse of public resources, and the employee's supervisor or Superintendent's designee has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or Superintendent's the office of internal auditing, or with the Auditor of the State's fraud reporting system under the Ohio Revised Code.

If the employee reasonably believes that the violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report with the supervisor, Superintendent, the office of internal auditing, or the state auditor, may report it to the county prosecutor.

(2) Except as otherwise provided in (C) of this policy, the HCBDD shall not take any action as prescribed in the Ohio Revised Code against an employee in the classified or unclassified civil service for making any report authorized by section (A) of this policy.

(3) An employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The employee is subject to disciplinary action, including suspension or removal, as determined by the HCBDD, for purposely, knowingly, or recklessly reporting false information under section (A) of this policy.

(4) If the HCBDD takes any disciplinary or retaliating action against a classified or unclassified employee for filing a report or complaint in accordance with the Ohio Revised Code or this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the State Personnel Board of Review within 30 days after receiving actual notice of the HCBDD's action.

(W) CERTIFICATION/REGISTRATIONS/LICENSES

(1) For those job classifications requiring certification or registration as defined by the Ohio Department of DD or the Ohio Department of Education, the staff of the HCBDD must meet or exceed such requirements. Each employee's classification specification as adopted by the Board shall include the certification requirements for that classification as necessary.

(2) For positions licensed by a state licensing authority, an applicant possessing or eligible for such license shall be deemed eligible for employment.

(3) Employees of various positions are responsible for meeting the professional, educational, continuing education and/or experience requirements in order to maintain the proper state required certifications, licensures and registrations.

(4) The required fees for certification applications, renewals, or for coursework related to certification and licensing are the responsibility of individual staff members.

(5) An employee holding a certificate or evidence of registration may have such certificate or evidence of registration denied, suspended or revoked by the Ohio Department of DD if the Department determines that such employee is guilty of intemperate, immoral, or other conduct unbecoming to the employee's position, is guilty of incompetence or negligence within the scope of the employee's duties, or the employee has been convicted or plead guilty to any of the offenses listed in the Ohio Revised Code.

(6) An employee holding a certificate or evidence of registration has a duty to timely report to the Board Superintendent any acts described above. Failure to make such timely report may result in discipline up to and including discharge. Upon receipt of information that an employee holding a certificate or evidence of registration may have committed any of the acts described above, the Superintendent shall make an appropriate notification to the Ohio Department of Developmental Disabilities (DODD).

(7) If a required license or certificate is permanently revoked or is not renewed, that person's employment shall be terminated for just cause subject to due process.

(8) If a required license/certification/registration is suspended the person's employment may be terminated for cause subject to due process.

(9) No person will be employed or compensated by the Board if the person does not hold the certificate, evidence of the registration or license required for the position. The Superintendent may employ, at the Superintendent's discretion, an individual pending the issuance of the proper certificate, registry or license if the person has met the requirements for such and has applied for certification, registry or license and the application has not been denied.

(10) Employees who have a change in their educational or certification status that may have an effect on their salary or wage are responsible for providing the appropriate documentation to the Superintendent of the HCBDD. Change of status will be accepted semi-annually. Status changes will occur on January 1 and/or July 1. All documentation must be received on or prior to status change deadlines. Employee's failure to comply in a timely manner will result in possible loss of income.

(X) FRAUD REPORTING

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

Auditor of State's fraud contact information:

Telephone: 1-866-FRAUD OH (1-866-372-8364)
US Mail: Ohio Auditor of State's Office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215

Web: www.ohioauditor.gov

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