

**HAMILTON COUNTY ENGINEER
PERSONNEL POLICY AND PROCEDURE MANUAL**

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**HAMILTON COUNTY ENGINEER
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**CHAPTER 1
INTRODUCTION**

- 1.1 INTRODUCTION
- 1.2 OBJECTIVES
- 1.3 MANAGEMENT AUTHORITY
- 1.4 DEFINITIONS

Policies are defined as the basic rules that guide administrative action in accomplishing an organization's objectives. Comprehensive and clearly defined policies, which are consistently and fairly administered, are essential to the success of any organization.

This manual contains those policies set forth for employees of the Hamilton County, Ohio, Engineer's Office, (hereinafter also referred to as the "Employer"). All personnel charged with the responsibility of administering policy must be thoroughly familiar with the contents of this manual. Furthermore, it is essential that these policies be administered in a systematic, fair, and impartial manner.

It is the responsibility of each employee to become familiar with the policies contained in this manual and to comply with their administration. Employees should address questions of policy interpretation to their supervisor or other designated personnel.

Undoubtedly, there will be situations that require administrative interpretations of the policies set forth in this manual. An effort must be made to ensure that such decisions are made as objectively and consistently as possible, keeping the general intent of the policy in mind.

The policies set forth in this manual supersede all previously written and unwritten County Engineer personnel policies. In the event there is a conflict between the policies set forth in this manual and any applicable law, the applicable law will prevail.

The policies outlined in this manual are presented as a matter of information only, and may be changed at any time

by the Employer. This manual is not an expressed or implied employment contract. No representative of the Employer has the authority to enter into an agreement with any employee that is contrary to the foregoing.

Amendments: As conditions change within the agency, it may be necessary to add, delete, or revise specific policies that have been affected by such change. Supervisory personnel may recommend changes in policies and procedures covered by this manual. Likewise, matters not already addressed may be brought to the attention of the County Engineer and/or his designee so that new policies or procedures may be reviewed and formulated if necessary and justified. The original of the new section shall be placed in the Master Copy of the manual. All updated or revised policies will be posted, distributed to all manual holders, and communicated to all affected employees prior to the effective date. Depending upon the significance of the revision, the County Engineer will decide the manner in which it should be communicated (i.e., group meetings, bulletin boards, paycheck enclosures, employee handbook revisions, etc.).

Departmental Procedures or Work Rules: Each Department may adopt procedures or work rules applicable to that Department based upon the unique operational needs. The County Engineer or his/her designee must approve all Departmental procedures or work rules prior to

implementation. Departmental procedures or work rules will be communicated to all affected employees.

Severability: If any section or part of this manual or any amendment is invalidated by operation of law or by order of a court of competent jurisdiction, or compliance with or enforcement of any section or part of this manual is restrained by a court, the law or court decision shall prevail. The remainder of this manual and any amendments shall not be affected by the above action and shall remain in full force and effect, unless the context of the manual as a whole indicates that another section should be invalidated as well to conform with the Employer's intent.

Dissemination: The Personnel Office shall maintain an official copy of the manual. Revisions to the policies or procedures or directives should be maintained naming which policy or procedure the new section is to replace and its effective date. The County Engineer or designee shall provide a current version of the Policy Manual on the Hamilton County Engineer's website accessible for all employees to view.

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The Hamilton County Engineer recognizes that a personnel system that recruits and retains competent, dependable personnel is indispensable to effective government operations. The policies and procedures set forth in this manual are designed to:

- A. Promote high morale and foster good working relationships among employees of the County Engineer by providing uniform personnel policies;
- B. Enhance the attractiveness of a career with the County Engineer and encourage each of its employees to give his/her best effort to the County Engineer and the public;
- C. Encourage courteous and dependable service to the public;
- D. Provide fair and equal opportunity for qualified persons to enter and progress through County Engineer's Office service based on merit and fitness as determined through objective and practical personnel management methods;
- E. Ensure that all County Engineer's Office operations are conducted in an ethical and legal manner so as to promote its reputation as an efficient and progressive body.

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The Hamilton County Engineer reserves the right to establish policies and procedures governing the workforce, and to direct the operation of the Departments under his control. Such policies and procedures shall be consistent with the policies and procedures set forth in this manual and all applicable state and federal laws. These policies and procedures may include, but are not limited to:

- A. determination of methods and procedures to carry out the overall mission of the Office;
- B. standards of services;
- C. overall budget;
- D. size and organizational structure of the workforce;
- E. assignment of duties;
- F. hours of operation and employment;
- G. compensation of personnel;
- H. hiring, discipline, promotion, transfer, termination of personnel;
- I. the right to lay off employees for lack of work, lack of funds or due to job abolishment;
and
- J. the right to add, delete, amend and/or revise policies, procedures, and work rules.

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For the purpose of this manual, the following words or phrases shall be defined as outlined below. The only exceptions shall be when a specific word or phrase is redefined for the purpose of a particular policy.

Absenteeism: The practice of a worker failing to report to work for a period of one or more days. Misuse or abuse of sick leave, FMLA, and/or Leave Donation Program is also an example of absenteeism.

Absent with Leave (Excused Absence): Being absent from work with approval from the Employer. Approval of an absence requires consent from the appropriate level of supervision as required by the applicable leave policy or procedure (e.g. vacation, sick leave, personal leave, unpaid leave, etc.).

Absent Without Leave: Failure to report for or be at work without authorization from the Employer to be absent.

Active Pay Status: The conditions under which an employee is eligible to receive pay, including time actually worked, vacation time, holidays, compensation time, overtime, personal days, and paid sick leave, paid funeral leave, paid military leave, or paid court leave.

Appointing Authority: The Hamilton County Engineer.

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

Continuous Service (Seniority): The uninterrupted service of an employee with the County Engineer's Office where no break in service occurs. Illness, injury, or any other legitimate and properly authorized leave shall not constitute a break in service.

County Personnel Department: Refers to the Hamilton County Human Resources Department.

Days: Work Days vs. Calendar Days

Work day- Typical work schedule is Monday 12am –Friday 11:59pm in which work is performed. Saturday and Sunday are not considered a work day.

Calendar day- Consists of all days of the week.

Demotion: The act of placing an employee in a job classification that carries a lower rate of pay than that previously held.

Department: The organizational unit directed and controlled by the County Engineer and charged with a specific public service function and mission, including: Administration, Bridge/Road Maintenance & Traffic, Budget, Construction/Permits/Subdivision, Garage

Administration & Equipment/Facilities Maintenance, Personnel, Planning & Design/Right of Way/Storm Water, Road Records/Purchasing, and Survey/Computer/GIS/Tax Map.

Department Head: Those individuals responsible for the management of one (1) or more Departments.

Designee: Any employee authorized by the County Engineer to perform a function with or on behalf of the County Engineer.

Dishonesty: The disposition to lie, cheat or defraud; untrustworthiness; lack of integrity; intent to deceive.

Employee: Any person holding a position subject to appointment, removal, promotion or reduction by the County Engineer. All references to employees in this manual designate both sexes, and wherever the male gender is used it shall be construed to include male and female employees.

Employer: The Hamilton County Engineer or other person authorized to act on behalf of the County Engineer.

Immediate Family Member: Includes the employee's spouse, parent, sibling, child, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-child, step-parent, step-sister, step-brother, or legal guardian or other person who stands in the place of a parent.

Incompetence: The lack of ability, qualifications, or fitness of the employee to perform the duties and responsibilities required of the employee. This applies to permanent and temporary positions.

Insubordination: Intentional failure to perform duties required of an employee; refusal to obey an order issued by the employee's administrative superior (supervisor); intentionally undermining the authority of an administrative superior.

Intoxication: The condition of a person affected by the immediate use of intoxicating drinks or other substances; the state of one who is under the influence of controlled substances. The effect produced upon the person by drinking intoxicating liquors or ingesting other intoxicating substances to such an extent that the normal condition of the individual is changed and his/her capacity for rational action and conduct is substantially lessened.

Leave of Absence Without Pay: The period of time during which an employee is excused from active service and receives no pay from the County.

Malfesance: The commission of some act that is positively unlawful; the doing of an act that is wholly wrongful and unlawful; the doing of an act which a person ought not to perform.

Misfesance: The improper performance or commission of some act that a person may lawfully do.

Neglect of Duty: Omission or failure to perform a task that can and should be done, or that is required to be done; an absence of care or attention in the doing of a task; a designed refusal or unwillingness to perform one's duty.

Nonfeasance: Non-performance of some act that ought to be performed, the total omission to perform a required duty, or the total neglect of duty.

Pay Period: The fourteen (14) day period of time during which an employee earns his/her pay from the Employer.

Personnel Office: Refers to the Engineer's Personnel Department.

Position: The set of job duties and responsibilities performed by an individual employee as assigned by the Employer.

Probationary Period: The period of time at the beginning of an original appointment or immediately following a promotion that constitutes a trial or testing period for the employee.

Promotion: The act of placing an employee in a job classification that carries a higher rate of pay than that previously held due to an increase in job responsibilities and/or work load. If applicable, the Engineer will indicate such advancement in writing. NOTE: A change in classification does not automatically indicate a promotion.

Re-Classification: The act of changing an employee's current job classification to reflect the requirements of the employee's current responsibilities. A re-classification is not deemed a promotion and does not necessarily merit a salary increase. Re-classifications are normally based upon a completed and approved job audit and are at the discretion of the Engineer.

Removal: The termination of an employee's employment with the Employer.

Sick Leave Abuse: The use of sick leave for any purpose other than as provided by these policies. Examples include: 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 to take care of personal business; establishing a pattern of reporting off sick on certain days of the week or following regular days off; failing to follow the rules and regulations regarding use of sick leave and reporting procedures repeatedly.

Social Media: Any online presence or information that may be used by the office.

State Service: Includes all offices and positions in the service of the state and the counties and general health districts of the state. "State service" does not include offices and positions in the service of the cities, city health districts, and city school districts of the state.

Supervisor: An individual who has been authorized by the Employer or designee to oversee and direct the work of other employee(s).

Suspension: The act of temporarily depriving an employee employment and pay in order to correct the employee's performance or behavior.

Tardiness: Any situation where an employee reports to work after the employee's scheduled starting time or fails to return promptly from authorized breaks or lunch periods.

Transfer: The movement of an employee from one position to another where there is no change in level of responsibility, classification, or salary.

Verbal Counseling: The discussion a supervisor holds with an employee in which the supervisor counsels the employee about the employee's conduct and impresses upon the employee the need for improvement. This level of corrective action is intended to eliminate misunderstandings immediately and set and maintain standards of conduct and performance. A notation of the date, time, and reason for an instruction and cautioning should be kept in the employee's personnel file in the event the conduct of the employee does not improve and subsequent corrective action is required.

Written Reprimand: The written record of corrective action, usually issued after verbal counseling has failed to improve an employee's conduct or when the offense is serious enough to warrant more than a verbal counseling. The employee is provided a copy of the written record and a copy is placed in the employee's personnel file.

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**HAMILTON COUNTY ENGINEER
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**CHAPTER 2
FAIR EMPLOYMENT RIGHTS AND RESPONSIBILITIES**

- 2.1 EQUAL EMPLOYMENT OPPORTUNITY
- 2.2 DISCRIMINATORY CONDUCT
- 2.3 EEO/DISCRIMINATION COMPLAINT PROCEDURE
- 2.4 EEO/DISCRIMINATION DISCIPLINARY PROCEDURE

A. POLICY

1. The Hamilton County Engineer is an Equal Opportunity Employer and committed to providing all employees a workplace that is free from unfair treatment based upon race, sex, age, religion, color, national origin, ancestry, military status and/or disability so employees can focus on the job tasks at hand. Each employee has a responsibility to treat co-workers, and anyone with whom they interact on the job, fairly and equally.
2. All employees shall be treated in a fair and equitable manner based solely upon merit, fitness, and such other occupational qualifications as each individual may possess. Personnel actions or decisions concerning any term or condition of employment shall not unlawfully discriminate on the basis of race, sex, age, religion, color, national origin, ancestry, military status, disability, or other non-job related criteria. The Employer will accept nothing less than zero tolerance for violations of public or employee rights, discrimination, harassment, or retaliation based upon any of the protected criteria.
3. The Employer supports the intent and purposes of the Americans with Disabilities Act (ADA) 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.
4. As an entity that receives grants, the Employer is committed to the concept of a merit system. Under the merit system, employees and applicants shall be evaluated solely on merit without regard to race, sex, religion, national origin, age, military status, disability, or any other factor prohibited by law.

B. PROCEDURE

1. An employee who feels he/she has been discriminated against because of race, sex, age, religion, color, national origin, ancestry, disability or other non-job related criteria shall seek redress internally by following the complaint procedure outlined in this Chapter.
2. The Personnel Office shall be responsible for coordinating efforts to assure equal employment opportunity in cooperation with each Department Head and supervisors. Similarly, the Personnel Office shall be responsible for coordinating efforts to assure compliance with the Americans with Disabilities Act (ADA) and for receiving and resolving complaints regarding discrimination against the disabled.
3. All employees shall receive training on the Employer's Fair Employment Rights

policies and procedures.

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A. POLICY

1. It is the policy of the County Engineer to create and maintain a civil and professional workplace environment where employees are treated fairly by co-workers, supervisors, customers and vendors without regard to their race, sex, age, religion, color, national origin, ancestry, military status or disability. All employees, supervisors and co-workers, are responsible for creating a work environment free from offensive behavior.
2. All conduct described under this policy is prohibited and will not be tolerated even if the parties engage in the conduct consensually.
3. It is the responsibility of each employee, including supervision and management, to immediately report any instances of discriminatory conduct, including sexual harassment, to the proper authority (see reporting procedure below). Any employee, who observes any conduct that may constitute discriminatory conduct of a co-worker, but fails to report the same, may be subject to disciplinary action. Moreover, any employee who receives a complaint alleging conduct, which may constitute discriminatory conduct of any County Engineer employee, but fails to report the same, may be subject to disciplinary action.
4. It is the policy of the County Engineer to prohibit other forms of offensive, disruptive, or unprofessional conduct that may not necessarily be based upon a protected class or activity, but, may unreasonably interfere with an employee's work performance, productivity, morale, and/or working relationships.

B. DEFINITIONS

1. Discriminatory conduct: Any type of harassing conduct that is based upon an employee's race, color, sex, national origin, age, religion, ancestry, disability, military status or other protected activity as defined by law, including but not limited to the following examples:
 - a. engaging in inappropriate conduct or making jokes or inappropriate comments;
 - b. bringing any item to the workplace environment for purposes of a joke, or for any other non-business purpose, that may be offensive to others;
 - c. using any official County property, including bulletin boards or space in an employee's office, cubicle or locker, for purposes of a joke or for any other non-business purpose, that may be offensive to others;
 - d. defacing any County property or personal property of another for purposes of a joke or for any other non-business purpose that may be offensive to others.
2. Sexual harassment: A form of sex discrimination and discriminatory conduct,

including, but 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;
 - 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. Other offensive and/or unprofessional conduct: Conduct which could unreasonably interfere with an employee's work performance, productivity, morale, and/or working relationships even if the conduct is not based upon race, sex, age, religion, color, national origin, ancestry, military status or disability. Examples may include:
- a. demeaning comments;
 - b. intentionally provoking others;
 - c. harassing or distracting another by using rude or offensive language or actions; and/or
 - d. unwelcome physical contact, such as "horse play."
4. Workplace environment: Includes all County property, anyplace where County business is conducted, and/or County sponsored events and activities.

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- A. An employee who believes that he/she has been the subject of or witness to discrimination, harassment, discriminatory conduct, retaliation, or other offensive and unprofessional conduct shall immediately report, within five (5) working days, verbally or in writing, the alleged act(s) to any one of the following designated individuals:
1. the employee's immediate supervisor;
 2. any supervisor or manager in the employee's chain of command; or
 3. the Personnel Office.
- B. Once a complaint has been reported, the complaint will be promptly investigated by the appropriate authority, even if the employee initiating the complaint is resistant or reluctant to pursue the matter.
- C. Supervisors shall report any complaints received or any violations witnessed within two (2) working days of the complaint/violation to the supervisor's Department Head and the Personnel Office.
- D. A thorough investigation will be conducted, including interviewing the complainant and possible witnesses to the alleged conduct. The nature of the complaint/violation will determine who proceeds with the investigation.
1. Investigations of allegations of discrimination, harassment, discriminatory conduct, or retaliation will be conducted by the Personnel Office. The Personnel Office shall document the investigation and any action taken. Within thirty (30) calendar days of receiving notice of the complaint, the Personnel Office will provide the complainant with a written statement summarizing the status or findings of the investigation.
 2. Investigations of offensive and/or unprofessional conduct will be investigated by the appropriate Department Head or designee in consultation with the Personnel Office. The Department Head or designee shall make the determination of any corrective action required. For violations where formal disciplinary action is not warranted, the Department Head or designee shall meet with the alleged violator; instruct him/her that the offensive and/or unprofessional conduct must cease; inform him/her that this incident is being documented and that his/her behavior will be monitored. If similar behavior continues, progressive discipline will be imposed. The Department Head or designee shall document the investigation, the discussion with the alleged violator, and any action taken as a result. The Department Head or designee shall also notify the employee's immediate supervisor and the Personnel Office of the action.
- E. If the investigation reveals that the complaint is valid, prompt action will be taken to end the discrimination and/or harassment immediately.

- F. Employees may file a complaint under this policy even if the subject of the complaint is not a County Engineer employee, or if the offensive conduct occurs outside the workplace environment (e.g. outside the County-owned or operated property while the employee is conducting County business, etc.).
- G. The Employer will not tolerate retaliation.

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- A. Disciplinary action will be taken against any employee who violates the EEO or Discriminatory Conduct policies, up to and including termination, depending upon the seriousness of the offense.
- B. Disciplinary action will be taken against any employee, including supervision and management, who engages in retaliation or reprisal against any employee who files a complaint under these policies and/or who cooperates in an investigation.
- C. Employees making false claims under these polices will be subject to disciplinary action, up to and including termination, depending on the seriousness of the offense.
- D. If, after a thorough and prompt investigation, it is determined that discrimination, harassment, or discriminatory conduct has occurred, the employee who has been found to have committed the offense will immediately be disciplined, up to and including termination. The complaining and/or reporting employee(s) will be informed of the results of the disciplinary procedure.
- E. An employee may be disciplined for other offensive, disruptive, and/or unprofessional conduct, even if the conduct does not constitute discriminatory conduct.
- F. If, after the investigation, it is determined that no discrimination, harassment, discriminatory conduct, or retaliation occurred, or that there is insufficient evidence to determine whether or not such conduct has occurred, the complaining employee and/or reporting employee will be informed of the result.
- G. Non-employees found to have committed an act of illegal discrimination against an employee will be dealt with appropriately as allowed by law.

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**HAMILTON COUNTY ENGINEER
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**CHAPTER 3
HIRING AND SELECTION**

- 3.1 POSITION VACANCY & ANNOUNCEMENT
- 3.2 EVALUATION & SELECTION OF APPLICANTS
- 3.3 MEDICAL EXAMINATIONS
- 3.4 IMMIGRATION REFORM AND CONTROL
- 3.5 ANTI-TERRORISM POLICY

A. POLICY

1. The County Engineer, at his sole discretion, shall review all vacancies and determine the appropriate classification, whether the position will be filled, and whether the position is eligible for internal promotion. The County Engineer is committed to hiring the most qualified individual(s) for the posted position. However, whenever practicable, the County Engineer is committed to fill vacancies in positions above the lowest classification in the classification series with candidates from inside the organization. The County Engineer's determination regarding the vacancy is final and not subject to the grievance procedure.
2. Appointments to vacant positions, either from internal promotion or selection from outside job applicants, shall be based solely on the applicant's knowledge, skills and abilities, and other job-related qualifications as ascertained through fair and practical selection methods.

B. PROCEDURE

1. Each announcement, insofar as practicable, shall specify the title, salary or salary range, nature of job, essential functions, required qualifications, and the deadline and location to submit the application.
2. When the County Engineer determines a position needs to be filled, the Personnel Office shall post the vacancy internally and externally. All Advertised positions shall be posted on the Hamilton County Engineer's Website and/or the Hamilton County Human Resources' website.
3. During the posting period, any person wishing to apply for the vacant position shall submit an electronic application through the County's Applicant Tracking System that is available through Hamilton County Human Resources' website.
4. Upon appointment, every applicant for a classified civil service position must be a citizen of the United States or must legally declare and signify in writing his or her intention to become a citizen of the United States.
5. Employees hired into positions requiring emergency response duties must be able to respond to emergencies in the approved amount of time, as determined in the pertinent section of this manual, from his or her residence.
6. The County Engineer or designee responsible for conducting the initial interviews shall not be obligated to consider any application failing to meet the

required qualifications for the position or submitted after the close of the posting period.

7. Should the Engineer determine to fill additional vacancies for a position that has been posted, and more than one qualified applicant was recommended, the position need not be re-posted for a period of one hundred twenty (120) working days.
8. The Personnel Office is responsible for collecting all submitted applications. Such applications shall be retained in accordance with the most recent Engineer's Records Retention Policy.

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A. POLICY

1. Appointments to vacant positions in the County Engineer's Office, either by internal promotion or external selection, shall be based solely on which applicants have the ability to meet the job-related qualifications and possess the knowledge, skills and ability to perform the essential functions of the position as ascertained through job-related selection methods.

B. PROCEDURE

1. The Department Head or designee responsible for conducting the interview will first review all applications to determine those applicants who possess the minimum, job-related qualifications as stated on the position description (e.g., minimum licenses, certifications, experience, etc.). When the Department Head or designee has determined those applicants who meet the minimum job-related qualifications, the applicant's knowledge, skill and ability to perform the essential functions of the position will be considered. Applicants not possessing the required qualifications, knowledge, skills, and abilities necessary to perform the position may be eliminated from further consideration.
2. Upon determination of which applicants meet the minimum job-related qualifications, stated on the position description, the Department Head or designee shall coordinate the selection process with the Personnel Office. The Personnel Office will recommend appropriate job-related selection procedures, including any or all of the following: reference checks, background checks, criminal history checks, interviews, medical examinations, performance assessments, performance evaluations, records of attendance and work, and other job-related selection procedures.
3. The Department Head or designee will consider the following for each qualified applicant:
 - a. knowledge, skill and ability to perform the essential functions of the position;
 - b. work experience in positions comparable to the vacant position;
 - c. work history (i.e., length of past employment, reasons for leaving, etc.);
 - d. work record (i.e., attendance, performance, disciplinary actions, etc.);
 - e. education, licensure, certifications.
4. Otherwise qualified applicants may be eliminated from consideration for a position if the applicant:
 - a. makes a false statement of material fact on the employment application or other hiring documents;

- b. has committed or attempted to commit a fraudulent act at any stage of the selection process;
- c. is an alien not legally permitted to work;
- d. has previously been terminated or disciplined (beyond a verbal counseling in the prior six (6) months) for just cause, except in unusual circumstances to be determined by the Employer; or
- e. has been convicted of a felony or a crime involving moral turpitude.

If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee may be disciplined or discharged as provided in the pertinent chapters in this manual.

- 5. Employees will be granted time off with pay for job interviews or other selection/qualifying exercises for vacant positions with the County Engineer's Office, upon approval of the employee's Department Head.
- 6. Within thirty (30) working days following the close of the posting period, the designated interviewer shall submit to the County Engineer a report or recommendation letter including all relevant information related to the evaluation and selection process. The County Engineer may extend the time limit for recommendations under certain circumstances, such as unforeseen absences or other conflicts. The County Engineer may accept or reject the recommendation of the designated interviewer and/or Department Head.
- 7. Once a preferred candidate has been selected, the Employer may inquire whether the candidate requires an accommodation to perform the job. The Employer will not classify a candidate who requires an accommodation as unqualified because that candidate requires an accommodation.
- 8. Pre-employment tests to determine current use of illegal substances and alcohol that may affect an applicant's ability to perform their job duties for positions determined to be safety sensitive may be conducted before a conditional offer of employment.
- 9. The applicant shall not be required to submit to a medical examination, other than illegal substances and alcohol tests as described above, until the Employer has made a conditional offer of employment to the applicant.
- 10. The Employer may conduct a background check in accordance with the Fair Credit Reporting Act.
- 11. The Personnel Office is responsible for maintaining a record keeping system reflecting the disposition of all job applicants and any necessary data required by the EEOC or any affirmative action plan. Applications and related selection documents will be retained for a period consistent with the Engineer's Records Retention Policy.

12. Once a preferred candidate has been selected, the candidate must complete a Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization (DMA form). The candidate must complete and sign the DMA form in presence of a member of the Engineer's Personnel Department. That member of the Personnel Department must witness the form by signing and dating below the candidate's signature.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2023

- A. A medical examination by a licensed practitioner may be required prior to appointment to evaluate the selected applicant's physical and/or psychological condition as it relates to the applicant's ability to perform the essential functions of the position for which the applicant is applying. Examinations may include any job-related examination determined to be a pre-employment requirement. Medical examinations, other than illegal substances and alcohol tests, will not be conducted until the Employer has made the applicant a conditional offer of employment.
- B. All employees are required to maintain their physical fitness at a level that will permit them to efficiently perform the duties of their position and avoid endangering themselves or those they serve. Incumbents of specified positions may be legally required to submit to periodic medical examinations during employment to ensure their continued ability to perform the essential functions of the incumbent's position. Examples include, but are not limited to: fitness for duty examinations, examination to certify eligibility for leaves of absence; examination to assess for Workers' Compensation; examination required by Occupational Safety and Health Act 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.
- C. For purposes of this policy, a "licensed practitioner" is a physician, psychiatrist, psychologist, chiropractor, or other appropriately licensed mental health professional such as a licensed clinical counselor or licensed independent social worker who is licensed to perform the appropriate examination.
- D. The Employer shall select the licensed practitioner to administer the examination and shall pay the cost.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

A. POLICY

1. It is the policy of the Hamilton County Engineer to employ only those individuals authorized to work in the United States.
2. In compliance with the Immigration Reform and Control Act, it is against the County Engineer's policy to discriminate against any individual authorized to work in the United States because of such individual's national origin or citizenship.

B. PROCEDURE

1. All offers of employment will be conditioned on the individual providing proof of eligibility for employment in the United States in accordance with the Immigration Reform and Control Act using Form I-9.
2. I-9 forms and photocopies of supporting documentation shall be retained for three (3) years after the date of hire or for one (1) year after the individual's employment is terminated, whichever is later.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

A. POLICY

1. In accordance with R.C. Section 2909.34, any applicant who is under final consideration for public employment must fill out a Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization (DMA) indicating whether they have provided material assistance or support to a terrorist organization. The DMA was created to provide the state with an additional tool to deter and prosecute acts of terrorism. A copy of the DMA is included as part of this policy and can be obtained from the Ohio Homeland Security website at: www.homelandsecurity.ohio.gov.

B. PROCEDURE

1. Once a preferred candidate has been selected, the candidate must complete a Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization (DMA form). The candidate must complete and sign the DMA form in presence of the Personnel Office. The Personnel Office must witness the form by signing and dating below the candidate's signature.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

**HAMILTON COUNTY ENGINEER
PERSONNEL POLICY AND PROCEDURE MANUAL**

**CHAPTER 4
EMPLOYMENT**

- 4.1 CLASSIFIED AND UNCLASSIFIED EMPLOYMENT
- 4.2 EMPLOYMENT STATUS
- 4.3 CLASSIFICATION PLAN
- 4.4 PROBATIONARY PERIOD
- 4.5 TRANSFER
- 4.6 ASSIGNMENT/TEMPORARY ASSIGNMENT
- 4.7 PERFORMANCE EVALUATION

A. POLICY

1. All employees of the County Engineer are presumed to be classified civil service employees unless the position that they occupy has been exempted from the classified service by a lawful request of the County Engineer, or by operation of law in accordance with ORC Section 124.11.
2. Certain employees serve in the unclassified service, occupying positions that have been exempted from the classified civil service. Such employees serve at the pleasure of the County Engineer and have no statutory appeal rights in the event of removal.
3. Employees appointed to positions as a student, or on a temporary or intermittent basis, are unclassified and serve at the pleasure of the County Engineer. Such employees have no right to appeal any suspension or removal.

B. PROCEDURE

1. Classified Service – “Classified” employees, after serving a probationary period, may only be disciplined for cause and by following the procedures set forth in ORC 124.34. All terms and conditions of employment contained herein apply to classified employees unless specifically stated otherwise.
2. Unclassified Services – “Unclassified” employees serve at the pleasure and discretion of the County Engineer. All of the terms and conditions of employment contained herein apply to unclassified employees unless specifically stated otherwise.
3. Notice to Employees – On the date the County Engineer appoints an employee to an unclassified position in the state service, the County Engineer or designee shall provide the employee with written information describing the nature of employment in the unclassified civil service.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. All employees of the Hamilton County Engineer shall be categorized as full-time, part-time, permanent, temporary, or intermittent. Temporary employees may also be classified as exceptional, seasonal, or student.
- B. Definitions
1. Full-Time Employee – An employee who works at least forty (40) hours per week on a regularly scheduled basis.
 2. Part-Time Employee – An employee who works less than one thousand five hundred and sixty (1,560) hours per calendar year.
 3. Permanent Employee – An employee who works a regular schedule of twenty-six (26) bi-weekly pay periods which is not limited to a specific season or duration. It does not include temporary, seasonal, intermittent, or student employees; however, the appointment of a temporary (or exceptional) employee under R.C. 124.30 will become permanent upon the employee's successful completion of the probationary period or after six (6) continuous months of service, whichever is longer.
 4. Temporary Employee – An employee hired for a limited period of time, fixed by the County Engineer, for a period not to exceed nine hundred sixty (960) hours per calendar year. Successive temporary appointments to the same position shall not be made. A temporary appointment longer than nine hundred sixty (960) hours per calendar year may be made, if necessary, by reason of sickness, disability, or other approved leave of absence of a regular employee. Such appointment shall continue only for the period of the regular employee's absence. Temporary employees serve in the unclassified service at the pleasure of the County Engineer.
 5. Intermittent Employee – An employee who works on an irregular schedule that is determined by the fluctuating demands of the work and is generally not predictable (e.g. a seasonal snow driver, a retiree who reports for work only as needed, etc.). An employee hired for a limited period of time, fixed by the County Engineer, for a period not to exceed four hundred seventy-two (472) hours in any twelve (12) month period from date of hire unless specifically approved by the County Engineer. Intermittent employees serve in the unclassified service at the pleasure of the County Engineer.
 6. Seasonal Employee – An employee who works a certain regular season or period of the year performing some work or activity limited to that season or period of the year.
 7. Student – An employee who is a student at an educational institution and employed by the County Engineer in cooperation with such educational institution to provide training to the student employee. Student appointments are in the unclassified service by operation of law. (e.g., Co-ops).
 8. Exceptional Appointee – A temporary appointment of an employee with exceptional

qualifications of a scientific, managerial, professional, or educational nature.

- C. New employees shall be notified of their employment status at the time of their appointment. Temporary appointees are to be notified in writing that as a condition of employment their appointment shall cease upon the return of the regular employee for whom the temporary employee has been assigned.
- D. The status of a temporary or exceptional employee, who successfully completes the probationary period or remains in the position for a period of one hundred twenty (120) consecutive working days, whichever is longer, shall be changed to permanent.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

A. POLICY

1. The County Engineer participates in the County-wide Classification Plan administered by the Hamilton County Human Resources Department. Each position within the County Engineer's Office shall be assigned a job classification pursuant to the County Classification Plan. Classification Specifications describe in general terms the essential character of the work and the qualifications for the class.
2. Job Descriptions are written by the County Engineer's Personnel Office for each position within each classification in the County Engineer's Office with input from the employee's Department Head and supervisor. Job descriptions include a class title, general description, examples of duties, essential functions, responsibilities, qualifications, and the required knowledge, skills and abilities.
3. The duties, responsibilities, and essential functions of positions will be reviewed upon request. Necessary adjustments or revisions shall be made when deemed appropriate by such review. In the event the findings of said audit indicate the employee is performing the job duties of a higher classification, that employee is entitled to being re-classified at the appropriate classification, subject to the approval of the Engineer. This re-classification does not constitute a promotion or necessarily ensure an increase in pay.
4. Should a promotion be in order, all promotions are at the discretion of the Engineer and are evaluated on performance, annual evaluations, and the need for the position to be filled.
5. An employee may request that the employee's position be audited for proper classification by requesting a review through the complaint procedure as contained in this manual. Unless duties are substantially altered on a permanent basis, the employee may not request such a review for one (1) year from the date of the results of the last review.
6. This policy shall not prohibit employees from requesting an official audit from the Hamilton County Human Resources Department.

B. PROCEDURE

1. The County Engineer maintains the authority and responsibility to make changes in requirements of positions under the County Engineer's jurisdiction. This is necessary to ensure that the classification plan properly reflects the duties, essential functions, knowledge, skills and abilities required for each position. Factors that may necessitate making revisions in a position description include:
 - a. addition of a new function or responsibility to the organization;
 - b. abolishment or elimination of a current function or responsibility of the organization;
 - c. reorganization of a function resulting in the consolidation of various work activities;
 - d. gradual growth of a position by addition, deletion or change in duties and responsibilities; or

- e. new or revised license or certification requirement dictated by law.
2. Whenever a change in a position occurs or when a vacancy occurs, a job description shall be completed by the Personnel Office and reviewed by the County Engineer or designee. If the County Engineer's Office or any Department therein, is reorganized, job descriptions for all affected employees shall be reviewed.
3. An employee or the employee's supervisor may request a position be reclassified if substantial changes have occurred in the positions as follows:
 - a. The employee or supervisor shall submit a written request for reclassification to the Department Head including information related to the changed, added or reduced responsibilities, and the classification to which the position should be assigned.
 - b. The Department Head will review the request and forward the request with a recommendation to the Personnel Office.
 - c. The Personnel Office will coordinate the process to determine whether the position should be reclassified. Within thirty (30) working days of the, the original written request, the Personnel Office will notify the employee's supervisor, and the Department Head, in writing, of the decision.
 - d. Either the employee or the Employer may request a position audit be performed by the County Personnel Department in accordance with its rules.
4. Any changes made in job descriptions or organizational charts should be communicated in writing to all affected employees.
5. Approved classification title changes, reclassifications, and any other related changes must be reflected on all applicable payroll, Personnel Office, and operational records.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

A. POLICY

1. Each employee newly hired or promoted into a full-time classified position or part-time classified position shall serve an initial probationary period of one year (1), beginning on the first day of employment. The probationary period will be extended for any time spent on a leave of absence.
2. Employees appointed to unclassified positions (including temporary, student, and intermittent employees, etc.) serve at the pleasure of the County Engineer for the duration of their employment; therefore those employees are not subject to a formal probationary period.
3. Removal or reduction of a classified employee may be made anytime during the probationary period, at the discretion of the County Engineer. An employee who is removed or reduced during the probationary period does not have any right to appeal the removal or reduction.
4. During the probationary period, newly promoted employees may be reduced to the classification and salary held prior to the promotion. Prior to the reduction, the employee may request to meet with the County Engineer or designee.
5. The employee's supervisor has a responsibility to recommend to the County Engineer the retention of those employees who meet acceptable work standards during the probationary period and to recommend removal of those employees who fail to meet such work requirements.

B. PROCEDURE

1. Each employee shall receive two (2) performance evaluations during their initial probationary period, the first after ninety (90) calendar days and the second review must be completed not less than ten (10) working days prior to the expiration of the one hundred eighty (180) calendar days probationary period.
2. A supervisor who determines that a probationary employee should not be retained shall complete the performance evaluation for the employee and submit it to the Department Head for review. At least ten (10) working days prior to the expiration of the probationary period, the Department Head shall make a recommendation to the County Engineer whether the employee should be retained.
3. In the event an employee is removed or reduced during the probationary period, the Personnel Office shall provide a written statement of the reasons for the removal or reduction to the employee and the County Personnel Department.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2023

- A. A transfer may be defined as the movement of an employee from one job to another where there is no change in level of responsibility, classification, or salary, i.e. a lateral movement. There are two (2) types of transfer:
- a) Intra-Departmental Transfer: A transfer from one position to another bearing the same classification title within the County Engineer's Office is considered an intra-departmental transfer.
 - b) Inter-Departmental Transfer: A transfer from one position to another bearing the same classification title between the County Engineer's Office and another appointing authority's office within Hamilton County is considered an inter-departmental transfer.
- B. Employees may be transferred or assigned to any County Engineer's Office location within the county.
- C. Requests for transfer will be granted based upon the needs of the departments involved, the availability of positions, and the approval of the affected appointing authorities.
- D. Requests for transfer by an employee must be in writing and provided to the employee's Department Head. All requests must contain the following information:
1. Name of employee;
 2. Department, division, and/or location of the County Engineer in which the employee is currently employed;
 3. Department, division, and/or location to which the employee desires to transfer;
 4. Reason(s) for the request;
 5. Relevant knowledge, skills and abilities which qualify the individual for the requested position;
 6. Length of service with the County Engineer.
- E. Employee requests for a transfer will be reviewed by the Department Head, the Personnel Office, and the County Engineer or designee. Requests will only be granted at the discretion of the County Engineer or designee and based upon the operational needs and availability of positions within the affected Department(s).

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. Employees may be reassigned from one position or location to another where there is no change in level of responsibility, classification or salary.
- B. To meet the operational needs of a department and with the employee's consent, a classified employee may be temporarily assigned the duties of a position in a different classification. Temporary assignments shall not be used for disciplinary purposes.
- C. A temporary assignment in a different classification shall not exceed a period of one hundred twenty (120) working days. After this period of time, the employee will revert to his/her prior duties, classification and pay, plus any interim pay adjustments to which the employee otherwise would have been entitled.
1. An employee temporarily assigned to a classification with a higher pay grade for four (4) or more consecutive hours shall be paid at a rate that is at least five percent (5%) above the employee's current rate of pay, or at the minimum rate for the higher classification, whichever is higher.
 2. An employee temporarily assigned to a classification with a lower rate of pay shall not be reduced in pay.
 3. In situations requiring immediate attention, supervisors may make temporary assignments of three (3) working days or less without the approval of the Department Head.
 4. A temporary assignment of thirty (30) working days or less may be made by the Department Head based upon the operational needs of the Department. Any temporary assignment of ten (10) working days or more shall be done with written notice to the employee and reported to the Personnel Office, the Department Head, the Chief Deputy, and the County Personnel Department.
- D. Before making a temporary appointment of an employee to a higher position, the Supervisor or the Department Head must determine that the appointment is necessary based upon the following criteria:
1. it is necessary to fill the open position for a temporary time so that the work will be completed by the appointed employee while the permanent employee is absent;
 2. that the person be appointed in the temporary position has the minimum skills and qualifications to do the work on a temporary basis; and
 3. that the person appointed to the temporary position will actually be doing the work required in the temporary position.
- E. Any work completed during this time, outside of the temporary appointment's current job classification, is subject to documentation proof of work performed.
- F. If the work does not have to be done during the absence of the permanent employee, a temporary appointment should not be made. The fact that an employee is absent, i.e. on a half-day leave, etc., does not mean that another employee assumes the position on a temporary basis and thus would qualify for temporary pay.

- G. Employees temporarily assigned to a higher classification (i.e. temporary supervisor) shall receive pay at their normal hourly rate on paid holidays and when they use sick leave, vacation, personal time, or compensation.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

A. POLICY

1. A written performance evaluation provides the Employer 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 management decisions regarding merit increases, bonus pay, training needs, job assignments, promotion, and retention of employees.
2. Supervisors shall rate employees' performance in an objective, uniform and unbiased manner. The work performance of employees shall be evaluated in accordance with established procedures outlined in the performance evaluation packet. Supervisors violating these policies shall be subject to disciplinary action.

B. PROCEDURE

1. Employees serving initial or promotional probationary periods shall be evaluated twice during their probationary period. The first evaluation shall be completed after ninety (90) calendar days and the second shall be completed no later than ten (10) working days prior to the end of the one hundred eighty (180) calendar days probationary period. Refer to the pertinent section in this manual.
2. All non-probationary employees shall be evaluated at least once annually prior to the employee's anniversary date or promotional date, whichever is applicable.
3. Special evaluations may be conducted if deemed appropriate by the employee's Department Head, supervisor, or any other manager in the employee's chain of command, or upon request of the employee.
4. The employee's immediate supervisor(s) is responsible for preparing the initial performance rating. The initial scores and comments shall be reviewed by the immediate supervisor of the supervisor performing the initial rating. The reviewing supervisor can either adopt the initial score, or re-score part or all of the initial evaluation. The scores are then averaged for a final score.
5. Each employee shall be provided a copy of his/her performance evaluation. The rating or reviewing supervisor shall discuss the evaluation with the employee and shall discuss the employee's strengths and goals and counsel the employee regarding any improvement in performance which appears desirable or necessary. The supervisor will obtain the employee signature on the Performance Evaluation Form to acknowledge receipt of the evaluation. Refusal by the employee to sign the evaluation may result in disciplinary action.
6. An employee may submit additional comments to be included with the evaluation and/or the employee may complete a self-evaluation form.

7. The decision to grant or deny a merit increase, or bonus pay shall be done in accordance with the established guidelines in the performance evaluation packet and the pertinent section of this manual.
8. An employee who is denied a merit increase due to the results of the performance evaluation may file a grievance in accordance with of the pertinent section of this manual. The decision to grant or deny a merit increase or bonus pay is at the sole discretion of the County Engineer and not subject to the grievance procedure. Unfavorable scores and comments on evaluations are not subject to the grievance procedure; however, an employee may request to meet with the reviewing supervisor, Department Head and/or the Personnel Office to discuss the fairness of any evaluation.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

**HAMILTON COUNTY ENGINEER
PERSONNEL POLICY AND PROCEDURE MANUAL**

CHAPTER 5 COMPENSATION

- 5.1 COMPENSATION
- 5.2 PERFORMANCE BASED COMPENSATION
- 5.3 ASE CERTIFICATION PAY
- 5.4 HOURS OF WORK & OVERTIME
- 5.5 COMPENSATORY TIME
- 5.6 PAYROLL DEDUCTIONS

A. POLICY

1. The County Engineer will establish an equitable compensation system for employees which will include rates of pay for each classification in the classified civil service within the County Engineer's Office. In some cases, a minimum, maximum and/or one or more intermediate rates may be established for a classification.
2. The County Engineer, at his sole discretion, shall determine if any general across the board increase will be granted to all classified employees on an annual basis. Salaries for employees in the unclassified civil service will be determined by the County Engineer annually.
3. An employee receiving a promotion will be assigned a pay range for the new classification. In conjunction with the employee, the Engineer will determine the final salary of the new position.
4. In cases where an employee is temporarily appointed to do the work assigned to a higher classification in a higher pay range for 4 consecutive hours or more:
 - a. if the temporary appointment is to a classified position, the employee will receive temporary pay of five percent (5%) increase over the employee's current rate of pay, or the minimum rate of pay for the pay range for the classification assigned, whichever is higher.
 - b. if the temporary appointment is to a fiduciary position, the employee will receive temporary pay increase of five percent (5%) based on the temporary employee's current hourly rate.
5. Employees may be eligible for merit pay increases or stipend as outlined in the pertinent section in this manual based upon exceptional performance, if such increases are budgeted and approved by the County Engineer.
6. The County Engineer reserves the right to modify the pay plan, to modify the classification pay ranges, or to institute a new pay structure at any time with notice to all affected employees.
7. A pay period is defined as two (2) calendar weeks or fourteen (14) consecutive calendar days. The pay period starts at 12:00 a.m. on Thursday and ends at 11:59 p.m. on the second following Wednesday. Employees will normally be paid bi-weekly on Wednesday.

B. PROCEDURE

1. New employees normally begin at the minimum rate for the classification and progress through the pay range (also known as pay grades) incrementally until the employee achieves the maximum hourly rate for the classification.

2. The County Engineer may assign a new employee to a rate higher than the minimum rate for the classification based upon the employee's qualifications.
3. Employees who request a voluntary reduction shall be placed in the appropriate pay range for lower classification at a rate determined by the County Engineer.
4. Employees who are demoted for disciplinary reasons are subject to being paid at the pay scale of the lower classification in accordance with the most recent wage study and as agreed upon by the County Engineer.

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A. POLICY

1. At the time of the employee's annual performance review, any supervisor in an employee's chain of command may recommend the employee be considered for a merit increase based upon the employee's overall performance.
2. A merit increase refers to granting the employee an increase in the employee's base rate of pay based upon established criteria for exceptional performance and substantiation of such exceptional performance by the employee's supervisors. Employees who have reached the maximum rate of pay for their classification are not eligible for merit pay increases, but may receive a stipend.
3. Stipend refers to granting an employee a one-time lump sum payment that is not added to the employee's base rate of pay.
4. The decision to grant or deny a merit increase and/or stipend may be grieved; however, the decision of the County Engineer is final and not subject to appeal.

B. PROCEDURE

1. The rating or reviewing supervisor recommending the employee be considered for a merit pay increase shall clearly indicate this recommendation on the employee's annual performance evaluation form. The recommending supervisor shall attach any supporting documentation for consideration by the employee's Department Head. The Engineer, Department Head, or designee may make a decision based solely upon the information provided with the evaluation form and are not required to make any additional inquiries.
2. Merit increases and/or stipend is granted at the discretion of the County Engineer or designee and may be contingent upon budgetary concerns. If funds are available, recommendations for merit increases and/or stipend will normally be considered annually.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. The County Engineer will reimburse eligible employees in qualifying positions for the actual cost of the Automotive Service Excellence (ASE) examination upon the employee's successful completion of the certification or re-certification test according to the following schedule:
1. Mechanic helper, Mechanic 1, Mechanic 2, Mechanic 3: ASE Series A, E, F, L, X, or T; and
 2. Mechanic helper, Mechanical Stores Clerk: ASE Series P.
- B. Eligible employees will receive a premium rate of pay, in addition to the employee's base rate of pay, for certain ASE certification as follows:
1. A Mechanic 1, Mechanic 2, or Mechanic 3 will receive fifteen cents (\$0.15) per hour for each current certification in the ASE T Series (medium/heavy truck series/eight tests), and the E Series (Truck equipment test series/3 tests). Should a Mechanic 1 or 2 pass all eleven (11) test and attain master mechanic status in medium/heavy trucks and truck equipment, he or she shall receive an additional thirty-five cents (\$0.35) per hour for the remaining time his or her certifications are current under this policy. Upon attaining master status in Series T and E (truck), the eligible employee may receive an additional fifteen cents (\$0.15) per hour premium for current certification in Series F1 (Alternative fuels) and Series L2 (Electronic Diesel Diagnosis).
 2. A Mechanic Stores Clerk or Mechanic Helper/Parts Runner will receive fifteen cents (\$0.15) for each current certification in the ASE Parts Specialist Series (P series, 4 tests – the 5th test is only for GM workers). There is no master status in this series, since the 5th test is ineligible to take.
 3. A Mechanic Helper/Parts Runner will receive five cents (\$0.05) per hour for each current certification in the ASE T series (medium and heavy trucks) and the E Series (Truck Equipment Tests). Should Mechanic Helper become promoted to a Mechanic 1 or Mechanic 2, he/she will receive the premium rate applicable under Paragraph (A)(2), above.
- C. Any premium pay shall take effect only for that period of current certification, and only after the employee provides proof to the County Engineer of successful completion and current maintenance of the applicable certification.
- D. A newly hired employee will not be compensated for ASE certification until they satisfactorily complete their probationary period.
- E. Premium pay for ASE certification will cease if an employee is promoted, demoted, or transferred to a classification other than those outlined in this Policy.
- F. Premium pay granted pursuant to this Section shall not be considered in an employee's base rate of pay for purposes of general increases, merit increases, or stipends.

- F. The eligible employee is responsible to obtain materials to study and prepare for the ASE tests. The County Engineer is not obligated to provide time off from regular duties to study for, prepare for, or take any ASE test.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. Full time employees are expected to be in active pay status for a minimum total of eighty (80) hours per pay period.
- B. For purposes of calculating overtime, the workweek for all employees of the County Engineer shall consist of seven (7) consecutive calendar days commencing at 12:00 a.m. on Thursday and ending at 11:59 p.m. the following Wednesday.
- C. Overtime is generally discouraged and is for emergency situations only. All overtime must be approved by the appropriate Department Head, supervisor, or designee prior to the overtime being worked. Scheduled overtime, which is subsequently cancelled, shall not entitle the employee to any overtime compensation.
- D. Employees may be required to work overtime. Supervisors will attempt to distribute overtime in an equitable manner to all qualified employees.
- E. Certain salaried employees of the County Engineer may meet the criteria to be exempted from the overtime provisions of the Federal Fair Labor Standards Act (FLSA). If there is a change in exempt status, the employee shall be notified in writing.
- F. In the event a non-exempt employee is required to work overtime, he/she shall be entitled to payment or compensatory time at one and one-half (1 ½) times his/her regular hourly rate of pay for all hours in active pay status (including vacation, sick or compensatory time leave) in excess of forty (40) hours in the workweek. Hours spent in no-pay status shall not be counted toward the minimum forty (40) hour requirement.
- G. Holidays: Any non-exempt employee who works overtime on a Holiday or Sunday shall be paid two (2) times (double) the employee's base rate of pay, in addition to the Holiday pay, if the employee was not regularly scheduled to work on the Holiday or Sunday. For purposes of calculating the double time rate of pay for Holidays and Sundays, the day is defined as beginning at 12:01 a.m. through 12:00 midnight.
- H. Emergency Call-in: When an employee is required to report for overtime and the overtime does not abut the employee's regularly scheduled shift, the employee shall be entitled to a minimum of two (2) hours call-out pay at the employee's applicable overtime rate. In calculating whether the employee should be paid for the minimum time or the actual time worked, travel time of forty-five (45) minutes should be added to the actual time worked for the total hours.
- I. Non-exempt Employees are normally not permitted to work prior to the start time, following the end time, or during breaks unless they receive prior approval of their supervisor.
- J. Scheduled Leave: If an employee is required to work overtime following a paid leave, e.g. vacation, sick, or comp time, the leave time will not be adjusted, i.e. decreased, and the employee will be paid at the applicable rate for the overtime hours worked over and above the paid leave time.

The employee will not be permitted to use paid leave, e.g. vacation, sick, or comp time, in order to obtain enough hours to start being paid overtime or to increase the number of hours that are to be compensated at the overtime rate.

- K. Availability: In an emergency situation, an employee is required to report for overtime within one (1) hour of being notified that overtime is required, or notify the supervisor or other designated person of the reason why the employee is unable to report. Upon being ordered to report, if an employee refuses to report or fails to notify the supervisor of an acceptable reason for his/her unavailability, the employee will be subject to disciplinary action. Unavailability for overtime is a substantial factor for consideration in promotions and discipline.
- L. Relief from Duty: If an employee works for sixteen (16) consecutive hours or more, the employee may not return to work for at least eight (8) hours. Supervisors may decide to relieve an employee with less than sixteen (16) consecutive hours if the supervisor determines the action is in the interest of the employee, the public and/or the Employer. Similarly, an employee may request to be excused, without penalty, by notifying his/her supervisor prior to leaving if the employee believes he/she is not able to perform the required duties. The supervisor's decision will be upheld in any grievance proceeding barring a finding of bad faith.
- M. Recordkeeping: Any employee who works overtime is required to complete a record with the date and hours worked to the employee's supervisor for approval before the overtime will be counted. In addition, each non-exempt employee (e.g., an employee subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) must submit a bi-weekly time card certifying the hours reflected on the time card reflect the actual hours worked by the employee. If the employee desires to receive compensatory time in lieu of overtime compensation, the employee must clearly indicate this preference on the time card and overtime approval record.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

A. POLICY

1. Employees who are non-exempt under the FLSA may be eligible to accrue compensatory time in lieu of overtime pay for overtime hours worked up to the established maximum accrual. Eligible employees may elect to receive compensatory time in lieu of overtime payments by clearly indicating the employee's choice on the overtime pay record and on the bi-weekly time card.
2. Employee's electing to receive compensatory time in lieu of overtime pay shall accrue compensatory at the same rate the employee was eligible for overtime (i.e. time and one-half or double time).
3. FLSA exempt and unclassified employees shall be permitted to accrue compensatory time for all hours worked in excess of eighty (80) in a pay period at a rate of one (1) hour of compensatory time for every one (1) hour worked over eighty (80) hours. Compensatory time credited to exempt employees must be used within twelve (12) months of the date it was earned or it will be forfeited without compensation.

B. PROCEDURE

1. The maximum accrual of compensatory time for eligible employees regularly scheduled to work eighty (80) hours in a bi-weekly pay period is one-hundred twenty (120) hours or equivalent to fifteen (15) work days.
2. All compensatory earned shall either:
 - a. be used by employee within one (1) calendar year of the date the compensatory time was earned;
 - b. be cashed in by the employee by the end of the year in which the compensatory time was earned in order to have the payment count as "earnable salary" by the Ohio Public Employees Retirement System (OPERS);
 - c. be cashed in by the employee within one (1) calendar year of the date compensatory time was earned; however, payment for compensatory time NOT in the same calendar year the time was earned will NOT be counted as "earnable salary" by the Ohio Public Employees Retirement System (OPERS).
3. All unused compensatory time that exceeds one-hundred (120) hours will be paid out during the next pay period.
4. Compensatory time off will be scheduled in the same manner as vacation leave. When a department limits the number of employees permitted on leave at any time, vacation leave requests shall take preference over requests to use compensatory time.

5. No unpaid leave of absence will be granted until an employee exhausts all accrued compensatory time.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

A. POLICY

1. Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee. These deductions are itemized on the employee's pay statement which accompanies the bi-weekly check.

B. PROCEDURE

1. Deductions include:
 - a. Ohio Public Employees Retirement System (OPERS): This is the employee's contribution to the State's retirement system.
 - b. Income Taxes: The federal, state, and certain local governments require that taxes be withheld from each wage payment. The amount of tax to be withheld is determined from tables furnished by the IRS, and varies according to the amount of salary, number of dependency exemptions, and marital status. Employees are required to complete withholding tax statements upon initial employment, and must inform the Personnel Office of any dependency changes whenever such occur. It is the employee's responsibility to monitor their withholding rate to avoid tax penalty.
 - c. Medicare: The federal government mandates withholding for all employees hired on or after April 1, 1986 to provide coverage under the Medicare health insurance system.
 - d. Miscellaneous Deductions: Other withholdings may be ordered by a court or requested by the employee. Examples include child support payments, garnishments, United Way Fund, and other legally required or Employer approved deductions. Employee requested deductions may include, but are not limited to, insurance premiums, spending accounts, disability insurance, deferred compensation, and other Employer approved deductions.
2. The Employer may refuse to make deductions, not required by law, that are below certain prescribed minimum amounts or not on a regularly scheduled basis, or for other causes which the Employer deems not in the best interest of the County Engineer.
3. The County Auditor attempts to accommodate direct deposit of payroll checks to an employee's financial institution; however, the Auditor does not guarantee the deposits will be credited on time. The employee is solely responsible for any loss or penalty caused by a delay in the deposits.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

**HAMILTON COUNTY ENGINEER
PERSONNEL POLICY AND PROCEDURE MANUAL**

CHAPTER 6 BENEFITS

- 6.1 HOLIDAYS
- 6.2 VACATION
- 6.3 SICK LEAVE
- 6.4 INJURY LEAVE
- 6.5 FUNERAL LEAVE
- 6.6 EARNED PERSONAL DAYS PROGRAM
- 6.7 RETIREMENT PLAN
- 6.8 EXPENSE REIMBURSEMENT
- 6.9 INSURANCE
- 6.10 CONTINUATION OF MEDICAL INSURANCE (COBRA)

- A. Full-time employees shall receive the following paid holidays:
- | | |
|---------------------------|-----------------------------|
| New Year's Day | January 1 st |
| Martin Luther King Day | Third Monday in January |
| President's Day | Third Monday in February |
| Memorial Day | Last Monday in May |
| Juneteenth | June 19 th |
| Independence Day | July 4 th |
| Labor Day | First Monday in September |
| Veteran's Day | November 11 th |
| Thanksgiving Day | Fourth Thursday in November |
| Friday after Thanksgiving | Fourth Friday in November |
| Christmas Day | December 25 th |
- B. If a holiday falls on Sunday, it will be observed on the following Monday; if it falls on Saturday, it will be observed on the preceding Friday. The Employer shall designate annually the official dates of observance of all legal holidays and post the designated dates conspicuously in each Department.
- C. The County Engineer has the sole discretion to designate one-half ($\frac{1}{2}$) Personal Day off on Election Day. If so designated, Election Day is not to be considered a paid holiday for pay or overtime purposes; however the County Engineer may, at his discretion, authorize the time off as leave with pay and no vacation or sick leave would be deducted for the authorized time off. Further, the County Engineer may grant a one-half ($\frac{1}{2}$) day floating personal day to employees required to work during the designated time off. If the County Engineer grants this one-half ($\frac{1}{2}$) Personal Day, each employee will retain the unused time. NOTE: This time must be used in one-half ($\frac{1}{2}$) day increments.
- D. In observance of each authorized holiday, full-time employees will normally be granted the day off from work. Full-time employees shall receive straight time pay for each authorized holiday.
- E. No employee shall receive holiday pay unless the employee is in active pay status the working day immediately before, during and after the holiday.
- F. If a holiday occurs while an employee is on vacation or sick leave, the employee will be paid for the holiday and the leave time will not be deducted from the employee's accrued sick or vacation balance.
- G. Any non-exempt employee required to work on one of the recognized holidays will receive compensation at two (2) times the employee's regular rate for all time worked on the holiday, in addition to the holiday pay.
- H. Part-time, intermittent, seasonal, student, or temporary employees are not eligible for holiday pay; except the County Engineer may grant holiday pay to Co-op employees.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2024

- A. Full-time employees shall receive paid vacation in accordance with the following eligibility guidelines:

<u>Service Credit</u>	<u>Accumulated Rate per 80 Hours in Active Pay Status</u>
1 year but less than 6 years	3.1 hours (10 days/yr.)
6 years but less than 12 years	4.6 hours (15 days/yr.)
12 years but less than 18 years	6.2 hours (20 days/yr.)
18 years but less than 25	7.7 hours (25 days/yr.)
25 years or more	9.2 hours (30 days/yr.)

Employees who work 40 hours per week (80 per pay period) begin accruing vacation at a rate of 3.1 hours per 80-hour pay period upon hire. After 6, 12, 18 and 25 years of service, an additional week of vacation is credited during the pay period in which their prior service date falls and they begin to accrue at the higher rate.

- B. No employee will be entitled to vacation leave until the employee has completed at least one (1) year of employment with the County or any political subdivision of the state. An employee who has prior service with another county, city, or other political subdivision will receive credit for any qualified service. For purposes of vacation accrual, an employee’s prior service with another qualified political subdivision will be used to determine an employee’s prior service date of hire, which may be different than the employee’s actual date of hire with the County Engineer’s Office.
- C. Vacation leave is earned during the time an employee is in active pay status. No vacation time is earned when the employee is in an unpaid status (e.g. leave of absence without pay, disciplinary suspension, etc.), nor is additional vacation time earned through the working of overtime. Employees are credited at the end of each pay period with the appropriate amount of vacation leave earned which may be used in the following pay periods. Employees may not use this newly credited amount within the same pay period it is earned.
- D. Scheduling
1. Requests for vacation leave of three (3) days or less shall be submitted to the employee’s immediate supervisor at least twenty-four (24) hours prior to the beginning of the leave for approval.
 2. Requests for vacation leave of more than three (3) days shall be submitted to the employee’s immediate supervisor at least five (5) working days in advance of the start of the leave and require the approval of the employee’s Department Head.
 3. Requests for vacation submitted less than twenty-four (24) hours in advance (i.e. call-in requests) may be granted on a case-by-case basis by the employee’s Department Head or designee. Generally, an employee must show extenuating

circumstances for such approval. Excessive call-in requests may result in disciplinary action.

4. Vacation leave shall not be scheduled until the amount of leave requested has been credited to the employee's available leave balance.
 5. If an employee becomes ill or injured while on a scheduled vacation leave, the employee may request that the scheduled vacation leave be converted to sick leave. The employee shall provide sufficient evidence of the nature of the illness or injury.
 6. Vacations are scheduled in accordance with workload requirements of the individual departments. Each department may establish guidelines for scheduling vacation leave based upon operational needs, staffing levels, seniority, and classifications.
 7. Unless a Departmental Policy states otherwise, employees may schedule vacation leave in minimum increments of one-half (½) hour.
- E. Employees are encouraged to schedule vacation leave annually in an amount equal to the credit earned in the year prior to the employee's anniversary date (date of hire). However, an employee may carry over vacation leave with the written approval of the County Engineer or designee on an annual basis. The maximum amount of vacation an employee may accumulate is three (3) times an employee's annual accrual rate, plus the current year's accrual. Vacation credit in excess of the maximum accrual shall be forfeited without compensation on the employee's prior service date or Engineer hire date, if no prior service date applies.
- F. Any employee who separates from employment with the County Engineer, for any reason, is entitled to compensation at his/her current rate of pay for any accrued but unused vacation leave credit up to a maximum of three (3) times the annual accrual rate, plus the current year's accrual, if any.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2022

A. Accrual

1. All full time employees accrue sick leave at the rate of .0575 hours for each hour in active pay status (4.6 hours of sick leave for each 80 hours in active pay status). Active pay status for this purpose is defined as hours worked, hours on vacation, compensatory time, hours on holiday leave, and hours on paid sick leave. Employees who work overtime continue to earn sick leave; however, the sick leave time earned during overtime is added to the employee's leave balance.
2. Employees are credited at the end of each pay period with the appropriate amount of sick leave earned which may be used in the following pay periods. Employees may not use this newly credited amount within the same pay period it is earned.
3. The amount of sick leave time any one employee may accrue is unlimited.
4. Employees who transfer between County appointing authorities, or from another public agency, or who are reappointed or reinstated, will be credited with the unused balance of accumulated sick leave, provided the time between separation, reappointment or transfer does not exceed ten (10) years and the unused balance has not been eliminated by a prior conversion of sick leave at retirement or other termination. The employee shall provide written confirmation from the prior employer of the amount of sick leave available for transfer. The words "public agency" as used above includes the State, counties, municipalities, all Boards of Education, libraries and townships and other political subdivisions of the State of Ohio. Notwithstanding the above, if any person removed for conviction of a felony within the meaning of O.R.C. 124.34 is subsequently re-employed by the County, such person is only qualified to accrue sick leave as if he or she were a new employee receiving no credit for prior service.

B. Usage

Sick leave may be requested for the following reasons:

1. Illness or injury of the employee, or of a member of the employee's immediate family where the employee's attendance is reasonably necessary;
2. Exposure of employee or a member of the employee's immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others;
3. Death of a member of the employee's immediate family (in accordance with the pertinent section in this manual);
4. Medical, dental or optical examinations or treatment of employee, or of a member of the employee's immediate family where the employee's attendance is reasonably necessary;

5. Pregnancy, childbirth and/or related medical conditions; or,
6. In lieu of workers' compensation payment, to prevent lapse in accrual of retirement benefits while injured worker is away from work. You may be eligible to claim service credit for any period during which you were off the payroll because of an injury for which a weekly award through Workers' Compensation was received. Your claim number and a record from the Bureau of Workers' Compensation of the time must be submitted as proof. A maximum of three such years may be claimed.

C. Notification of Request for Sick Leave Approval

1. An employee requesting sick leave shall personally inform his/her Supervisor by telephone or other approved means of the fact and the reason no later than thirty (30) minutes prior to his/her scheduled starting time (unless emergency conditions make it impossible or the departmental rules provide otherwise). If the employee's Supervisor is unavailable to take the call, a designated person will be available to receive the information following chain of command. If the employee chooses not to provide the required information regarding the nature of the condition to the designated person, the Supervisor shall contact the employee during the day to confirm the need for the leave and the notification requirements. If the employee fails to provide the required information for privacy reasons, the Supervisor shall instruct the employee to contact the Personnel Office directly.
2. An employee must notify his/her supervisor each day the employee will be absent due to illness or injury unless otherwise instructed. Failure to do so may result in denial of sick leave for the period of absence.
3. The operational needs of specific departments may necessitate different notification procedures. Employees in these departments will be notified of the specific procedure for their department.
4. Failure to provide timely notification will be considered an absence without leave and may result in disciplinary action. Exhaustion of sick leave is not an excuse for failure to notify.

D. Evidence Required for Sick Leave Approval

1. When an employee returns to work following an absence, such employee must immediately report to his/her Department Head, immediate supervisor, or designee before he/she begins work. The employee shall submit a Time Off Request, which allows the employee to explain the reasons for his/her absence. Any written documents which substantiate the employee's reasons shall be submitted at this time. The Time Off Request and other written documentation will be reviewed by the Department Head or designee to determine whether the absence will be approved.
2. If an incident of absence exceeds three (3) consecutive calendar days, a statement from a medical practitioner must be presented stating the nature of the absence/illness or injury and when the employee may reasonably be expected to return to work to perform the normal duties of his/her position.

3. An employee may be required to submit a medical statement for an absence of any duration when the employee's sick leave requests show a pattern (e.g., frequency, before or after holidays, specific days of the month or week, etc.).
4. Failure to submit the required documentation in support of the requested sick leave may result in the denial of the request and/or disciplinary action. A request for leave may be denied by the supervisor based upon any investigation which discloses facts inconsistent with the proper use of sick leave.

E. Payment

1. Sick leave shall generally be charged in minimum units of one-half ($\frac{1}{2}$) hour, unless for operational reasons an individual Department establishes a different minimum requirement. FMLA sick leave shall be charged in minimum units of six (6) minutes.
2. Employees are charged only for days upon which they would otherwise have been scheduled to work.
3. Employees absent on sick leave shall be paid at the same basic hourly, daily or biweekly rate as when they were working; however, employees temporarily assigned to a higher classification (i.e. temporary supervisor) shall receive pay at their normal hourly rate.
4. If sick leave is denied and as a result the employee has been over paid, such over payment shall be deducted from the employee's next paycheck.
5. Vacation leave may be used for sick leave purposes at the employee's request and with the approval of the Employer.
6. Employees who have exhausted all sick leave and vacation leave credit, may at the employee's request and at the discretion of the Employer, be granted a personal leave of absence without pay for up to six (6) months (see pertinent section of this manual). Illnesses exceeding six (6) months will be treated as Disability Separation as outlined in the pertinent section of this manual.

F. Abuse

1. Any employee failing to comply with sick leave rules and regulations will not be entitled to sick leave payment.
2. A request for sick leave may be denied by the Employer based upon any investigation which discloses facts inconsistent with the proper use of sick leave. As part of the investigation, the employee may be required to submit to a medical examination, nursing visit, or other inquiry which the Employer deems necessary. When such examination is required by the Employer as part of an investigation, the cost shall be paid by the Employer.

3. Any absence that is not approved will be made part of the employee's record and may result in disciplinary action.
4. Altering a medical practitioner's statement is grounds for disciplinary action.
5. Application for sick leave with the intent to defraud shall result in dismissal and/or refund of salary or wages paid.
6. Excessive use of non-documented sick leave will result in corrective action and be considered a factor on an employee's performance evaluation according to the following guidelines:
 - (a) When an employee exceeds three (3) occasions (an occasion is defined by an eight (8) hour shift), of non-documented absences (where no medical certification is provided) during the calendar year, the employee's Supervisor shall notify the employee of the excessive use and notify the Personnel Office in writing that the issue was discussed with the employee.
 - (b) If the employee fails to provide an acceptable explanation for the excessive absences, the Supervisor shall institute a progressive discipline plan for any additional undocumented absences.

G. Conversion

1. An employee, upon retirement from active County service with ten (10) or more years of public service shall be entitled to a lump-sum payment for their accrued, but unused sick leave credit.
2. Payment shall be based on the employee's rate of pay at the time of retirement.
3. Eligible employees shall be paid on the basis of one (1) hour of pay for each two (2) hours of accrued sick leave credit for the first one thousand four hundred forty (1,440) hours, up to a maximum payment for seven hundred twenty (720) hours.
4. For all hours of accrued sick leave over the maximum amount in the previous section, County Engineer employees shall additionally be paid on the basis of one (1) hour of pay for each four (4) hours of accrued sick leave credit.
5. Payment under this policy shall be considered to eliminate all sick leave credit accrued by the employee at the time of payment.
6. In the event of the death of county employee who has at least ten (10) years of service with Hamilton County the accrued but unused sick leave of any the employee shall be paid in accordance with Section 2113.04 of the Ohio Revised Code, or to the estate of the employee.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2024

- A. If an incident occurs in which an employee is injured during the course of and arising out of his/her employment with the County Engineer, the employee shall:
1. Immediately report the incident to his/her supervisor on duty at the time of the incident, but in no case later than twenty-four (24) hours after the occurrence;
 2. Immediately notify the Safety Committee Chairperson or designee of the incident;
 3. Complete an Incident Report Form regardless of the apparent seriousness of the injury and whether or not medical attention is required. The Incident Report Form should be submitted to the employee's supervisor and the Safety Officer no later than thirty-six (36) hours following the incident.
 4. If medical attention is required, notify the Employer's workers' compensation Managed Care Organization (MCO) as soon as possible, but in no case later than twenty-four (24) hours after the incident, unless the employee is medically unable to do so.
- B. Failure to timely report an accident or injury may result in denial of sick leave benefits, denial or delay of workers' compensation benefits, and/or disciplinary action.
- C. Following notification of an incident involving an injury, regardless of the apparent seriousness of the injury, the employee's supervisor and the Safety Committee Chairperson, or designee, shall conduct an investigation pursuant the procedure outlined in the Employer's Safety Manual.
- D. The employee's supervisor shall immediately contact the Safety Committee Chairperson and shall complete and submit the Incident Report Form to the Safety Committee Chairperson within twenty-four (24) hours.
- E. An employee who is injured and required to seek medical treatment during the course of employment shall be paid at his/her hourly base rate of pay for the remainder of the employee's regularly scheduled workday, as long as the accident or injury is reported in accordance with this policy.
- F. If an employee's claim for workers' compensation is allowed by the Bureau of Workers' Compensation (BWC) and the employee is certified as unable to work by his/her attending physician due to the occupational injury or illness, the employee may choose to use his/her available accrued sick leave balance in lieu of lost time compensation from the BWC. However, an employee is not permitted to receive both lost time compensation from BWC and sick leave benefits for the same time off work and any sick leave benefits used cannot be restored.
- G. Injured employees who are required to attend medical examinations or BWC hearings during normal working hours may do so without loss of pay, so long as the injury occurred while performing normal duties of employment with the County Engineer (not from a previous or secondary employer) and the employee returns to work immediately. Employee must use accrued time to attend appointments during the work day. Such employees shall notify their

immediate supervisor at least forty-eight (48) hours in advance of the scheduled examination or hearing.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. An employee may use available, accrued sick leave, up to a maximum of five (5) days, in the event of the death of a member of the employee's immediate family residing with the employee. The five (5) days shall be exclusive of the sick leave approved due to the illness or injury that preceded the death.
- B. In the event of the death of any immediate family member not residing with the employee, available accrued sick leave may be used during the period of illness or injury for which the employee was reasonably expected to be present and for the day of the funeral.
- C. Upon written request of the employee, the employee's Department Head may extend the use of sick leave and/or authorize other paid or unpaid leave due to extenuating circumstances, such as the employee is responsible for making final arrangements or extreme travel is required.
- D. The employee shall note that, in accordance with the above provisions, more than one (1) sick day may be allowed for a funeral leave. However, the use of more than one (1) day of sick leave for a funeral will preclude the employee from accruing a personal day for the quarter.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. The County Engineer offers employees the opportunity to earn 4 paid personal days per calendar year where sick leave is not used.
- B. Employees can earn one (1) paid personal day per quarter for a maximum of four (4) personal days per calendar year. Eligible employees will receive one (1) paid personal day during each of the following quarters.

1 st Quarter	January 1 st – March 31 st
2 nd Quarter	April 1 st – June 30 th
3 rd Quarter	July 1 st – September 30 th
4 th Quarter	October 1 st – December 31 st

- C. To be eligible, an employee must:
 - 1. Be in active pay status for the entire year
 - 2. Use zero (0) hours of sick leave in that quarter, sick leave does not include time off for the death of an employee’s immediate family for Funeral Leave under the pertinent section of this manual.

NOTE: If the employee has earned a Personal Day prior to being in unpaid status, they remain eligible for those previously earned Personal Days.

- D. Employees using more than forty (40) hours of sick, are not eligible for any personal days for the remainder of that calendar year.
- E. Employees shall schedule personal days off in the same manner as vacation or compensatory time. Employees shall begin using personal days earned as of January 1st of the following year and have through December 31st of that year.
- F. The maximum accumulation of personal time is four (4) days. Any accumulated and unused time earned in excess of four (4) days shall be forfeited without compensation to the employee.
- G. Unless Departmental Policy states otherwise, employees may schedule Personal time off in minimum increments of four (4) hours.
- H. The County Engineer reserves the right to modify or cancel this incentive program at any time.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2024

- A. County employees are required by law to participate in the Ohio Public Employees Retirement System (OPERS). Eligible employees are required to contribute a percentage of their gross pay, as determined by the Retirement Board. Such amount is then deducted each pay period. This amount is more than matched by a contribution from the County Engineer's Office. The County Engineer's contribution is also determined by the Retirement Board.
- B. These plans are independent of the Federal Social Security System. Information on these retirement plans may be obtained by contacting the Personnel Office. If employees should have any further questions regarding the benefits available under these plans, they may contact the following:

Public Employees Retirement System
277 East Town Street
Columbus, Ohio 43215
(800) 222-PERS (800-222-7377)
www.opers.org

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

A. POLICY

1. County Engineer employees and officials shall be reimbursed for expenses incurred while in the authorized service of the County Engineer as outlined by the policy established by the Hamilton County Board of Commissioners.
2. All travel and educational programs must be submitted to the Chief Deputy or designee for prior approval of registration, or costs incurred will not be reimbursed. The County Engineer may refuse to reimburse an employee for any expenses not properly authorized or documented.

B. PROCEDURE

1. The Employee must submit a written request for travel and educational programs including a description of the program, the cost, and a statement as to the purpose of the training to the Chief Deputy or designee no later than two (2) weeks prior to the date of the program.
2. Within ten (10) working days after returning from the program, the employee shall submit a report describing the program to the Chief Deputy. Failure to submit the report may result in disciplinary action.
3. The employee may be required to submit itemized receipts for certain expenses, including meals. Failure to attend the program or submission of inaccurate expenses may result in discipline.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

A. POLICY

1. The County Engineer's Office participates in the group health benefit plan with the Hamilton County Board of County Commissioners. The Board of Commissioners reserves all rights to determine the types of insurance benefits to be provided and the costs, terms and conditions for participation and to determine insurance carriers or to establish a program of self-insurance.

B. PROCEDURE

1. Effective 1/1/14, the County Commissioner's policy defines an eligible employee as a full-time employee, or one who is regularly scheduled in active pay status at least thirty (30) hours per week.
2. Effective 1/1/14, a newly hired, full-time permanent employee's coverage will begin on the first day of the month following completion of sixty (60) calendar days of continuous County service.
3. Effective 1/1/14, employees are entitled to obtain coverage for dependents in accordance with the County's coverage eligibility: spouse; children under age 26; dependents who are mentally or physically disabled and incapable of self-support, even if they are older than age 25 (dependents must be declared disabled before age 18 in order to qualify for this extended coverage); unmarried adult children ages 26 and 27 who are a resident of the state of Ohio or a full-time student at an accredited public or private institution of higher education, not eligible for any health benefit plan through his/her employer, and not eligible for Medicaid or Medicare.
4. The County Personnel Department is responsible for providing details of the insurance plans offered by the County and for overall administration of the health and dental insurance benefits programs.
5. The County offers a flexible benefits plan which allows each eligible employee and official a choice of health care benefits. Typically, the County also offers long-term disability insurance, the health care spending account, and the dependent care spending account on a one hundred percent (100%) employee-paid cost basis. Life insurance benefits may also be offered.
6. Terminated, separated, or retired employees' medical, dental, life, and long-term disability coverage will cease the last day of the month in which the employee is terminated, separated, or retired, unless the employee is otherwise eligible for coverage as a dependent under another County employee's plan.
7. Employees are responsible for informing the Personnel Office when a dependent is no longer eligible for coverage (e.g. child exceeds age requirement,

child graduates or fails to return to school, divorce is final, etc.) within thirty (30) calendar days of the event. Failure to notify the Employer of the event causing the ineligibility will result in disciplinary action beginning with a written warning. More severe discipline may result if it is found that the employee knowingly failed to inform the Employer in order to maintain coverage for an ineligible dependent.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

In accordance with the BOCC's COBRA policy, Section 5:3 COBRA/Continuation of Medical Insurance, The HCEO will follow the policy listed below:

- A. Employees and their covered dependents may extend employer sponsored group health coverage at the group rate in certain instances where coverage would otherwise end. There is a 2% fee added to the full group rate to cover administrative expenses, as permitted under COBRA regulations.
- B. Coverage (medical, dental, vision, health care flexible spending account) may be extended when a "qualifying event," as defined by the Department of Labor, occurs. These include:
 - 1. Loss of coverage because of reduction in hours of employment.
 - 2. Termination of employment (excluding discharge for gross misconduct).
 - 3. Failure to return from an approved leave of absence in accordance with the Family and Medical Leave Act.
 - 4. Loss of coverage for a spouse and/or dependent when covered by a County employee as a result of the above; or because of divorce, legal separation, death of the employee, or when a child ceases to be eligible.

The maximum length of extended coverage is determined by the type of qualifying event.

- C. Coverage under COBRA may be terminated by the County Personnel Department under the following circumstances:
 - 1. The required premium is not paid in a timely manner.
 - 2. In the event that the County no longer provides a group health plan to any employees.
 - 3. Coverage is obtained under another group health plan that does not contain pre-existing condition limitations.
 - 4. Coverage is obtained through Medicare.
- D. Responsibility for proper implementation of this policy shall be shared between the County Personnel Department and the Department Head or designee (typically the payroll officer) in cooperation with the Third-Party Administrator. The Department Head or designee shall affirm that all employee actions are properly recorded in the Payroll System to assure the County Personnel Department's COBRA responsibilities can be carried out effectively and accurately.
- E. The Third-Party Administrator is responsible for mailing the initial COBRA notice and the COBRA qualifying event benefit notification based on information entered into the system by the Department Payroll Officer and/or the Employee Benefits Division.

F. Payments for coverage shall be delivered directly to the Third-Party Administrator.

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**HAMILTON COUNTY ENGINEER
PERSONNEL POLICY AND PROCEDURE MANUAL**

**CHAPTER 7
LEAVE**

- 7.1 MILITARY LEAVE
- 7.2 COURT LEAVE (JURY DUTY)
- 7.3 LEAVE OF ABSENCE WITHOUT PAY
- 7.4 FAMILY AND MEDICAL LEAVE
- 7.5 ADMINISTRATIVE LEAVE
- 7.6 LEAVE DONATION PROGRAM

- A. Military leave and reemployment from military leave is governed by federal law (See 38 U.S.C. 43 et seq., USERA, and 20 C.F.R. 1002 et seq.) and Ohio law (See O.R.C. 5903.01, 5903.02, and 5923.05; and O.A.C. 123:1-34-04 and 123:1-34-05). Because of the complex rules governing military leave, only basic information is provided in this policy. All inquiries or questions regarding details not covered in this policy should be directed to the Personnel Office.
- B. In general, any County Engineer employee (other than elected officials and appointed officials serving fixed terms) who voluntarily or involuntarily serves in the uniformed services, shall be granted military leave of absence without pay. If not accepted for active duty, the employee shall be reinstated to his/her former position without loss of seniority or status or reduction pay.
- C. Employees who satisfactorily complete their service (without voluntarily reenlisting or extending that obligation) are entitled to be re-instated to their previous County position within thirty (30) days of their written request, provided such request is submitted within ninety (90) days of discharge or release from active duty.
- D. Employees returning to a previously held position under these provisions shall receive credit for time spent in military service in areas affecting status, rank rating, increments, qualifications, etc., as though they had continued their County employment. Vacation and sick leave benefits, however, do not accrue during the period of absence.
- E. If temporary physical disability precludes the employee from performing the job the employee previously held, the employee shall be allowed up to one (1) year from the date of application to overcome such disability and return to work.
- F. All employees who are members of the Ohio National Guard, the Ohio organized 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 performing service in the uniformed services for periods not to exceed a total of one hundred seventy-six (176) hours in any one (1) calendar year.
1. Employees are entitled to receive their regular rate of pay and their base rate of military pay for days on which the employee would have been regularly scheduled to work.
 2. These one hundred seventy-six (176) hours per year do not include weekend duty or pay.
 3. There is no requirement that the service be in one continuous period of time.
 4. Employees shall submit to the Personnel Office an order to duty or statement from the appropriate military commander as evidence of such duty in order to receive reimbursement.

5. Employees who are members of those military units listed above will be granted emergency leave for mob, riot, flood, civil defense, or similar duties when so ordered by the Governor to assist civil authorities.
 6. Employees who are called or ordered to active duty because of an executive order of the President, an act of Congress, or an order of the Governor for periods exceeding one (1) month per year shall be paid on a monthly basis the lesser of: (1) the difference of the employee's gross monthly wages and the sum of the employee's gross uniformed pay and allowances for the month; or (2) five hundred dollars (\$500.00).
 7. No employee shall receive payments, referenced in the pertinent section of this manual, if the sum of the employee's gross uniformed pay and allowances exceeds the employee's gross pay.
- G. A position vacated by a person entering active military service may be filled by the Employer. The Employer shall consider the expected date of return of the original incumbent prior to appointing a replacement.

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- A. If an employee is called for court jury duty or subpoenaed to appear before a court or lawful administrative body where the employee is not a party, except as noted below, he/she will be paid his/her regular hourly rate for the hours he/she was scheduled to work. If an employee receives his/her regular compensation, the employee shall turn over any compensation or reimbursement for jury duty, or for court attendance compelled by subpoena, to the Engineer's Office.
- B. Immediately upon being released by the court, the employee shall contact his/her supervisor. The employee will be expected to report for work following jury duty, or release from the court, if more than two (2) hours remain during the employee's scheduled workday; however, the supervisor shall consider the employee's travel time from the court and time to change into appropriate clothing when determining whether to instruct the employee to return to work.
- C. Unless otherwise determined by the Engineer, an employee shall be required to take either vacation leave or leave without pay at the employee's option if the employee is required to appear in a court or lawful administrative body for any of the following reasons:
1. personal reasons;
 2. as a party in a criminal or civil case; or
 3. for any matter related to or stemming from employment outside of the County Engineer's Department.

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The County Engineer or designee may, upon written request of an employee, grant an employee a leave of absence without pay, as prescribed below.

- A. The maximum duration of a leave of absence without pay shall not exceed six (6) months, unless otherwise approved by the County Engineer or designee.
- B. The authorization of a leave of absence without pay is a matter of administrative discretion, and each request shall be decided on a case-by-case basis. Nothing in this policy shall be construed as limiting, superseding, or requiring any leave granted under the Family and Medical Leave Act.
- C. Upon returning from a leave of absence, the employee will be placed in his/her original position, or a similar position in the same classification should the original position be unavailable.
- D. If an employee fails to return to work upon the expiration of an authorized leave of absence without pay, the employee shall automatically be considered as having voluntarily resigned his/her position with the Engineer's Office.
- E. If it is determined that an employee is abusing the leave of absence and not actually using it for the purpose specified, the Employer may cancel the leave and require the employee to report for work upon written notice to the employee. Use of a leave of absence for a purpose other than for which it was granted may subject the employee to disciplinary action.

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- A. Employees who have been employed for at least twelve (12) months and who have completed at least one thousand two hundred fifty (1,250) hours of service with the Employer during the twelve (12) month period immediately preceding the commencement of leave shall be eligible for family and medical leave (FML) as provided herein.
- B. Amount and Usage: Eligible employees shall be entitled to a total of twelve (12) work weeks of family and medical leave in a calendar year. Leave may be taken for the following reasons:
1. birth of a child of the employee and to care for a newborn child;
 2. placement of a child with the employee by way of adoption or foster care (leave must be taken within twelve (12) months of placement);
 3. to care for the spouse, child, parent, or one who stood in place of a parent of the employee, if that person has a serious health condition; or
 4. due to a serious health condition that makes the employee unable to perform the essential functions of the employee's position;
 5. due to any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation;
 6. to care for a covered service member with a serious injury or illness if the employee is the spouse, child, parent, or next of kin of the service member.
- C. Use of Leave: Employees may be required to use all accrued vacation, holidays, sick leave (if applicable), and other paid leave including Workers' Compensation, and compensatory time, prior to being granted an unpaid family and medical leave. The combined period of leave, including paid leave and unpaid family and medical leave, shall not exceed the total of twelve (12) work weeks during the "rolling" calendar year. In other words, Family and Medical Leave and paid leave for conditions that qualify under the FML run concurrently. The entire twelve (12) work weeks FML is not added on to the end of the paid leave, just the remaining portion after the paid leave time is subtracted.
- D. Exhaustion: In the event of the continuation, reoccurrence, or onset of a serious health condition after the employee has exhausted the twelve (12) work weeks of leave as provided in this policy, the employee may request an unpaid leave of absence as outlined in this manual.
- E. Husband and Wife: When a husband and wife are both employed by the County Engineer and are entitled to leave because of the birth or placement of a child, or to care for a sick parent, the aggregate period of family leave shall be limited to twelve (12) work weeks. This limitation does not apply to FML taken by either spouse to care for the other spouse, a child, or parent with a serious health condition.

F. Intermittent/Reduced Leave:

1. Leave due to the serious health condition of the employee or the employee's spouse, child, or parent may be taken intermittently or on a reduced leave schedule when medically necessary. The Employer may require an employee taking leave in this manner for planned medical treatments to transfer temporarily to an alternative position which has equivalent pay and benefits and better accommodates the recurring periods of leave.
2. The taking of leave intermittently or on a reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled in accordance with this policy.
3. Leave due to the birth or placement with the employee of a child shall not be taken on an intermittent or reduced leave schedule which would reduce the usual number of hours per workweek or per workday.

G. Seniority: An employee granted family and medical leave shall continue to accrue seniority during the period of such leave provided the employee follows the proper procedures for requesting such leave and returns to work at the expiration of the approved leave period.

H. Reinstatement: Any eligible employee who takes leave hereunder shall be entitled, on return from such leave, to be restored to the position held by the employee when the leave commenced, or to a similar position of equivalent pay and benefits. Where the employee is returning from FML leave because of his/her own serious health condition, the Employer may require that the employee's physician certify that the employee is able to resume work as a condition of return to employment.

I. Failure to Return:

1. If the employee fails to return from the leave, the employee shall reimburse the County for the total insurance premium paid by the County Engineer unless the failure to return is due to:
 - a. continuation, recurrence, or onset of a serious health condition; or
 - b. other circumstances beyond the employee's control.

In such a case, the Employer may require medical certification. If an employee fails to provide certification or an adequate excuse, the employee shall be liable for the total insurance premium paid by the County Engineer.

2. If an employee does not report to work or request and receive further approved leave after the applicable family and medical leave expires, the employee will be absent without leave and may be subject to disciplinary action.

J. Definitions:

1. Spouse: husband and wife; however, common-law marriages after October 10, 1991, have been abolished by law. Unmarried domestic partners do not qualify for FML to care for their partner.
2. Parent: the biological parent or person standing in place of a parent to the employee when the employee was a child. This term does not include parents “in law.”
3. Child: a biological, adopted, foster child, or stepchild; a legal ward; or a child of a person who is standing in loco parentis, who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.
4. Serious Health Condition: an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. "Serious health condition" also includes continuing treatment of chronic or long-term incurable conditions and prenatal care.
5. Continuing Treatment: continuing treatment by a health care provider which includes at least one (1) of the following:
 - a. a period of incapacity for more than three (3) consecutive days which requires subsequent treatment relating to that condition on two (2) or more occasions or on one (1) occasion which results in a regimen of continuing treatment;
 - b. incapacity due to pregnancy;
 - c. a period of incapacity or treatment due to a chronic serious health condition, which may be episodic but includes periodic visits to health care provider and continues over an extended period of time;
 - d. any period of incapacity which is permanent or long-term, due to a condition for which treatment may not be effective; or
 - e. any period of absence due to receiving multiple treatments, e.g., after surgery, accident, or for a condition which, if left untreated, would result in absence of three (3) consecutive days.
6. Health Care Provider: either (1) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or (2) any other person determined by the Secretary of Department of Labor to be capable of providing health care services.
7. Intermittent Leave: leave taken in separate blocks of time due to a single qualifying reason.
8. Reduced Leave Schedule: leave that reduces an employee's usual number of working hours per workweek or workday.

9. Leave because of a Qualifying exigency: (a) short-notice deployment; (b) military events and related activities; (c) childcare and school activities; (d) financial and legal arrangements; (e) counseling; (f) rest and recuperation; (g) post-deployment activities; and (h) additional activities mutually agreed upon by the employee and the employer, but not enumerated in the regulations.
10. Foster Care: The 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the family will take care of the child.
11. Adoption: legally and permanently assuming the responsibility of raising a child as one's own.
12. Parent of a covered service member: a covered service member's biological, adoptive, step or foster parent, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."
13. Child on active duty or call to active duty status: the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.
14. Child of a covered service member: the service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the service member stood in loco parentis, and who is of any age.
15. Next of kin of a covered service member: the nearest blood relative other than the covered service member's spouse, parent, child, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FML to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.
16. Service member with a serious injury or illness: member of the Regular Armed Forces, the National Guard or the Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness—for purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating.

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- A. A Department Head, with approval of the County Engineer or designee, is authorized by this policy to place an employee on administrative leave with pay in circumstances where the health or safety of the employee, other employees, or of any person or property entrusted to the employee's care could otherwise be adversely affected.

- B. The Department Head will provide the employee with notification when he/she is being placed on administrative leave. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation such leave might extend until the Employer completes an investigation of the matter, conducts a pre-disciplinary conference, and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee's normal straight-time rate of pay.

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- A. Employees may receive/donate paid leave from/to a fellow employee if the requesting employee is in need of such leave because of an approved FMLA situation and/or because of the serious illness or (non-occupational) injury of that co-worker or a member of his/her immediate family. See definition of immediate family in pertinent section of this manual.
- B. An employee may receive donated leave pursuant to this procedure, up to the maximum number of hours the employee is scheduled to work each pay period provided that the employee:
1. has an approved FMLA situation, a serious illness or injury, as determined by the Engineer, or has an immediate family member who has such an illness or injury;
 2. has provided all necessary documentation as required by the Engineer;
 3. has exhausted all accrued paid leave (sick, vacation, comp, or other);
 4. is not under any current disciplinary order or warning for attendance related problems;
 5. does not delay a recommended retirement day as established by OPERS's retirement board physician;
 6. does not delay an application for disability retirement supported by the employee's treating physician; and
 7. informs the Personnel Department in writing that a solicitation for leave benefit may be made on their behalf to co-workers. By requesting leave benefit, the employee is stating that the personnel department is authorized to release limited information regarding the employee's condition without violating the employee's privacy rights.
- C. A co-worker of this department may donate their accumulated vacation time to another employee providing that the co-worker donating leave:
1. does so voluntarily;
 - a. The Engineer shall deny any request to donate leave if there is a possibility that the donation was not entirely voluntary;
 - i. the Engineer will scrutinize any donation made by employees to a supervisor or someone above them in the chain of command; and
 - ii. the Engineer will also scrutinize any donation where the person making the donation makes less per hour than the recipient.
 2. understands that the leave will not be returned and they are not entitled to any compensation for the leave donated; and
 3. offers to donate a minimum of 8 hours.
- D. Contact the Personnel Office for applicable forms.

- E. Only vacation time may be donated. Sick leave and compensatory time may not be donated.
- F. Decisions affecting the Donor/Donee eligibility rest exclusively at the discretion of the Engineer and are not subject to appeal or grievance.
- G. The procedure for donating leave shall be administered on a pay period by pay period basis. The co-worker donating the leave shall submit, in writing, a certification stating the name of the employee to receive the leave, the amount of leave to be donated, and verify the donation is entirely voluntary. All donation forms must be submitted to the personnel office by the Friday before the end of the pay period. Should more time be donated than is needed, the donated time shall be returned to the donor(s), starting from the most recent donor forms received and working back.
- H. Employee recipients are considered to be in active pay status while using donated leave and accrue their own paid leave at the applicable rates. Such accrued leave must be used in the following pay period before additional donated leave is credited.
- I. An employee cannot receive more donated leave than will bring them to a full pay period per their standard working hours.
- J. The leave donation recipient is only eligible to redeem leave donation given:
 - 1. they are on an approved leave per medical documentation; and
 - 2. they have received prior approval from the Engineer to work intermittently during a given pay period (i.e. work 2 days, use 3 donated leave days, work 1 day, use 1 donated leave day, work 3 days, etc.).
 - a. The Donee must request this intermittent attendance through the Engineer by re-submitting a new Leave Donation Request Form and all medical documentation outlining the need for this approved time off. Only with approval from the Engineer will the use of donated leave be granted after returning to active duty for a day.
- K. This policy does not replace, supersede, or supplement entitlement programs, (e.g. workers' compensation, retirement or disability benefits).

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**HAMILTON COUNTY ENGINEER
PERSONNEL POLICY AND PROCEDURE MANUAL**

CHAPTER 8 CONDUCT

- 8.1 ATTENDANCE
- 8.2 ETHICS
- 8.3 USE OF ENGINEER TOOLS, VEHICLES & EQUIPMENT
- 8.4 CELLULAR DEVICES
- 8.5 USE OF COMPUTER/INTERNET/ELECTRONIC MAIL
- 8.6 SOCIAL MEDIA
- 8.7 OUTSIDE EMPLOYMENT
- 8.8 DRESS AND APPEARANCE
- 8.9 SOLICITATION AND DISTRIBUTION
- 8.10 USE AND POSSESSION OF ALCOHOLIC BEVERAGES
- 8.11 DRUG FREE WORKPLACE
- 8.12 COMMERCIAL DRIVERS LICENSES
- 8.13 PERSONNEL FILES
- 8.14 PUBLIC RECORDS
- 8.15 USE OF EMPLOYER INFORMATION
- 8.16 PRIVACY
- 8.17 BUILDING ACCESS
- 8.18 HEALTH AND SAFETY
- 8.19 WORKPLACE VIOLENCE

- A. The Employer shall establish daily work schedules and maintain daily employee attendance records. Regular, predictable, and punctual attendance is an essential requirement for all employees. An employee is expected to report to work when scheduled, remain at work during scheduled hours and not leave work until the end of the scheduled workday.
 - 1. It is up to the discretion of the supervisor to grant flex time. Any schedule that requires permanent accommodations requires prior approval from the Engineer.
- B. Absences may only be excused as defined in this manual. Absences without proper authorization will result in corrective action.
- C. Attendance and availability are factors in performance evaluations and promotional decisions. An employee's history of attendance is relevant and may be considered in any employment related decision.
- D. Each location will establish a "sign-in" process that suits the overall function of the location. All employees are responsible for following that process.

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- A. All County Engineer employees are expected to maintain the highest possible ethical and moral standards and to perform their duties within the laws of the State of Ohio, and the rules, codes of ethics and standard procedures as may be set forth by the County Engineer. Each employee assumes the responsibility to serve the public in an honest, efficient, ethical and professional manner.
- B. Employees shall not:
1. use their position for personal gain or engage in any transaction that may be in conflict with the proper discharge of the employee's official duties;
 2. use or disclose confidential or proprietary information concerning the property, government or affairs of the County Engineer without proper legal authorization;
 3. solicit or accept anything of value, whether in the form of service, loan, item or promise from any person, firm or corporation interested directly or indirectly in conducting business dealings with the Hamilton County Engineer's Office;
 4. accept from any person, firm or corporation doing business with the County Engineer's Office any material or service for the private use or benefit of the employee;
 5. engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper performance of the employee's official duties or would tend to impair the employee's independent judgment or action in the performance of the employee's official duties;
 6. while an employee, and for one (1) year following separation from employment with the County Engineer's Office, represent another person before a public agency on any matter in which the employee personally participated as an employee;
 7. receive or agree to receive outside compensation for services rendered in a matter before any office or department of the Hamilton County Engineer's Office except as provided in O.R.C. Section 102.04; or
 8. have a personal interest in a contract with the County Engineer's Office or use their position or authority to secure approval of a public contract in which the employee, a member of the employee's family or a business associate has an interest.
- C. Any employee having doubt as to the applicability of a provision of this policy to a particular situation should consult his/her supervisor prior to engaging in such activity. If

the employee's supervisor is in doubt about the appropriateness of the activity, the supervisor should refer the employee to the County Engineer or to the Personnel Office.

- D. Each employee shall review a copy of Ohio's Ethics Laws at the time of hire and copies shall be made available to employees during business hours.
- E. Violations of the Ohio Ethics Law may result in criminal proceedings and/or disciplinary action up to and including discharge from employment.
- F. Employment of Relatives: No employee of the County Engineer shall hire or otherwise employ or affect the employment, compensation or duties of any member of his/her immediate family. If the immediate family relationship is established after employment, the Department Head will meet with the individuals involved and discuss the matter. The resolution of the matter may require one of the employees to transfer to a different position, if one is available, that does not present a conflict of interest or be separated from employment with the County Engineer. If the individuals fail to agree, the Employer will make the final decision.
- G. Political Activity: State law prohibits classified employees from participating in certain political activities or holding public office. A list of such activities is available from the Personnel Office.

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- A. When tools, supplies, and equipment needed to perform job duties are provided by the County Engineer's Office, it is the responsibility of each employee to properly use and maintain the provided tools and equipment. County Engineer's Office property may only be used for authorized County business.
- B. All County issued telephones/cellular devices, beepers, pagers, radios, copy machines, computers, and other electronic devices, etc., should not be used for excessive personal or private business. It is recognized that personal calls may be necessary in some circumstances; however, such personal calls shall be kept to a minimum and must not be disruptive to the operations of the County Engineer's Office or the work environment.
- C. Misuse, neglect, theft, and/or abuse of tools, supplies, or equipment is prohibited. Accidents involving misuse of tools or equipment may result in corrective and/or disciplinary action. Loss of tools or equipment may require payment by the employee for the tools or equipment lost.
- D. County Vehicles: The County Engineer's Office may provide vehicles when the Engineer determines that vehicles are necessary for the performance of the employee's job.
 - 1. Expenses related to the maintenance of the County Engineer vehicles are the responsibility of the County Engineer's Office. Employees who are assigned County vehicles will be instructed in the proper care and maintenance of the vehicle, including obtaining fuel and repairs.
 - 2. Use of County Engineer motor vehicles shall be strictly controlled and shall be restricted to County purposes only. Employees who operate County Engineer vehicles or other motorized equipment are required to have a proper and valid Ohio motor vehicle operator's license, or, if applicable, Commercial Driver's License (CDL) with appropriate endorsements, and be eligible for coverage under the County Engineer's Office vehicle insurance policy.
 - 3. Employees shall not use or permit the use of a County vehicle for any purpose other than County business. Employees shall not permit family members or friends to ride in County-owned vehicles, unless specifically authorized.
 - 4. Any employee who operates a County vehicle must exercise caution and responsibility and adhere to sound safety regulations, including wearing a seat belt and refraining from using a cellular device. Traffic fines or arrests for illegal or improper use of a County vehicle are the sole responsibility of the employee. Reckless or destructive operation of County vehicles is grounds for disciplinary action. Any accident or injury must be immediately reported to a supervisor, and the Safety Officer or designee.

5. Employees are required to maintain an accurate mileage and destination log for all travel. Employees shall follow the preventative maintenance schedule recommended by the Fleet Service Manager for all vehicles. Failure to properly document travel or maintain a County vehicle as required may result in disciplinary action.
 6. Designated employees, residing in Hamilton County, may be permitted or required to take County vehicles home and/or park the assigned vehicles at designated locations daily based upon operational needs. Such employees may be assessed a taxable benefit and will be so notified.
 7. Employees who travel in personally-owned vehicles on County Engineer business are required to maintain all required licenses and insurance as required by law and/or County policy to be eligible for reimbursement of expenses. The employee is responsible for all other costs associated with his/her personal vehicle such as fuel, repairs, maintenance, and insurance.
- E. Personal Property: The County Engineer's Office is not liable for the theft, loss, or damage to employee's personal property. Employees who may be required to use personal property, equipment, or tools in the performance of his/her official duties or who leave such property, equipment, or tools on County property during non-working hours are advised to notify their supervisor.

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A. Personal Cellular Devices

1. While at work, employees are expected to exercise the same discretion in using personal cellular devices as is expected for the use of Employer devices. Excessive personal calls or text messages during the workday, regardless of the phone used, can interfere with employee productivity and may be distracting to others. Repeated incidents of an employee placing or accepting excessive personal calls or text messages may lead to disciplinary action. Employees are therefore asked to make any other personal calls on non-work time and to ensure that friends and family members are aware of the Employer's policy. Flexibility will be provided in emergency situations or for circumstances demanding immediate attention.
2. The Employer will not be liable for the loss of personal cellular devices brought into the workplace.

B. Employer-Provided Cellular Devices

1. The County Engineer provides certain employees with cellular devices for use outside of the County Engineer's premises in the performance of their duties. Employees are required to account for all business and personal use.
2. It is the policy of the County Engineer to authorize only those calls that pertain to County business, as necessary for the operation of the County Engineer's Office, and may involve communications that may not be handled over the radio. Business use is excludable from the wages of the employee as a working condition fringe benefit. Compensation for personal use of a County provided cellular device is to be paid back by the employee to the County Engineer.
3. Upon receipt of the monthly cellular phone bill, the Employer shall provide the employee, who has been provided a cellular device, with the monthly charges. The employee shall identify by highlighting any personal calls on the monthly bill. If the employee made any personal calls that exceeded the plan, the employee shall reimburse the County Engineer one hundred percent (100%) for all such personal calls.
4. Employees must safeguard any cellular device in their possession. The loss of any cellular device shall be reported to the employee's supervisor immediately. If theft is suspected, the Engineer's Office may also notify appropriate law enforcement agencies.
5. Officials and/or employees are advised that all communications including, but not limited to, voice mails, text messages, and/or email communications, are not confidential and are subject to review for the purpose of enforcing the policies

stated herein. Employees enjoy no expectation of privacy regarding the use of such equipment.

6. Employees in possession of Employer-owned cellular devices are expected to protect the devices from loss, damage or theft.
7. Upon separation from employment, or at any time upon request, the employee may be asked to produce the device for return or inspection. Employees unable to present the device in good working condition within twenty-four (24) hours may be expected to bear the cost of a replacement. In addition, employees who separate from employment with unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

C. Safety Issues for Cellular Device Use

1. Employees whose job responsibilities include regular or occasional driving and who are required to use a cellular device (whether personal or Employer-issued) for the purpose of conducting work-related communications, are expected to refrain from using the device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees should pull off to the side of the road and safely stop the vehicle before placing or accepting a call or text message. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.
2. Employees whose job responsibilities do not specifically include driving as an essential function, but who are required to use a cellular device for Employer business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill Employer's business needs.
3. Violations of this policy shall be subject to the highest forms of discipline, up to and including termination.

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- A. The use of Internet, electronic mail, and online services has great potential to enhance the productivity of County Engineer’s Office employees in all departments. The use of these services is for official County Engineer’s Office business only. Any other unauthorized use of the computers or online services will result in corrective action. The County Engineer reserves the right to monitor the use of County computers and online accounts.
- B. Users should be aware that when access to the Internet, electronic mail, and online services are accomplished using Internet addresses and domain names registered to the County Engineer, they may be perceived by others to represent the County Engineer. Users shall not use the Internet, electronic mail, or online services for any purpose which would reflect negatively on the County Engineer’s Office or its employees.
- C. Because of the security, legal, and productivity issues, each user is responsible for:
 - 1. following existing policies and procedures in their use of Internet, electronic mail, and online services and shall refrain from any practices which might jeopardize the County Engineer’s computer systems and data files, including, but not limited to virus attacks, when downloading files from the Internet;
 - 2. learning about Internet, electronic mail, and online service etiquette, customs, and courtesies, including those procedures and guidelines to be followed when using remote computer services and transferring files from other computers;
 - 3. familiarizing themselves with any special requirements for accessing, protecting, and utilizing data, including Privacy Act materials and confidential information;
 - 4. being careful not to duplicate, download, transmit, or use software not in compliance with software license agreements, unauthorized use of copyrighted materials, or another person’s original writing; and
 - 5. properly conducting themselves as a representative of the Hamilton County Engineer’s Office.
- D. Users shall not use the Internet, electronic mail, and online services to:
 - 1. view or distribute offensive or harassing statements, or to disparage others based on race, national origin, sex, sexual orientation, age, disability, political, or religious beliefs;
 - 2. view, distribute, transmit, download, print, or solicit items displaying materials, pornography, non-forensic nudity, non-forensic sexually explicit content, or non-forensic items that are racist, sexist, or harassing in a sexual or religious manner, or any actual, graphic, animation or other depiction, in any other form, of these items;

3. view, distribute, or participate in chain letters or chat rooms;
 4. view, distribute, or participate in any sites involving gambling, including sites that are labeled "FOR AMUSEMENT ONLY" and do not require a transaction;
 5. view, distribute, or participate in any websites involving violence, warlike activities, sports competition, or sites that offer to sell, auction, or instruction on weapons, including but not limited to, firearms, knives, explosives, or the like; or
 6. view, distribute, or participate in any sites that offer counterfeit or illegal intellectual property, music, books, films, photographs, or software.
- E. In addition to the prohibitions listed above, employees may be disciplined for neglect of duty and/or lose access to County computers for accessing non work related websites, such as those involving sports, hobbies, politics, shopping, auctions, music, movies, books, photographs or any other personal business.
- F. Security:
1. Electronic message systems may not be secure. Employees should be aware of potential electronic messaging security problems before transmitting private or confidential messages. Disclosure may occur intentionally or inadvertently when an unauthorized user gains access to electronic messages. Disclosure may occur when messages are forwarded to unauthorized users, directed to the wrong recipient, or printed in a common area where others can read them.
 2. Use caution when sending information. Always display "CONFIDENTIAL" on the subject line when sending confidential information. Confirm that encryption has been enabled before sending confidential information. Be aware that even if you encrypt your data, anything you electronically transmit over the Internet, electronic mail, or online services is subject to interception, reading, and copying by other people.
 3. The Internet may not be secure. Employees should take this into account before receiving or transmitting information and messages. Employees should be aware that it is possible to identify visitors to Internet sites (i.e., all Internet browsers furnish a trail to trace all Internet site visits), and should exercise conservative judgment when accessing information on the Internet.
- G. All County Engineer employees using County equipment to access the Internet, electronic mail, and online services are subject to having activities monitored.
- H. Violation of this policy will result in disciplinary action, including, but not limited to, termination of Internet, electronic mail, and online service privileges and/or disciplinary action.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

A. Purpose

The purpose behind this policy is to make an employee aware of his or her privacy rights and prohibited conduct with respect to an employee's actions and its impact on the Employer when using social media sites on and off duty. This policy is also intended to ensure efficient use of employee time and to minimize any distraction from an employee's assigned tasks and duties. It will allow the Employer to ensure that Employer rules are followed and all employees are treated fairly and consistently.

Employees shall remember they are paid by public funds and the public holds them to a high standard of professionalism. The Employer has an overriding interest and expectation in deciding what is "spoken" on behalf of the Employer. This policy is not meant to infringe on one's right to free speech, rights under R.C. 4117, or any other protected activity.

B. Scope : All employees will be subject to and held accountable for any conduct outlined in Social Media Policy. This policy works in conjunction with other related personnel policies and procedures (e.g., harassment).

C. Social Media refers to the use of websites such as, but not limited to, Facebook, Myspace, Twitter, Flickr, LinkedIn. For purposes of this policy, Blogs and other internet forums shall also be covered. Nothing in this policy is meant to prohibit access to any social media website or Blog which may be work-related.

D. Policy

1. On Duty Conduct – While at work, an employee may only access social media websites, Blogs and/or other internet forums of communication during their lunch, breaks or other non-working time. This includes access from a personal device (e.g., BlackBerry device, Smartphone, iPhone, iPad, Laptop, etc.) during an employee's compensated hours of work.
2. On and Off Duty Conduct – An employee enjoys no expectation of privacy to information posted into cyberspace even while off duty. This includes anything posted to a social media website, Blog, or other similar internet forum of communication. Although information may be posted to a "private" webpage, the employee should be aware this information can still be accessed by the public and other sources in a number of ways. Because of this, an employee needs to use discretion when posting comments, photos, opinions, or any other information related to his or her employment. Any social media activity which portrays the Employer in a negative light will be evaluated and may result in disciplinary action up to and including termination. Examples of prohibited conduct include, but are not limited, to:

- a. posting one's photograph while wearing the Employer's uniform (or other similar attire, which could be misidentified as the official uniform) without approval;
 - b. posting pictures, videos, or comments that are insubordinate with respect to the employee's employment;
 - c. posting pictures, videos, or comments that constitute or could be construed as unlawful behavior;
 - d. knowingly or recklessly posting false information about the Employer, supervisors, coworkers, public officials, or those who have a relationship with the Employer. This also includes disparagement of a fictitious character or computer-generated likeness that resembles the above;
 - e. posting, transmitting, or disseminating any pictures or videos of official training, activities, or work-related assignments without the express permission of a supervisor;
 - f. posting pictures, videos, or comments that are sexual, obscene, violent, offensive, harassing, or pornographic in nature along with any reference to the Employer or individual's employment.
3. Employees shall not imply they are representing the Engineer's Department unless authorized to do so.
 4. Confidential Information – An employee shall not disclose any work-related confidential or proprietary information on any social media website, Blog, or other internet forum of communication. This can include information that may eventually be obtained through a valid public record's request.
 5. Employees are encouraged to follow the internal complaint procedure and not utilize the internet to voice work-related complaints.
 6. Employees found to have violated any part of this policy may be subject to discipline up to and including termination.
 7. Any deviation from the above policy shall be approved by the Employer in writing.

Original Adoption Date: 1/1/2014 Revision Date: 1/1/2014

- A. Under no circumstances shall an employee have other employment that conflicts with the policies, objectives, and operations of the Hamilton County Engineer’s Office. In addition, an employee shall not become indebted to a second employer whose interests might be in conflict with those of the County Engineer.
- B. An "employment conflict," as set forth in this policy, exists when a second job impairs the employee's ability to perform the duties of his/her position with the County Engineer.
- C. Full-time employment with the County Engineer shall be considered the employee's primary occupation, taking precedence over all other occupations.
- D. Prior to accepting "outside" employment or becoming self-employed, an employee shall notify the County Engineer or designee, in writing, of the employee’s intention to be employed in a secondary job. The County Engineer or designee shall confer with the employee to determine whether the secondary job presents a conflict with County Engineer’s Office policies, objectives, interests, and/or operations.
- E. "Outside" employment, or "moonlighting," shall be a concern to the County Engineer only if it adversely affects job performance. Common employment conflicts that may arise are:
 - 1. Time Conflict: defined as when the working hours required of a secondary job directly conflict with the scheduled working hours, or when the demands of a secondary job prohibit adequate rest, thereby adversely affecting an employee's job performance.
 - 2. Interest Conflict: defined as when an employee engages in "outside" employment that tends to compromise his/her judgment, actions, and/or job performance.
 - 3. Independent review: exists when the employee’s duties would cause them to have to approve, inspect, or make recommendations regarding work of the outside employer.
 - 4. Secondary review: occurs if the County Engineer’s Office would have to approve, inspect, or review the work of the employee in his/her outside employment.
- F. If, in the opinion of the Employer, outside employment is adversely affecting an employee's job performance or independent judgment, the employee may be asked to refrain from such activities as a condition of continued employment. Refusal to conform to such a request shall be cause for disciplinary action, up to and including termination from employment with the County Engineer’s Office.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. The County Engineer reserves the right to prescribe appropriate dress and appearance standards which are in the best interest of County service. Employees who work around machinery and equipment must observe all safety regulations, including the use of appropriate articles of clothing (shoes, goggles, hard hats, and so forth).
- B. The Employer requires that an employee's clothing, grooming, and overall appearance be appropriate, in good taste, present a favorable public image, and be in conformity with regulations established by the Employer due to the specialized nature of the employee's position.
- C. Clothing and shoes shall be conducive to the safe and effective performance of required job duties.
- D. Uniforms, if provided by the Employer, shall be worn during all working hours and shall not be modified in any way. Employees are required to keep uniforms neat, clean, and in good repair.
- E. No flip-flops or thong sandals may be worn by any employees during work time. Sandals are acceptable so long as they do not pose a safety hazard or violate any applicable regulation.
- F. Any clothing, garment, and/or accessory that has words, terms, or pictures that may be offensive, obscene, harassing, or distracting to other employees is unacceptable attire.
- G. The nature of the work, safety considerations, the nature of the employee's public contact, and the expectations of outside parties with whom the employee will work should be considered in determining appropriate professional attire. In the case of a request for a necessary medical or religious accommodation, employees shall see their supervisor.
- H. Employees with questions regarding the Employer's dress code or what would be considered appropriate attire should request clarification by the Employer before wearing an item which might be in violation.
- I. Any employee determined to be inappropriately dressed will be sent home, without pay, to change and will be subject to corrective action.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

In order to maintain an orderly and productive working environment, the Engineer reserves the right to regulate solicitation and distribution by employees and non-employees.

- A. Employee Solicitation Rule: No employee shall solicit another employee on the premises of the County Engineer, while either employee is on his/her working time, without prior written approval of the employee's Department Head. "Working time" means all the time an employee's duties require that he/she be engaged in work tasks. However, solicitation is permitted during non-working time in non-working areas, (e.g., rest rooms, hallways, break rooms, etc.).
- B. Employee Distribution Rule: Distribution of any type of literature, brochures, goods, buttons, pins, badges, or other insignia etc., during working or non-working time, is prohibited in working areas without prior approval. Employees may distribute goods and written materials during non-working time in non-working areas (e.g., rest rooms, hallways, and break rooms, etc.).
- C. Non-Employee Solicitation and Distribution Rule: Non-employees are not permitted access to the premises of the Hamilton County Engineer's Office, including the interior of the facilities and other working areas, for the purpose of solicitation and/or distribution. This section does not apply to vendors engaged in or desiring to engage in the supply of goods, materials, or services to the County Engineer, which goods, materials, or services are utilized in the conduct of public business.
- D. Display of unofficial material: Displays of personal items in or on any personal information (e.g. political, religious, sports, any discriminatory or offensive material, etc.) or any other unauthorized material in or on any County property or equipment, including but not limited to bulletin boards, county vehicles, computers, personal protective equipment (e.g. hardhats, etc.) is prohibited except upon approval by the Department Head. This includes limitations on unapproved computer wallpaper and screen savers and stickers, flags, and emblems. Employees may be permitted to wear one pin, badge, or insignia at a time provided such display is in good taste and of a size that does not cause a distraction or impose a safety concern.
- E. Violation of this policy may result in corrective action.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. In order to maintain a safe and efficient workplace free of alcohol abuse or the impression of improper alcohol use, it is the policy of the Hamilton County Engineer that the use or possession of alcohol during working hours or being under the influence of alcohol while at work is strictly prohibited. This would include the use of alcohol before reporting to work as well as consumption during meal periods or breaks.
- B. Employees are not permitted to use or possess alcoholic beverages in County Engineer buildings or vehicles.
- C. The Employer reserves the right to require employees to submit to tests for drug or alcohol abuse pursuant to the Drug Free Workplace Policy and/or the Commercial Driver's License Drug Testing Manual as explained and defined therein. The policies and procedures for alcohol and drug testing are incorporated under this policy.
- D. Any employee who violates this policy will be subject to discipline which may include termination.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. It is the policy of the County Engineer's Office to maintain a safe and productive workplace free of drugs and free of those individuals who use drugs. Certain offenses related to the use and distribution of drugs in the workplace are criminal offenses and may result in the loss of federal funds; therefore, the County Engineer has established the following requirements for a drug-free workplace:
1. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee that takes place in whole or part in the workplace is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.
 2. Any employee convicted of any federal or state criminal drug statute for a violation that occurs in the workplace must notify the Employer of that fact within five (5) calendar days of the conviction.
 3. If an employee is found to have used illegal drugs, refused to submit to a properly ordered drug test, or reported for duty in an altered or impaired condition for any reason that is the result of the illegal use of controlled substances shall be subject to disciplinary action. Any decision regarding discipline may be held in abeyance pending the completion by the employee of a drug rehabilitation program.
 4. An employee may be found to use illegal drugs on the basis of any appropriate evidence including, but not limited to:
 - a. direct observation;
 - b. evidence obtained from a workplace-related arrest or criminal conviction;
 - c. a verified positive test result; or,
 - d. an employee's voluntary admission.
 5. Any employee convicted of a workplace-related drug offense, who fails to report the conviction as required by the above, will be:
 - a. terminated from employment;
 - b. barred from future employment with the Hamilton County Engineer's Office; and
 - c. held civilly liable for any loss of federal funds resulting from the failure to report the conviction.
- B. Notice Upon Hiring: As a condition prior to hiring, a prospective employee will receive a copy of the Drug Free Workplace notice and policy, and will be required to sign a statement which will become a permanent part of the prospective employee's personnel file once is hired by the County Engineer. In addition, as a further condition prior to hiring, all prospective employees will be required to sign a written statement to the effect that:
1. they understand and support the County Engineer's Drug Free Workplace policy;

2. they agree to refrain from violating this policy while in the employ of the County Engineer; and
3. they acknowledge in advance that they understand that the penalty for breach can be discharge and agree that it is appropriate when supported by evidence.

C. Policy Distribution: The Engineer will endeavor annually to provide each employee with a package containing:

1. information concerning the dangers of drug abuse in the workplace;
2. a current copy of the County Engineer's Drug Free Workplace notice;
3. a current copy of the County Engineer's Drug Free Workplace policy;
4. information concerning any available drug counseling, rehabilitation, and employee assistance programs;
5. information concerning the penalties that will be imposed for the breach of the County Engineer's Drug Free Workplace policy; and
6. notice to the employee that any work-related conviction of any federal or state criminal drug statute must be reported in writing to the County Engineer within five (5) calendar days after such conviction.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. Certain classifications require a Commercial Driver's License (CDL) to be obtained and retained as a condition of employment. Employees may be required to provide evidence of a valid CDL or driver's license and/or demonstrate possession of the license at any time without prior notice.
- B. Any employee who holds such a position who fails to maintain the required CDL and/or endorsement, or who is subject to the suspension, disqualification, confiscation, or revocation of such license, shall immediately (prior to the employee's next scheduled shift) inform his/her supervisor. Failure to report the suspension, disqualification, confiscation, or revocation constitutes serious misconduct and is grounds for disciplinary action. All Supervisors are responsible for notifying the Compliance Officer immediately. Parties who fail to report said instances are subject to disciplinary action.
- C. An employee who has his or her license suspended (regardless of whether the court of administrative agency has granted driving privileges) will not be permitted to operate County Engineer vehicles or equipment requiring the affected license. The employee is placed on administrative leave until a disciplinary hearing takes place. Findings of the disciplinary hearing will determine the next course of action.
- D. An employee's failure to maintain the required license and necessary endorsements, including the suspension, disqualification, or notice of pending disqualification of the license will be cause for discipline, up to and including, termination of employment.
- E. The Department of Transportation, Federal Highway Administration rules on "Controlled Substances and Alcohol Use and Testing" (49 CFR 382) shall apply to all CDL holders. The procedures for testing are contained in Department of Transportation Workplace Drug and Alcohol Testing Programs (49 (CFR Part 40). The Employer will provide to all affected employees the required awareness training and information regarding the required testing, including random, mandated by the rules. All drug/alcohol testing required by the rules shall be paid for by the Employer (except pre-employment testing).
- F. Newly hired employees may be required to obtain any necessary license and/or endorsement prior to the end of the employee's probationary period (maximum 180 days) as an express condition of continued employment. A probationary employee will be permitted to attempt to pass the CDL test twice during the probationary period. On the first attempt, the employee will be permitted one-half (1/2) day leave of absence with pay. If necessary, on the second attempt, the employee will be permitted one-half (1/2) day leave of absence without pay. NOTE: The employee will be permitted to use compensatory time if said employee has enough accrued time to cover their leave.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. The County Engineer, through the Personnel Office, shall maintain official personnel files on all employees of the County Engineer. Such files shall include, but may not be limited to, individual employment data; work schedules; payroll information; records of additions or deductions; application forms; records pertaining to hiring, promotion, demotion, transfer, layoff, termination, discipline, etc. An employee shall have a right of reasonable inspection of his/her official personnel file. Personnel file access is governed by R.C. 149.43 and R.C. Chapter 1347.
- B. The Employer will monitor the accuracy, relevance, timeliness and completeness of the personnel records, take reasonable precautions to protect information in the system from unauthorized and unlawful modification, destruction, use or disclosure and shall collect, maintain and use only that information necessary and relevant to the Employer's functions.
- C. An employee must advise the Personnel Office of any change in name, address, marital status, telephone number, number of exemptions claimed for tax purposes, citizenship, selective service classification, or association with any government military service organization.
- D. Records related to a grievance filed by or on behalf of an employee may be maintained in a separate administrative file upon request of the employee.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. Public Records Requests: The County Engineer’s Office will prepare and make available for inspection and/or copying “public records,” as defined in O.R.C. 149.43, upon request of any member of the general public, including County Engineer employees, as provided in the Hamilton County Engineer’s Office “Public Records Policy.”
- B. Self Help to Records Prohibited:
1. No employee may copy or remove any record or writing, even those regarded as “public records,” without first obtaining advanced written permission from the County Engineer or designee or without going through the process for obtaining public records.
 2. No employee may copy, or use any agency writing, document, or record in any grievance, appeal, or legal action without first obtaining the written permission of the County Engineer or designee. This particular policy does not apply to matters obtained through formal “discovery” under the Rules of Civil Procedure.
 3. Except for official agency business, no employee may have any agency writing or document in his/her possession, unless obtained in accordance with this policy.
 4. Penalty for Breach of this Policy: Any employee who is discovered to have violated this policy will be subject to disciplinary action up to and including termination of employment. Any former employee who is discovered to have violated this policy by producing unauthorized documents or tape recordings at any grievance, appeal, or civil action against the Employer will be barred from reinstatement or re-employment, and may be subject to civil or criminal penalties.
- C. All employees must comply with the latest version of the Public Records Policy that has been approved by the County Engineer, which is incorporated herein by reference.
- D. Public Records Policy
(Requests for Public Records, Records Retention and Personnel Files)
1. Overview
 - a. Ohio Public Records Act (ORC 149.43) provides for prompt inspection of public records and requires that copies of existing public records be provided in a reasonable period of time. Compliance with the Public Records Act is subject to audit by the State Auditor.
 - b. The purpose of this policy is to provide employees of the Hamilton County Engineer's Office with information regarding the Public Records Act, to establish procedures for responding to requests for public records, and to establish procedures for the maintenance of records and personnel files.

2. Guideline

- a. A two-stage analysis is required under the Public Records Act to determine what documents or electronic/recorded information is subject to public access. The first step is to determine if the document or electronic/recorded information qualifies as a "record." ORC Section 149.011(G) defines a "record" to be any document, device, or item, regardless of physical form or characteristics, including an electronic record, created or received by or coming under the jurisdiction of any public office of the state or political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the office. Documents or electronic/recorded information that does not document public office activities in this manner are not subject to the Public Records Act and are not subject to public access.
 - b. If a document or electronic/recorded information does qualify as a "record" it is then a "public record," subject to public access and disclosure unless it is specifically exempt from disclosure under the terms of the Public Records Act. The second step of the analysis is to determine if any of the statutory exemptions apply to the document or electronic/recorded information. For example, attorney-client communications are confidential by state law and exempted from disclosure under the terms of the Public Records Act. These exemptions are to be narrowly construed and if a record does not clearly fit into one of these categories of exemptions, it must be released.
 - c. During each term of office, each elected official, or appropriate designee, is required to attend three hours of training (pertaining to the Ohio Public Records Law) that has been approved by the Ohio Attorney General as provided in Section 109.43 of the Revised Code.
3. A notice describing this Public Records Policy shall be posted in the Engineer's Office lobby.
 4. The Hamilton County Engineer's Office shall follow the Hamilton County Engineer's Office Records Retention Schedule, adopted by the Hamilton County Records Commission. Records will be disposed in accordance with the policy of the Hamilton County Record's Commission.
 5. In accordance with ORC 149.43, the Hamilton County Records Commission is comprised of a member of the Board of County Commissioners, the Prosecuting Attorney, the Auditor, the Recorder, and the Clerk of Courts. All commission members, other than the member of the Board of County Commissioners, may designate a representative to attend Records Commission meetings on their behalf.

E. Requests for Public records

1. The Hamilton County Engineer shall ensure that all public records requests are promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Any questions regarding requests, including what can and cannot be released or redacted, shall be directed to the Records Manager or the Chief Deputy who may seek assistance from the County Prosecutor's office. The Hamilton County Engineer's Office shall:
 - a. Designate one employee as the point-of-contact for all records requests;
 - b. maintain a copy of the Records Retention Schedule and a copy of this policy and procedure for public access and review.
2. While it is not required that public records requests be submitted in writing, the requestors are encouraged to submit the requests in writing, in an effort to prevent any misunderstanding as to the records the requestor is seeking. Individuals requesting a public record cannot be forced to provide identification or a reason for the request, and cannot be charged for time and labor spent fulfilling the request. If a requestor makes an overly broad request, or has difficulty in specifying the request, the employee (point-of-contact) shall provide the requestor with reasonable assistance to facilitate their request, such as providing a copy of the retention schedule and policy and the opportunity to revise the request. Note: If a request is made in writing, the response must also be in writing.
3. If a request is denied in whole or in part, the requestor shall be provided an explanation including the legal authority setting forth why the request was denied. The requestor will be notified if the request is for a record that was never maintained or is no longer maintained (i.e., record met retention period and was destroyed). If the initial request was provided in writing, the explanation also shall be provided to the requester in writing.
4. If a request includes information that is "exempted" from disclosure, that information must be redacted. The requestor must be notified in writing of what information was redacted and the specific section of the Ohio Revised Code granting legal authority for redaction. (This notification may be made right on the document itself.)
5. In response to a public records request, a maximum of ten (10) public records per month may be sent by mail unless the requester certifies in writing that such records are not being requested for any commercial purpose as provided in the Ohio Public Records Act.
6. All charges for copies, plus any postage and delivery charges, are compiled on an invoice. Payment for the cost of the copies may be requested in advance. Payment may be made by cash or a check written out to the Hamilton County Engineer. As a cost saving measure, copies may be double-sided, unless requested otherwise.

7. Instances when assistance is offered to facilitate a request, even if such assistance does not result in the release of records, may be documented. The original record request and a copy of the corresponding invoice shall be kept on file for two (2) years.

F. RECORDS RETENTION

1. The Office of the Hamilton County Engineer is responsible for maintaining and disposing of their records according to its Records Retention Schedule. The Hamilton County Engineer's Office shall designate an employee as the Records Manager who will also serve as the point of contact for records requests.
2. The Records Manager must adhere to the retention standard when disposing of records that have met their retention period.
3. The Records Manager or designee shall attend the Hamilton County Records Commission meetings held twice a year.

G. PERSONNEL FILES

1. Personnel records will be kept confidential to the extent permissible by the Ohio Public Records Act (ORC 149.43).
2. An employee may review his/her official personnel file in the presence of the Personnel Office and copy any documents in the file at no charge. The employee may also attach letters of explanation to documents where the employee feels such explanation is necessary.
3. For employment verification purposes, the Personnel Office may release an employee's name, job title, employment dates, and salary information. The Personnel Office may release information on current or former employees.
4. Employees must advise the Personnel Office of any change in their personal information or status (e.g. name, address, marital status, telephone number, number of exemptions for tax purposes, citizenship, or association with any governmental military service organization).

H. STANDARD OPERATING PROCEDURES

1. The Office of the Hamilton County Engineer may establish, maintain and communicate standard operating procedures (SOPs) for effectively administering this policy in accordance with applicable laws and regulations.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. All information obtained by employees in the course of their employment with the County Engineer and all County Engineer data shall be considered confidential and proprietary. Personal, financial, and business information which employees obtain during the normal course of their employment shall not be discussed nor disclosed to anyone other than those individuals who have a need to know for legitimate business purposes.
- B. In order to protect against inappropriate use of information or data maintained by the Employer, all employees are required to comply with the following regulations:
 - 1. Accessing confidential/proprietary information or data, other than as required for work purposes, is prohibited.
 - 2. Removal of information or data from the Employer's premises without advance approval from the County Engineer or designee is prohibited.
 - 3. Discussion of such information with other persons for other than legitimate work related purposes is prohibited.
- C. Using confidential/proprietary information or County Engineer data for any purpose other than as required to complete assigned work tasks, discussing such confidential/proprietary information or data with anyone other than for work purposes, or removal of such information or data from the Employer's premises without authorization, will result in discipline of the employee, including possible termination of employment with the County Engineer.
- D. Any employee who has a question regarding the use of confidential/proprietary information or data maintained by the Employer, should request clarification of the Employer's policy before risking a possible violation of this policy.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. No employee shall have any expectation of privacy regarding any personal information, documents, materials, or other personal items maintained in any Employer-provided locker, vehicle, desk, file, computer, cellular device, or elsewhere in Employer-owned property.
- B. The Employer shall have the right to search and review any files, e-mails, web sites, etc., maintained or accessed by the employee on any computer provided by the Employer for the employee's use. The Employer shall have complete access to any telephone records, cellular device logs, or other information maintained on any Employer-provided cellular device.
- C. Any Employer-provided locker, desk, file cabinet, vehicle, or other equipment shall be subject to search at anytime by the Employer.
- D. Supervisors must contact the Personnel Office prior to searching an employee's personal property (e.g. lunch bags, purses, briefcases, vehicles, etc.).

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

- A. The County Engineer, in conjunction with the County Risk Management Manager, has an interest and responsibility to protect the property, tools, equipment, and vehicles owned and stored in the Hamilton County facilities.
- B. Where available, the facility access tracking software shall be operated during all periods of time when employees are not regularly scheduled to work at any location, facility, or building. The hours may vary based upon operational need and will be communicated to employees and the Hamilton County Risk Management Manager.
- C. The Employer will maintain an updated list of all persons who are authorized for after-hour access to the facilities, grounds, and buildings. This list will be reviewed and updated periodically by each Department Head. The Department Head shall determine which employees require after-hour access to the facilities, grounds, and /or buildings based upon the employee's required job duties. If an employee is determined to no longer need access, the employee shall be required to return all keys to the employee's Department Head. Refusal to return a key or making unauthorized copies of keys is grounds for dismissal. All keys must be returned upon separation of employment, for any reason, of an employee.
- D. The Fleet Superintendent, or designee, shall monitor after-hour access by taking readings from the gate security system weekly and comparing this information with pre-scheduled overtime lists, the Hamilton County Communication Center documentation regarding callouts, and fuel system usage printouts. All other undocumented or unscheduled after-hour access will be verified with the employee's supervisor and must be documented in writing, including the reason for the after-hour access.
- E. All other after-hour access to County Engineer facilities, grounds, and/or buildings must be approved in advance pursuant to the Departmental procedure for obtaining approval. Each Department Head shall submit a written procedure for authorizing such after-hour access to the County Engineer, or designee, for approval prior to implementing such procedure. Each Department Head is responsible for training employees on how this permission may be obtained and under what circumstances it will be granted. The purpose, time, date and location of the visit must be documented. Accessing the grounds or facilities without proper purpose and without prior authorization is grounds for discipline.
- F. Employees visiting the downtown offices may be required to sign in and out at the front desk with the security guard.
- G. A standard form (After-Hour Facility Entry Form) has been developed for documenting visits to the facilities not covered by other means of documentation. It will be available from all supervisors and is located in the standard forms section of the HCEO Public Network Drive. Completed forms will be filed with the Fleet Superintendent for at least a two (2) year period, and disposed of pursuant to the rules on record retention.

H. Examples of some common situations that are covered by this policy include:

1. Employees, who are using a county vehicle and need to drop it off and pick up their personal vehicle after the gate is closed and the system is activated each day, must have this arrangement pre-authorized with their supervisor or the designated person for that facility. This will be handled by calling in before the gate security system is activated by telephone or by radio.
2. Night shift staff are required to document being off the grounds during their shifts. Night shift staff is required to prepare a daily summary of their activity. This summary should include information about when they were off the grounds. They will also be required to ensure that other persons who access the facilities during their shift, other than contracted cleaning personnel, have prior approval for their visit unless it was ordered by the Communications Center or was for fuel.
3. If the employee has been given keys to access a facility, they are still required to obtain permission before doing so, unless one of the prior reasons apply (fuel, callout, etc.). Being given keys to a facility does not in and of itself give the employee permission to access facilities without having prior approval or a work related need. The name of the person who approved the visit must be noted on the documentation.
4. If the employee does not have keys and needs to visit the facility, they must state the reason and coordinate the visit with an approved person who does have keys, at their mutual convenience.
5. The person who approved the visit and/or accompanied the employee on the visit must sign off on the documentation.
6. Under no circumstances will non-approved employees or guests be permitted at the facilities after hours. If an employee with approval brings unapproved third persons into the facilities after hours, this will be considered a serious violation of the policy and the employee will be subject to discipline. The employee will be financially responsible for any or all actions of the third party, including theft or damage of equipment, whether intentional or accidental.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

It is the goal of the County Engineer's Office to provide all employees with a safe and healthful work environment. The County Engineer and all Department Heads believe that safety must always be foremost in the minds of County Engineer employees.

- A. Engineer Responsibility: The responsibility of the County Engineer is to support Department Heads in their efforts to provide a safe and healthful workplace, and to provide Department Heads with the resources necessary to reach this objective. The County Engineer will also take disciplinary measures, or support the disciplinary measures taken by Department Heads, when an employee violates health and safety rules.
- B. Department Head Responsibility: The responsibility of each Department Head is to provide a safe and healthful workplace, establish and maintain a departmental health and safety program, ensure employees are properly trained, report accidents, provide medical and first aid equipment, ensure that personal protective equipment is available and utilized, provide employees with health and safety information, support lower level supervisors in their health and safety activities, and to evaluate the health and safety performance of lower level supervisors.
- C. Supervisory Responsibility*: The responsibility of supervisors is to properly instruct employees, enforce health and safety regulations, correct unsafe acts and conditions, ensure that only authorized and adequately trained personnel operate equipment, report and investigate accidents/incidents, inspect areas of responsibility for hazards, ensure equipment is properly maintained, and instill safety awareness in employees. When a safety violation is reported, the supervisor (or Department Head if there is no other supervisor) shall immediately commence an investigation into the incident.
- D. Employee Responsibility: The responsibility of all County Engineer employees is to follow safe work procedures, know and comply with applicable regulations, report injury or illness immediately, report any accidents or safety violations, and participate in any County Engineer sponsored health and safety meetings, programs or committees. Any employee questions regarding health and safety should be directed to the employee's Department Head.

*Some County Engineer Department Heads will have both Department Head and supervisory responsibilities.

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- A. The safety and security of employees, clients, contractors, and the general public are of vital importance to the Engineer Office. Therefore, threats, threatening behavior, or acts of violence made by an employee or anyone else against another person's life, health, well-being, family, or property will not be tolerated. Employees found guilty of violence or threats of violence will be subject to disciplinary action up to and including termination of employment.
- B. The purpose of this policy is to provide guidance to employees of the County Engineer should they encounter a situation that they believe is or could result in an act of violence.
- C. The word "violence" in this policy shall mean an act or behavior that:
1. is physically assaultive;
 2. a reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property);
 3. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another;
 4. would be interpreted by a reasonable person as carrying a potential for physical harm to the person;
 5. a reasonable person would perceive as intimidating or menacing;
 6. involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
 7. consists of a communicated or reasonably perceived threat to destroy property.
- D. The Employer prohibits the following:
1. Any act or threat of violence by an employee against another person's life, health, well-being, or property.
 2. Any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion.
 3. Any act or threat of violence which endangers the safety of employees, clients, contractors, or the general public.
 4. Any act or threat of violence made directly or indirectly by words, gestures, or symbols.

5. Use or possession of a weapon on the Employer's premises, on an Engineer controlled site, or an area that is associated with Engineer employment except as required in the line of duty (i.e., law enforcement).
6. The possession or use of dangerous weapons is prohibited on Employer property, in Employer vehicles, or in any personal vehicle which is used for Employer business or is parked on Employer property, except as hereinafter provided.
 - a. A dangerous weapon is defined as:
 - (1) A loaded or unloaded firearm; or
 - (2) a weapon, device, electronic stun weapon, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
 - b. Exceptions: Individuals may possess a firearm on Employer property if the individual is employed in a law enforcement capacity. Employees, who possess a valid permit to carry a firearm, if a firearm is brought on Employer property, must keep the firearm unloaded and in the employee's personal vehicle, which shall be locked.

E. PROCEDURE

1. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on the Employer's property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The Employer will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.
2. It is a requirement that all employees report any behavior that compromises the Employer's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know or as required by law. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on an Engineer controlled site, or is associated with Engineer employment.
3. All incidences of suspected or potential violence should be reported to the employee's Department Head. Employees should not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Employees should not wait until it is too late to be proactive.
4. Supervisor Responsibilities: Department Heads are responsible for assessing situations, making decisions on the appropriate response, and responding to

reports of or knowledge of violent activities that have occurred in the workplace or that involve an employee of the County Engineer.

5. When any actual, potential, or suspected incident of violence is brought to the attention of the Department Head, the Department Head or designee shall evaluate the severity of the situation immediately and have the individual reporting the incident fill out a Workplace Violence Incident Report Form. If it is concluded that an actual act of violence has occurred or if there is a likelihood that violence could result, the Department Head or designee shall:
 - a. Discuss the situation with the employee(s) and attempt to find out what caused the situation.
 - b. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:
 - (1) Assigning a different employee to the area or job.
 - (2) Talking with the disgruntled citizen or employee(s).
 - (3) Discussing the incident and offering suggestions for appropriate action.
 - (4) Referring the affected employee(s) to professional help or counseling.
 - (5) Disciplining the employee(s), up to and including termination of employment.
 - c. Report all actions taken to the Personnel Office.
6. All employees who apply for, obtain, or are the subject of a restraining order which lists any County Engineer locations as being protected areas, must provide to their Department Head a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

Original Adoption Date: 8/7/2013 Revision Date: 1/1/2014

**HAMILTON COUNTY ENGINEER
PERSONNEL POLICY AND PROCEDURE MANUAL**

**CHAPTER 9
EMPLOYEE DISCIPLINE**

- 9.1 DISCIPLINE
- 9.2 PROGRESSIVE DISCIPLINE
- 9.2A GUIDELINES FOR DISCIPLINE
- 9.3 PRE-DISCIPLINARY CONFERENCE
- 9.4 APPEALS OF PERSONNEL ACTIONS
- 9.5 GRIEVANCE PROCEDURE

- A. The Hamilton County Engineer believes a clearly written discipline policy will serve to promote fairness and equality in the workplace, and will minimize potential misunderstandings among employees in disciplinary matters. Further, the County Engineer believes certain basic principles, set forth below, must be consistently applied in order to effectively and fairly correct unsatisfactory job behavior.
1. Employees shall be advised of expected job behavior, the types of conduct that the County Engineer has determined to be unacceptable, and the penalties for such unacceptable behavior.
 2. Immediate attention shall be given to policy infractions.
 3. Discipline shall be applied in a reasonably uniform and consistent manner throughout the County Engineer's Office, and any deviation from standard procedures must be well justified and documented.
 4. Each offense shall be dealt with as objectively as possible.
 5. Discipline shall be progressive, where appropriate, and as warranted by the nature of the offense.
 6. The purpose of disciplinary action, other than termination, is to correct unacceptable performance, conduct or behavior. All disciplinary actions, other than termination, shall be calculated to best convey the expectations of management.
 7. Performance evaluations are not considered disciplinary action.
- B. An employee's immediate supervisor is primarily responsible for administering corrective action of verbal counseling and designated supervisors and Department Heads may issue written reprimands. Supervisors may recommend to the County Engineer disciplinary action including suspension, reduction, or termination. Supervisors must contact the Personnel Office prior to issuing any disciplinary action consisting of a written warning or greater.
- C. Only the County Engineer has the authority to reduce an employee in classification or pay, fine, suspend, or terminate an employee. Prior to such discipline, classified employees are entitled to notice of the charges and a pre-disciplinary conference must be held.
- D. Suspensions of more than twenty-four (24) work hours for non-exempt employees or more than forty (40) work hours for employees exempt from overtime compensation, reductions, or removals of classified employees must be in writing and hand delivered to the employee or mailed by certified mail. Within ten (10) days of the notification to the

employee, a copy of the notice must be filed with the County Personnel Department and the State Personnel Board of Review in accordance with R.C. Section 124.34.

- E. Reduction in classification or pay, suspension, or removal of an unclassified employee may be executed at the discretion of the County Engineer. A written notice shall be provided to the employee.

- F. The County Engineer may place an employee on administrative leave with pay, in circumstances where the health or safety of the employee, other employees, or of any person or property entrusted to the employee's care could otherwise be adversely affected. The length of the leave shall not exceed the length of the situation for which the leave is granted, for example, in a disciplinary situation such leave might extend until the County Engineer or designee completes an investigation of the matter, conducts a pre-disciplinary conference and takes action or decides no action is required.

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- A. The County Engineer, Department Heads, and supervisors shall follow an established system of progressive discipline when correcting job performance and/or behavior for all classified employees. Unclassified employees are not subject to the provisions of this policy.
- B. The County Engineer has adopted this discipline policy as guideline for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the statutory rights of the County Engineer as set forth in the Ohio Revised Code.
- C. Except in instances of serious misconduct or where otherwise warranted, discipline shall generally be applied in the following order:
1. Verbal Counseling – Normally, the first step of corrective action is intended to inform the employee of deficiencies in his/her job performance, conduct, or attendance. Any member of management in the employee’s chain of command may issue a verbal counseling, including foremen, crew leaders, and temporary supervisors (with the consent of their supervisor). The supervisor issuing the counseling shall document that a verbal counseling was issued and that the supervisor met with the employee to discuss the counseling and corrective action. The record of the verbal counseling shall be forwarded to the Personnel Office, placed in the employee’s personnel file, and attached to the employee’s next performance evaluation. A verbal counseling may not be appealed.
 2. Written Reprimand – Normally, the second step of corrective action, however, a written reprimand may be warranted for a first offense depending on the seriousness of the action or misconduct. The supervisor or Department Head issuing the reprimand shall complete the record meet with the employee to discuss the corrective action and convey management’s expectations. Written reprimands will only be in effect for purposes of progressive discipline for twelve (12) months from the date it was issued, so long as there is no intervening disciplinary action. A copy of the written reprimand shall be forwarded to the Personnel Office and placed in the employee’s personnel file. A written reprimand may be appealed through the internal grievance procedure.
 3. Suspension – A more severe form of corrective action that normally results in a loss of pay to the employee. The notice of suspension shall be in writing and a copy provided to the Personnel Office to be placed in the employee’s personnel file. Records of suspensions of less than twenty-four (24) scheduled work hours will only be in effect for purposes of progressive discipline for eighteen (18) months from the date it was issued, so long as there is no intervening disciplinary action. Records of suspensions of twenty-four (24) scheduled work hours or more will be in effect for purposes of progressive discipline for twenty-four (24) months from the date it was issued, so long as there is no intervening disciplinary

action. All suspensions may be appealed through the internal grievance procedure; however, only suspensions of twenty-four (24) hours or more may be appealed to the State Personnel Board of Review (SPBR).

- D. Employee may submit a written statement of explanation to be attached to the record of discipline in the employee's personnel file.
- E. This discipline policy provides standard penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all inclusive, and merely serve as a guide.
- F. The standard penalties provided in this policy do not preclude the application of a more or less severe penalty for a given infraction when specific circumstances warrant such penalties. In those cases where the penalty deviates from the recommended standard penalty, the reasons for such deviation must be noted in writing by the supervisor.

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- A. O.R.C. Section 124.34 sets out the forms of misconduct which are the legal basis for reduction, suspension, or removal of a classified employee who has completed the probationary period. Those forms of misconduct are:
1. neglect of duty;
 2. incompetency;
 3. inefficiency;
 4. dishonesty;
 5. drunkenness;
 6. immoral conduct;
 7. insubordination;
 8. discourteous treatment of the public;
 9. any other failure of good behavior;
 10. any other acts of misfeasance, malfeasance, and nonfeasance; and
 11. violation of any policy or work rule of the Employer.

Conviction of a felony is grounds for reducing pay or classification, suspending, or removing an employee. Any employee convicted of a felony has no right to appeal disciplinary actions as a result of that conviction.

- B. The offenses set forth in Groups I, II, and III below are non-inclusive examples of the above forms of misconduct which the SPBR has historically judged to warrant the penalties established for that group.
- C. In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary impact against the organization unless such acts are compounded over time.
- D. Group II Offenses may be defined as those infractions which are of a more serious nature than the Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a serious and longer lasting impact against the organization than the Group I Offenses.
- E. Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature, and/or which cause a critical disruption to the organization in terms of decreased productivity, efficiency, and/or morale. Group III Offenses, if left undisciplined by proper authority, may have a long-lasting and serious adverse impact on the organization.
- F. Grounds for Disciplinary Actions and Penalties

Group I Offenses:

First Offense:	Verbal Counseling
Second Offense:	Written Reprimand.
Third Offense:	Up to three (3) day suspension without pay (or working suspension for administrative, supervisory or professional employees exempt from overtime).
Fourth Offense:	Up to fifteen (15) day suspension without pay.
Fifth Offense:	Up to termination.

Examples of Group I Offenses:

1. Failure to follow notification requirements for any absence (e.g. late call off).
2. Failure to commence duties at the beginning of the scheduled work period, or leaving work prior to the end of the work period without authorization.
3. Leaving the job or work area during the regular working hours without authorization.
4. Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
5. Leaving post of continuous operations position prior to being relieved by employee of incoming shift.
6. Neglect or carelessness in signing in or out.
7. Unauthorized absence from work for a brief period of time (extended absences will be considered a more serious offense).
8. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
9. Distracting the attention of others, unnecessary shouting, demonstration, or otherwise causing disruption on the job.
10. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including the use of profane or offensive language.
11. Interfering with the work performance of subordinates or other employees.
12. Failure to cooperate with other employees as required by job duties.
13. Failure to use reasonable care or neglect of Employer property or equipment.
14. Use or possession of another employee's working equipment without authorization.

15. Neglect or carelessness in observance of official safety rules, or disregard of common safety practices.
16. Failure to observe department procedures.
17. Obligating the Employer for any expense, service or performance without authorization.
18. Failure to report minor accidents, injury or equipment damage.
19. Disregarding job duties by neglect of work (e.g. reading for pleasure, card playing, text messaging, personal internet use, etc.) during working hours.
20. Unsatisfactory work or failure to maintain required standard of performance.
21. Neglect or careless failure to prepare required reports or documents.
22. Unauthorized use of telephone, cell phone, computer, internet, or electronic mail for other than Employer business purposes.
23. Failure of a supervisor to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies, and procedures of the Employer.
24. Violation of any other policy or work rule.

Group II Offenses:

First Offense:	Instruction and up to three (3) day suspension without pay (or working suspension for administrative, supervisory, and professional employees exempt from overtime).
Second Offense:	Up to fifteen (15) day suspension without pay.
Third Offense:	Up to termination.

Examples of Group II Offenses:

1. Absence without leave for two (2) work days or less.
2. Sleeping during working hours.
3. Reporting for work or working while unfit for duty.
4. Unauthorized use of Employer property or equipment.
5. Willful neglect or carelessness in the use of Employer property or equipment.
6. Failure to report equipment damage or minor accidents.
7. Willful failure to sign in or out when required.

8. Habitual neglect or willful failure to make required reports/deadlines.
9. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
10. Solicitation or distribution on Employer property without authorization.
11. Making or publishing of false, vicious or malicious statements concerning employees, supervisors, the Agency, the County or its operations.
12. Refusing to give testimony or information in any investigation or official hearing or proceeding involving the Employer.
13. Giving false testimony during an investigation or hearing.
14. Unauthorized posting or removal of notices or signs from official bulletin boards.
15. Negligent failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions.
16. Unauthorized presence on Employer property.
17. Willful disregard of Employer rules, regulations, policies, or procedures.
18. Use of vulgar, profane, abusive, or threatening language by an employee to another employee, subordinate, or supervisor.
19. Discourteous treatment of the public.
20. Misuse of two-way radio or related equipment, abusive language over the air ways, or the interference with business-related transmissions.
21. Misuse of the internet, electronic mail, text messages, including accessing or exchanging inappropriate or offensive material.
22. Engaging in or failing to report offensive or unprofessional discriminatory conduct in violation of the Employer's Fair Employment Rights Policies.
23. Violation of any other policy or work rule.

Group III Offenses:

First Offense: Up to and including termination.

Examples of Group III Offenses:

1. Absence without leave for three (3) work days or more (may be considered job abandonment or construction resignation).

2. Wanton or willful neglect in the performance of assigned duties.
3. Wanton or willful neglect in the care, use or custody of any Employer property or equipment; abuse or deliberate destruction in any manner of Employer property, tools, equipment, or the property of employees.
4. Signing or altering other employees' time cards, tampering with other employees' time cards, or unauthorized altering of own time card.
5. Falsifying testimony when accidents are being investigated; falsifying or assisting in falsifying or destroying any County records, including work performance reports; giving false information or withholding pertinent information called for in making application for employment; or, providing incomplete or false testimony in any official investigation.
6. Making false claims or misrepresentation in an attempt to obtain any County benefit.
7. Illegal gambling during working hours.
8. Stealing or similar misconduct, or concealment of any property of the Employer or of other employees.
9. Being in possession of, drinking of, or under the influence of alcoholic beverages during regularly scheduled working hours or while on duty.
10. The use of, manufacturing, possession, or the sale or distribution of narcotics or other controlled substances (without a properly reported prescription) in the workplace.
11. Fighting or attempting to injure other employees, supervisors, or persons.
12. Carrying or possession of firearms, explosives or weapons on Employer property at any time without prior authorization.
13. Willfully demeaning, verbally abusing, and/or humiliating another person.
14. Knowingly concealing a communicable disease such as TB or AIDS, in which may endanger other employees.
15. Misuse or removal of County records or information without prior authorization.
16. Instigating, leading or participating in any walkout, strike, sit-down, or stand-in; refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction or interference with work in or about the Employer's work areas.
17. Dishonesty or any dishonest action. Some examples of dishonesty or a dishonest action are: theft, pilfering, opening desks assigned to other employees without authorization, making false statements to secure an excused absence or to justify an absence or tardiness, making or causing to be made inaccurate or false reports concerning any

absence from work. The foregoing are examples only and do not limit the terms dishonesty or a dishonest action.

18. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
 19. Breach of Employer confidentiality.
 20. Failure to report or engaging in an act of discrimination, discriminatory conduct, sexual harassment, or retaliation of another employee or a member of the general public; conduct violating morality or common decency.
 21. Performing private work on County time or using County property or equipment for private gain.
 22. Unauthorized political activity.
 23. Threatening, intimidating, or coercing employees or supervisors; violating the workplace violence policy.
 24. Being convicted of a felony within the meaning of O.R.C. 124.34, even if prior discipline has been issued for the underlying conduct; conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position.
 25. Failure (neglect or otherwise) to report accidents or injuries, including equipment damage.
 26. Refusal, without legitimate reason, to work during emergency situations or conditions.
 27. Driving a motor vehicle on duty or Employer business without a valid, applicable operator's license.
 28. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position.
 29. Engaging in off duty employment activities which the Employer has determined to be a conflict.
 30. Soliciting or accepting a gift, gratuity, bribe, or reward for the private use of the employee; or otherwise using one's position, identification, name, or title for personal gain; or otherwise violating the Employer's Code of Conduct or Ohio's ethics laws for public employees.
 31. Violation of any other policy or work rule of a similar nature and seriousness.
- G. All multiple policy infractions shall be dealt with by following the system of progressive discipline set forth below:

1. Multiple offenses which are unrelated are progressively disciplined in the groups in which the offenses are classified; and,
2. Multiple offenses which are related are progressively disciplined regardless of the groups in which the offense is classified and regardless of the order in which the offenses occurred.
3. Multiple offenses which are closely related in time, even if unrelated or in different groups hereunder may be combined to result in discipline which exceeds the severity of the total sum of the separate offenses.

Examples of the difference between the treatment of related and unrelated offenses are as follows:

1. If an employee, as a first offense, is found to have violated the Group I Offense #13, failure to use reasonable care of County property or equipment, unless there are special circumstances, he/she would receive verbal counseling. If that employee commits no other related offense during the next twelve (12) months, the record of such counseling would cease to have force and effect on further disciplinary action. Then, if the employee subsequently commits the same offense, and absent special circumstances, he/she would still just receive the verbal counseling.
2. If an employee is found to have committed a Group I Offense where there are not special circumstances, he/she would receive verbal counseling. If, two (2) months later, the employee is found to have committed another related Group I Offense, barring special circumstances, he/she would receive up to a three (3) working day suspension without pay.
3. If an employee is found to have committed a Group I Offense for which he/she received verbal counseling, and then commits an unrelated Group II Offense, his/her discipline, absent special circumstances, would be verbal instruction and up to a three (3) working day suspension without pay.
4. If an employee, as a first offense, is found to have violated the Group I Offense #10, use profane or offensive language, he/she would receive, absent special circumstances, verbal counseling. If, however, the same employee subsequently was found to have violated the Group II Offense #18, use of abusive or threatening language – a related Group II Offense – he/she, absent special circumstances, would receive a fifteen (15) working day suspension without pay.
5. If an employee has been found to have committed a Group II Offense (i.e., Offense #7 – willful failure to sign in when required) which results in his/her receiving a three (3) working day suspension without pay, and then was found to have committed a related Group I Offense (i.e., Offense #6 – neglect or carelessness in signing in), absent special circumstances, he/she would receive a fifteen (15) working day suspension without pay.

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- A. Whenever the County Engineer or designee determines that a classified employee may be disciplined for cause (including all suspensions, fines, reductions, or terminations), a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct. The Employer shall also hold a pre-disciplinary conference prior to signing a last chance agreement.
- B. Pre-disciplinary conferences will be conducted by a hearing officer who shall be a management level employee, other than the supervisor issuing the disciplinary action, or a neutral person appointed from outside the County Engineer's Office.
- C. At least five (5) calendar days prior to the conference, the County Engineer or designee shall provide to the employee a written outline of the charges which may be the basis for disciplinary action. The employee may waive the five (5) day notice requirement and request a more expeditious hearing; however, in no case will a hearing be held with less than twenty-four (24) hours notice to the employee. A more expeditious hearing may be scheduled by the Employer where allegations indicate that the employee should be placed on administrative leave.
- D. The employee may choose to 1) appear at the hearing to present an oral or written statement in his/her defense, 2) appear at the hearing and have a chosen representative (employee or non-employee) present an oral or written statement in defense of the employee, or 3) elect in writing to waive the pre-disciplinary conference.
- E. Prior to the disciplinary conference, the employee must be advised of the right to be represented by counsel.
- F. At the conference the employee must answer all questions truthfully. If it is proven in a subsequent hearing that the employee's responses to questions were not truthful, such dishonesty may result in further disciplinary action. Employees refusing to answer direct questions may be subject to additional disciplinary action for insubordination.
- G. At the conference the employee may present testimony that relates to the alleged misconduct occurred. The employee shall have the right to call witnesses on his/her behalf or present any other evidence the employee feels is warranted in defense of the charges. In addition, the employee may cross-examine the management witnesses. The employee shall provide the hearing officer a list of witnesses the employee intends to call no later than forty-eight (48) hours prior to the scheduled hearing. It is the employee's responsibility to notify witnesses that their attendance is desired.
- H. The hearing officer and/or either party may record the conference.
- I. Following the conference, the hearing officer will prepare a report, which will include a summary opinion as to if there is sufficient evidence to support the noted charges. A copy of the report will be provided to the employee and the charging supervisor within five (5) days of the receipt of the final report by the County Engineer.

- J. The County Engineer will decide what discipline, if any, is appropriate, and notify the employee in writing.

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- A. Records of verbal counseling are not subject to appeal. Written reprimands may be appealed through the internal appeal procedure up to the County Engineer, or designee.
- B. Personnel actions for classified employees such a reduction; a suspension of forty (40) or more work hours in the case of an employee exempt from the payment of overtime compensation; a suspension of twenty-four (24) or more work hours in the case of an employee required to be paid overtime compensation; removal, except for the reduction or removal of a probationary employee; layoff, job abolishment, and job reclassification may be appealed by an affected employee through the County Engineer's internal complaint procedure. If necessary, the above listed personnel actions may be appealed by an affected employee to the State Personnel Board of Review (SPBR). Disciplinary action based on conviction of a "felony" within the meaning of R.C. 124.34 may not be appealed to the SPBR.
- C. Appeals to the SPBR from removal, demotion, or suspension must be filed within ten (10) days after the employee is served the disciplinary order. Appeals concerning layoffs must be made within ten (10) days after receipt of the layoff notice or the date of displacement.
- D. The SPBR maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the SPBR may affirm, disaffirm, or modify personnel decisions made by the County Engineer. However, in an appeal of a removal order based upon a violation of a last chance agreement, the Board, Commission, or Trial Board may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the County Engineer.
- E. Temporary, intermittent, and other employees serving in the unclassified service have no appeal rights to the SPBR. Probationary employees likewise may not appeal to the SPBR.

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- A. The County Engineer recognizes that within any organization there will be occasional differences among its employees regarding interpretations of rules or other problems stemming from conditions of employment.
- B. Whenever differences or problems arise, employees must first attempt to resolve the matter informally with their immediate supervisor, normally within three (3) working days of the incident or of the employee's knowledge of the facts giving rise to the incident.
- C. Where a group of employees desires to file a grievance involving a situation affecting each employee in the same manner, one employee selected by such group will process the grievance or complaint on behalf of the group.
- D. In the event a difference or problem cannot be resolved informally, the following complaint procedure shall be followed by the employee(s) to seek a resolution of the grievance.

Step 1: (Immediate Supervisor): Any employee having a complaint may file it in writing with his or her immediate supervisor. In order for the complaint to be recognized, it must be filed within five (5) working days from the date the alleged incident occurred. The supervisor will investigate the complaint and meet with the employee. Within two (2) working days from the date of the meeting, the supervisor will respond to the grievance in writing.

Step 2: (Intermediate Supervisor other than Department Head)(if not applicable proceed to Step 3): If the issue is not resolved in Step 1, the employee may pursue the matter by submitting the complaint in writing to the next supervisor in the employee's chain of command within five (5) working days from the reply received in Step 1. The supervisor will investigate and meet with the employee. Within three (3) working days from the date of the meeting the supervisor will respond to the grievance in writing.

Step 3: (Department Head): If the issue is not resolved in Step 2, the employee may pursue the matter by submitting the complaint in writing to the Department Head within five (5) working days from the reply received in Step 2 (or Step 1 if Step 2 is not applicable). The Department Head will schedule a meeting with those concerned and otherwise attempt to resolve the matter. Within five (5) working days from the date of the meeting, the Department Head will respond to the grievance in writing.

Step 4: (County Engineer or Designee): If the matter is not resolved in Step 3, the employee may pursue the matter by submitting the complaint in writing to the County Engineer or designee, with a copy to the Personnel Office, within five (5) working days from the reply received in Step 3. The employee shall

include a statement as to why further review is warranted. The County Engineer or designee, at his sole discretion, shall determine whether further investigation and/or an additional meeting is necessary. Within ten (10) working days following the determination to uphold the Step 3 decision or following the meeting with the employee, whichever is applicable, the County Engineer or designee shall respond to the grievance in writing.

- E. In the event of extenuating circumstances, a time limit may be extended by mutual agreement of both parties in writing.
- F. A grievance is considered advanced to the next step by providing a copy to the person hearing the grievance and by mailing or delivering the grievance tracking form to the Personnel Office within the stated time limits. Complaints not processed to the next step of the procedure within the specified time limit, or any extension thereof, shall be considered to have been resolved on the basis of the decision at the previous step. Any complaint not answered within the prescribed time limit or extension thereof, shall be considered to have been answered in the negative and may be advanced to the next step. Copies of all responses shall be provided to the employee, the Personnel Office, and the County Engineer or designee.
- G. Grievances are to be settled at the earliest possible step of the procedure. The employee must use the prescribed forms and proceed through all steps of the procedure in proper order and within the set time limits, unless otherwise noted. Grievances involving disciplinary action, other than verbal counseling, shall be filed at the step beginning with the level of management issuing the action. Grievances involving the denial of a step increase shall be filed directly at Step 4.
- H. Certain decisions by the County Engineer are not subject to the grievance procedure. The supervisor reviewing the initial grievance is responsible for determining whether the complaint presents a grievable issue. Examples of issues which may not be processed through the formal steps of the grievance procedure include, but are not limited to, verbal counseling's, performance evaluation scores, hiring and promotion decisions, granting or denying of discretionary bonuses or accelerated step increases, etc. An employee will be notified by the supervisor if the issue presented is not grievable. The employee may request to meet with the Personnel Office to discuss his/her complaint and seek resolution informally.
- I. An employee may choose to be represented at the Step 3 and Step 4 meetings, if applicable. The employee must notify the person conducting the meeting of the chosen representative at least forty-eight (48) hours prior to the scheduled meeting. The expense of any representative shall be paid by the party requesting representation. Either party may record the meeting.
- J. Within five (5) days of the receipt of the final decision, the complainant must sign and return one copy of the final response to the Personnel Office.

- K. Where the alleged complaint is of a nature that qualifies for appeal under rules of the SPBR, the complainant must appeal through the SPBR in accordance with the rules of that Board.

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**HAMILTON COUNTY ENGINEER
PERSONNEL POLICY AND PROCEDURE MANUAL**

**CHAPTER 10
NON-DISCIPLINARY SEPARATION**

- 10.1 RESIGNATION
- 10.2 RETIREMENT
- 10.3 REDUCTION IN FORCE/LAYOFF
- 10.4 DISABILITY SEPARATION

- A. Employees who plan to resign voluntarily must notify their supervisor and Department Head, in writing, at least two (2) weeks in advance of the effective date of resignation. Failure to provide proper notification may result in ineligibility for re-employment.
- B. The supervisor or Department Head shall forward a copy of the written resignation to the Personnel Office for inclusion in the employee's personnel file. The Personnel Office is responsible for notifying other appropriate County agencies.
- C. Prior to the effective date of the resignation, or otherwise voluntarily terminated employment, an employee will be requested to attend an exit interview with the Personnel Office, Department Head and/or designee. The exit interview is an opportunity for the employee to offer constructive criticism and insights to the County Engineer regarding the operations. Cooperation by the employee is appreciated and encouraged.
- D. During the exit interview, employee will be provided with information regarding eligibility for continued health insurance benefits and options, under the Ohio Public Employees Retirement System (OPERS).
- E. Prior to the employee's last day of employment, the employee shall return all County Engineer property including keys, ID cards, safety equipment, and any other equipment or supplies issued to the employee.
- F. Job Abandonment: Any employee who fails to report to work or fails to notify the Employer of his/her absence for three (3) consecutive days will be considered to have voluntarily abandoned his/her position and may be subject to removal.

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- A. All full-time employees are required to participate in the Ohio Public Employees Retirement System (OPERS). This program is entirely independent of the federal Social Security System.

- B. An employee is requested to notify his/her supervisor and Department Head in writing at least sixty (60) days prior to the effective date of his/her anticipated retirement.

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- A. The County Engineer maintains the legal right to reduce the workforce whenever such a reduction in force is necessary due to:
 - 1. Lack of work;
 - 2. Lack of funds or projected lack of funds;
 - 3. Job abolishment; and,
 - 4. Reorganization.
- B. Layoffs shall substantially comply with the requirements specified in Section 124.321-124.328 of the Ohio Revised Code, Hamilton County Personnel Department (CPD) Administrative Regulations, Chapter 41, and the procedures outlined in this manual.
- C. Layoffs shall not be considered disciplinary action.
- D. Whenever a reduction in the workforce is necessary, the County Engineer maintains the legal right to determine the classification(s) in which the layoff(s) will occur and the number of employees to be laid off within each classification.
- E. The Employer shall follow the systematic procedure outlined in the CPD Regulations, 41-07 through 41-09, to determine the order of layoff. Such systematic procedures include consideration of each employee's classification assignment, appointment type, continuous service time, and efficiency.
- F. An employee subject to layoff shall be notified of the action at least fourteen (14) calendar days prior to its effective date, seventeen (17) calendar days if the notice is mailed by certified mail.
- G. An employee who is to be laid off or whose job has been abolished may, at his/her option, exercise his/her rights to displace (bump) another employee or fill an available vacancy in the same or lower classification, in accordance with the provisions outlined in the CPD Regulations 41-11 and 41-12.
- H. An employee exercising his/her displacement rights shall be paid according to the same rate of pay or range assigned to the classification into which the employee was displaced.
- I. A person who was laid off may be reinstated at any time within one (1) year of the effective date of layoff, provided the person remains qualified to perform the duties of the position. Reinstatement of laid off employees shall comply with the provisions outlined in CPD Regulations 41-16 through 41-18.
- J. Each employee eligible to be recalled from layoff shall be notified of the offer of reinstatement by certified letter.

- K. The employee must keep a current address on file with the Personnel Office. Failure to do so may result in the inability to notify the laid off employee of his/her eligibility for reinstatement.
- L. Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of the certified letter to return to work, except in the event of extenuating circumstances, submitted in writing and approved by the County Engineer.
- M. Any employee accepting or declining reinstatement to the same classification from which the layoff or displacement initially occurred shall be removed from eligibility for further recall, except as otherwise provided by law.
- N. If not removed previously, the name of the laid off or displaced employee shall be removed from eligibility for recall one (1) calendar year after the employee was laid off or displaced from his original position.

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A. In accordance with Chapter 34 of the CPD Regulations, a disability separation may be granted when a classified employee becomes unable to perform the essential functions of his/her position, with or without reasonable accommodation, due to a disabling illness, injury, or condition, and said employee has exhausted all accumulated leave, paid and unpaid, to which he/she is entitled.

B. VOLUNTARY DISABILITY SEPARATION

1. An employee may request in writing to the County Engineer or designee a voluntary disability separation. All such requests must be forwarded to the Personnel Office.
2. The employee must provide credible medical evidence signed by a licensed practitioner substantiating that the employee is unable to perform the essential job duties of his/her position due to a disabling illness, injury, or condition.
3. The County Engineer may grant an employee's request for a disability separation, or require the employee to submit to a medical or psychological examination by a licensed practitioner selected by the Employer, at the Employer's expense.
4. Failure to submit to such examination may result in discipline, up to and including removal.
5. Both the employee and the Employer shall receive the results of the examination.
6. An employee who is granted a voluntary disability separation waives the right to a pre-separation hearing and to an appeal of the decision to grant the employee's request.

C. INVOLUNTARY DISABILITY SEPARATION

1. If an employee becomes unable to perform the essential functions of the employee's position and if the employee has exhausted all other available leaves, the County Engineer may involuntarily separate the employee.
2. The County Engineer may require that an employee submit to a medical or psychological examination by a licensed practitioner selected by the Employer at the Employer's expense, to determine if the employee is unable to perform the essential job duties of his/her position due to a disabling illness, injury, or condition.
3. Both the employee and the Employer shall receive the results of the examination.

4. Failure to submit to such examination may result in discipline, up to and including removal.
5. The County Engineer may institute pre-separation proceedings when it has received the results of a medical or psychological examination, in accordance with Chapter 34 of the CPD Regulations.
6. An employee so separated shall have the right to appeal in writing to the State Personnel Board of Review within ten (10) calendar days from the date the Order of Disability Separation is served upon the employee.

D. REINSTATEMENT RIGHTS

1. An employee shall have the right to reinstatement to the same or similar position provided the employee applies in writing within two (2) years from the date the employee was given a disability separation, or a leave of absence followed by a disability separation.
 2. The employee may be required to submit to a medial or psychological examination by a licensed practitioner selected by the Employer, at the Employer's expense, to establish that the employee has recovered sufficiently from the disabling illness, injury or condition so as to be able to perform the essential functions of the position to which reinstatement is sought, with or without reasonable accommodation.
 3. The Employer or designee shall notify the employee of the reinstatement procedures at the time of separation.
- E. Any appointment made to a position vacated by a disability separation will be on a temporary basis, and such temporary employee must be made fully aware by the Employer of its temporary nature. If the separated employee does not return from disability separation or is reinstated to another position, the temporary appointment may be made permanent.

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