



# OHIO VALLEY EMPLOYMENT RESOURCE

# EMPLOYEE HANDBOOK

Updated 5/2/2022



# WELCOME

Welcome to Ohio Valley Employment Resource! I trust that you will find your career with us a pleasant and rewarding experience.

You are now a part of a successful team who wants you to share our pride, accomplishments, and the realization that each job, and the manner in which it is performed, is important to the continued success of our agency.

Adjusting to a new job can be challenging. In addition to becoming familiar with the specific requirements of your job, and the physical surroundings in which you work, you will want to be aware of the many benefits and opportunities available to you. Of course, you will also be expected to follow policies and procedures that have been established for all employees.

You may have a number of questions concerning your benefits, opportunities, Agency policies, and procedures. In this handbook\*, we have tried to anticipate some of these questions, as well as inform you about this agency. Please read the handbook carefully and you can view or print it from the website at any time for future reference. When you have questions that are not answered here, do not hesitate to ask them. Take the questions to your immediate supervisor. You will then be directed to the appropriate person for clarification.

I would personally like to take this opportunity to welcome you to OVER and to let you know that we are pleased to have you on our team!

Sincerely,

Rebecca Safko  
Executive Director

\* Neither this Employee Handbook, nor any rules, regulations or policies contained in this handbook or otherwise explained to you constitutes a contract of any kind between Ohio Valley Employment Resource and any or all of its employees. Your employment and compensation are "at will" and can be terminated by you or by the Agency at any time with or without cause. No representative of OVER other than the Executive Director has the authority to alter or change any of the above. This Employee Handbook is the property of OVER.

# **TABLE OF CONTENTS**

<b><u>TOPIC</u></b>	<b><u>PAGE</u></b>
Welcome .....	1
<b>GENERAL INFORMATION .....</b>	<b>5</b>
CONTACT INFORMATION .....	5
STATE OF OHIO FRAUD HOTLINE .....	5
INTRODUCTION .....	5
PURPOSE OF AGENCY .....	6
CONTINUITY OF POLICIES .....	6
<b>EMPLOYMENT .....</b>	<b>6</b>
SELECTION CRITERIA .....	6
EMPLOYMENT-AT-WILL .....	7
EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT .....	7
COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, AS AMENDED .....	8
AFFIRMATIVE ACTION POLICY .....	8
IMMIGRATION LAW COMPLIANCE .....	8
WORKING HOURS .....	9
EMPLOYMENT OF RELATIVES .....	9
OPEN DOOR POLICY .....	9
RESIGNATION OR TERMINATION .....	10
<b>EMPLOYMENT STATUS &amp; RECORDS .....</b>	<b>10</b>
INTRODUCTORY PERIOD .....	10
EMPLOYMENT CLASSIFICATIONS .....	10
PERFORMANCE EVALUATIONS .....	11
PROMOTIONS .....	12
PERSONNEL RECORDS .....	12
<b>EMPLOYEE BENEFITS .....</b>	<b>12</b>
COMPENSATION PLAN .....	12
INSURANCE BENEFITS .....	13
COBRA BENEFITS .....	13
RETIREMENT .....	14
ANNUAL LEAVE (VACATION) .....	14

PERSONAL LEAVE .....	15
NATIONAL HOLIDAYS.....	15
SICK LEAVE .....	16
PAYMENT FOR UNUSED SICK LEAVE .....	16
BEREAVEMENT DAYS.....	17
PROFESSIONAL DEVELOPMENT .....	17
JURY DUTY .....	17
TELECOMMUTING .....	18
UNEMPLOYMENT COMPENSATION.....	18
WORKER'S COMPENSATION.....	18
<b>LEAVES OF ABSENCE.....</b>	<b>18</b>
FAMILY AND MEDICAL LEAVE ACT (FMLA).....	18
FAMILY FIRST CORONAVIRUS RESPONSE ACT (FFCRA).....	23
FAMILY MILITARY LEAVE OF ABSENCE .....	25
MILITARY LEAVE .....	25
<b>COMPENSATION.....</b>	<b>26</b>
PAYDAY.....	26
TAX WITHHOLDING .....	26
COMPENSATORY TIME.....	27
EVALUATIONS AND COMPENSATION ADMINISTRATION.....	27
<b>TRAVEL &amp; REIMBURSEMENT .....</b>	<b>27</b>
BUSINESS TRAVEL.....	27
<b>EMPLOYEE CONDUCT &amp; DISCIPLINE.....</b>	<b>30</b>
PROFESSIONAL APPEARANCE.....	30
TIME AND ATTENDANCE REPORT.....	30
ATTENDANCE .....	31
TELEPHONE USAGE/PERSONAL CALLS .....	32
SAFETY AND SECURITY .....	33
ELECTRONIC RESOURCES .....	33
SOCIAL MEDIA USE.....	34
CONFIDENTIALITY AND NON-DISCLOSURE.....	35
SOLICITATION AND DISTRIBUTION .....	36
TOBACCO USE .....	36
HARASSMENT .....	37

WORKPLACE BULLYING .....	38
ALCOHOL AND SUBSTANCE ABUSE/DRUG FREE WORKPLACE.....	40
THREATS AND VIOLENCE.....	41
WEAPONS.....	41
OUTSIDE ACTIVITIES OF EMPLOYEES .....	42
RULES OF CONDUCT .....	42
CONFLICT OF INTEREST .....	44
WHISTLEBLOWER POLICY .....	44
COUNSELING AND DISCIPLINE.....	45
TERMINATION.....	47
<b>WORKING CONDITIONS.....</b>	<b>47</b>
INCLEMENT WEATHER .....	47
HIPAA COMPLIANCE .....	48
<b>FAIR LABOR STANDARDS ACT (FLSA) .....</b>	<b>48</b>
<b>FORMS &amp; SIGNATURES.....</b>	<b>48</b>
COMPLETION AND SIGNING OF FORMS .....	48
ACKNOWLEDGMENT OF HANDBOOK/FORMS .....	49
Attachment 1: Telecommuting Agreement .....	Att. 1, pg 1-5
Attachment 2: Complaint Procedure.....	Att. 2, pg 1-2
Attachment 3: HIPAA Consent.....	Att. 3, pg 1-3

## **GENERAL INFORMATION**

### **CONTACT INFORMATION**

In compliance with the Minimum Wage Law for the State of Ohio, listed below is the contact information for Ohio Valley Employment Resource:

Ohio Valley Employment Resource  
PO Box 181  
Marietta, Ohio 45750  
(740) 632-4671

### **STATE OF OHIO FRAUD HOTLINE**

In compliance with the State of Ohio's Fraud Law (HB 66), OVER is notifying all of its employees of the following: If you suspect fraud, waste, or misuse of taxpayer funds, call the Auditor of State's Fraud Hotline: 1-866-FRAUD OH (1-886-372-8364). Or send your tip by e-mail at <http://www.auditor.state.oh.us/fraudcenter/siu/complaint/complaint.aspx> or a letter addressed to:

Ohio Auditor of State's Office  
Special Investigations Unit  
88 E. Broad Street  
Columbus OH 43215

#### **What to include when reporting fraud?**

- A detailed description of the suspected theft/fraud. Provide as much detail as possible, specify who, what, where, when, and how.
- The agency where suspected fraud is taking place.
- Copies of all available documentation.
- Identify any witnesses who may have knowledge of the suspected theft/fraud. Include their contact information whenever possible.
- Although anonymous complaints are welcome, we encourage you to leave your contact information in case additional information or explanation is required.

### **INTRODUCTION**

This Employee Handbook contains policies and procedures that Ohio Valley Employment Resource ("OVER" or the "Agency") expects all employees to read, understand and follow. The policies and procedures set forth in this Employee Handbook are intended as guidelines only and are subject to change. This Employee Handbook is presented for informational purposes only and can be changed at any time at the sole discretion of OVER with or without notice. In the event of any contradictions between the contents of the Employee Handbook and actual practice, the handbook will apply.

We wish you the best of luck and success in your position and hope that your employment relationship with OVER will be an enjoyable one.

## PURPOSE OF AGENCY

Ohio Valley Employment Resource (OVER) is a Regional Council of Governments, pursuant to Chapter 167 of the Ohio Revised Code. OVER is designated by the State of Ohio as the grant recipient and fiscal agent for the four county workforce area of: Monroe, Morgan, Noble and Washington Counties. OVER has dual roles as fiscal agent for the Council of Government and staff to the Workforce Development Board for Area 15.

### Vision Statement

*Our vision is:*

*"To successfully meet the needs of employers and job seekers by stimulating employment opportunities and economic growth in the area."*

### Mission Statement

*Our mission is:*

*"To plan, create and continuously improve a coordinated Area One-Stop Delivery System where business, government, education/training, and community providers collaborate to improve access to jobs and job services for individuals and employers in a manner that will stimulate economic growth and prosperity for the region."*

## CONTINUITY OF POLICIES

To preserve the ability to meet business needs under changing conditions, OVER may modify, augment, delete, or revoke any and all policies, procedures, practices and statements contained in this Handbook at any time without notice. Such changes shall be effective immediately upon approval by management, unless otherwise stated. The Employee Handbook shall be updated with any changes as soon as is practical.

## **EMPLOYMENT**

### SELECTION CRITERIA

Vacant positions are open to all applicants who meet the minimum requirements for the positions. Positions are filled on a competitive basis and include consideration of current Agency employees who timely apply as well as outside applicants. OVER will post in writing any openings or recruitment for a specified existing or newly created position by posting for a minimum of one (1) week and/or soliciting outside applicants. The in-house announcement includes a list of qualifications for the job and other information detailed in the Affirmative Action Plan. Current employees interested in the position shall then follow Agency application procedures. The Executive Director may change existing positions, position responsibilities, and/or staff operating structure. The Executive Committee may add or eliminate positions. Applications are retained for consideration for a maximum of one year.



## **EMPLOYMENT-AT-WILL**

It is the policy of OVER that all employees who do not have a written, individual employment contract with the Agency for a specific fixed term of employment are employed "at will," where either party may end the relationship at any time for any reason not prohibited by law.

Employees of the Agency are employed at the will of the Agency and are subject to termination at any time, for any reason, with or without cause or notice. Also, such employees may terminate their employment at any time for any reason.

No Agency representative, other than the Executive Director, in a written agreement specific to the employee and signed by both the employee and the Executive Director, is authorized to modify this policy for any employee or to enter into any agreement, oral or written, contrary to this policy. Supervisory personnel are not to, and have no authority to, make any representation to employees or applicants concerning the terms or conditions of employment with the Agency which are not consistent with this policy. No statement made in pre-hire interviews or in recruiting materials of any kind, is allowed to alter the at-will nature of employment or imply that discharge will occur only for cause.

Any statements contained in this Employee Handbook or any other employee handouts, employment applications, Agency recruiting materials, Agency memoranda, or other materials provided to applicants and employees in connection with their employment may not modify this policy. None of these documents, whether singularly or combined, are to create an express or implied contract concerning any terms or conditions of employment. Similarly, Agency policies and practices, with respect to any matter, are not to be considered as creating any contractual obligation on the Agency's part or as stating in any way that termination will occur only for "just cause." Statements of specific grounds for termination set forth in this handbook or in any other Agency documents are examples only, not all-inclusive lists, and are not intended to restrict the Agency's right to terminate at will.

At the time of hiring, employees are to be required to sign the written statement at the end of this handbook acknowledging that they are employed at the will of the Agency and are subject to termination at any time, for any reason, with or without notice, and with or without cause.

Completion of the introductory period or conferral of regular status does not change an employee's status as an employee-at-will or in any way restrict the Agency's right to terminate such an employee or change the terms or conditions of employment.

## **EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

It is the policy of the Agency to provide equal opportunities in employment to all employees and applicants for employment. No person is to be harassed or discriminated against in their employment or application for employment because of race, religion, color, sex, age, national origin, ancestry, disability, genetic information, veteran status, military status, sexual preference or orientation or any other classification protected under applicable federal, state, or local laws or ordinances.

This policy applies to all terms, conditions, and privileges of employment, including but not limited to: recruitment, hiring, training, orientation, placement, employee development, promotions, transfers, compensation, benefits, continuing education, termination, and retirement.

If you believe that you are a victim of discrimination or harassment, you must immediately report the

incident to your immediate supervisor or the Executive Director. Use Attachment 2 to file a complaint. All complaints about these matters will be kept as confidential as practicable. Only those individuals with a “need to know” will be informed.

All complaints of discrimination or harassment are treated seriously and will be thoroughly investigated by either this Agency or an outside investigator hired by management. Anyone determined to have harassed or conducted discriminatory actions against another employee in violation of this policy will be subject to discipline, up to and including discharge. No employee will be subject to retaliation for making a good-faith report of a violation of this policy. Any employee found to have engaged in retaliation in violation of this policy will be subject to disciplinary action, up to and including discharge.

This policy is further supported by the Agency’s commitment and participation in an annual Affirmative Action Plan. This plan is documented in compliance with applicable federal and/or state law on an annual basis and establishes goals and methods for achieving these goals for the Agency in the areas where improvement may be needed.

## **COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, AS AMENDED**

We will not unlawfully discriminate against or tolerate unlawful discrimination against any employee because of his or her disability. OVER will make reasonable accommodations for the employee, in accordance with the law, so long as the employee can work in a manner ensuring his or her safety and the safety of co-workers and clients. If you believe you are a person with a disability and need a reasonable accommodation to perform the essential functions of your position, contact your supervisor to begin the accommodation process. In all cases, confidentiality will be maintained unless the employee chooses to disclose his or her condition.

Any employee who violates this policy will be subject to discipline, up to and including termination.

## **AFFIRMATIVE ACTION POLICY**

It is the policy of OVER to seek and to employ the best qualified personnel to provide equal opportunity for the advancement of the employees, including upgrading, promotion, and training, and to administer these activities in a manner which will not discriminate against any person because of race, color, age, sex, religion, political affiliation or beliefs, handicap or national origin. It is our policy to recruit, hire and promote in all job classifications without regard to sex (except where sex is a bona fide occupational qualification), age, political affiliation or beliefs, handicap (provided physical limitation does not prevent job performance), or citizenship.

OVER is firmly committed to prohibiting discrimination throughout the employment process, including hiring, firing, promotion, wages, benefits, and training, and will take all necessary steps to comply with the existing federal, state, and local fair employment laws and guidelines.

## **IMMIGRATION LAW COMPLIANCE**

The Agency adheres to the Immigration Reform and Control Act of 1986, which is a federal law. The Act requires the Agency to complete prescribed forms to verify that every employee hired is authorized to be employed in the United States. The Act requires that 1) on the first day of employment, all employees must complete and sign a Form I-9, Employment Eligibility Verification Form; and 2) all employees will be

required to present documents of identity and eligibility to work in the U. S. This policy applies to all full-time and part-time employees employed directly by the Agency.

If an employee cannot present the required documentation documents within three (3) days of being hired, (or within ninety (90) days if the employee can show within the three (3) days that he or she has applied for one of the documents), the Agency must terminate the employee.

## **WORKING HOURS**

The standard workweek for employees will be worked within the core hours of 7AM to 4:30PM Monday through Friday and consist of forty (40) hours. A half hour compensated lunch is provided for the employees benefit on a full day. Working hours for each employee are established as required by workload, service needs, and the specific needs of each particular job. The schedule of hours shall be determined by the Supervisor or Program Director to which the employee is assigned.

## **EMPLOYMENT OF RELATIVES**

Relatives or employees that live together will not be given work assignments which would allow one to direct, review, or process the work of the other, or which permits one to have access to the personnel records of the other.

If an employee marries or begins to live with another employee, both may retain their position if they do not work in the same department or under the direct or indirect supervision of each other, if neither occupies a position which has influence over the other's employment, promotion, salary administration, and other related management or personnel compensation considerations, and if the Executive Director consents. If the Executive Director does not consent, an attempt will be made to reassign one or both employees so as not to be in conflict with this policy. If no reassignment is possible, the involved employees will have thirty (30) days to decide which employee will leave the agency. If the employees are unable to decide, the agency will terminate the least senior employee.

## **OPEN DOOR POLICY**

Occasionally, problems arise in any workplace. To assist employees and promote a good working environment, we have created an Open-Door Policy which is outlined in the following procedure:

1. First, you should discuss the issue privately with your immediate supervisor.
2. If your immediate supervisor does not resolve the issue to your satisfaction, or if he or she is the problem, you should meet privately with the next management level up.
3. If you do not feel comfortable about discussing it with your immediate supervisor, you should go directly to the next level management person or the WDB Personnel Committee.
4. You may take a problem to any level of management, including the WDB Personnel Committee.

We want you to bring your questions and concerns to our attention in this manner. Therefore, no employee will be criticized or retaliated against for exercising his/her rights by following this policy. No member of

management is too busy to discuss your questions or concerns.

Remember that the Open-Door Policy is not just for complaints. The Agency strives to continually improve. Employee suggestions and assistance as a member of the team are encouraged.

## **RESIGNATION OR TERMINATION**

When an employee decides to resign, the following policies will apply: non-managerial employees should give a minimum of two (2) weeks advanced written notice; Directors, Supervisors and Managers should give at least a one (1) month advanced written notice.

The notice of resignation should be sent in writing to the employee's immediate supervisor with a copy provided to the Executive Director. They will then inform the Boards.

If you resign or your employment is terminated, you will be asked to participate in a confidential exit interview. This will give you an opportunity to comment freely about your experience with OVER and give the Agency the opportunity to improve. Your exit interview will be scheduled prior to your last day of employment.

Employees will be paid for available but unused annual leave time upon leaving employment with the Agency, except when employees are terminated by the Agency or who resign without sufficient notice, as described above. Annual leave time cannot be used during the notice period. If an employee resigns employment prior to their first anniversary and borrowed annual leave time, the Agency will recoup the cost of that time through the payroll system. In some instances, management may determine that it is not advisable for some employees to continue work after giving notice. In that case, the employee may be paid during the notice period and may receive all unused annual leave but will not be required to work. Failure to provide proper notice may be communicated to prospective employers upon request and may result in ineligibility for rehire with OVER.

## **EMPLOYMENT STATUS & RECORDS**

### **INTRODUCTORY PERIOD**

Every new employee is considered to be in an introductory period for the first ninety (90) days after their most recent date of hire. During this period, the employee and OVER have the opportunity to determine whether further employment is desired. During this period, the employee will be given job assignments which will indicate his/her ability to perform required duties and assume certain responsibilities.

During the introductory period, each new employee is interviewed and evaluated by their supervisor. Evaluation sessions provide the supervisor and employee with opportunities to review and/or discuss areas of satisfactory performance, as well as those areas in which improvement is desired. OVER can extend the introductory period one (1) or more times if it determines that such an extension is appropriate. The employment relationship can be terminated by the employee or OVER at any time during any introductory period or after without prior notice and for any reason not prohibited by applicable law.

## **EMPLOYMENT CLASSIFICATIONS**

OVER provides employment in a variety of different classifications for employees. The following provides

an overview of the different classifications of employees, the impact that a particular classification has on their eligibility for benefits with the Agency, and how the classification pertains to the Fair Labor Standards Act (FLSA), a federal law governing payment of minimum wage and overtime.

**TEMPORARY EMPLOYMENT** – For the purposes of the handbook, a “temporary employee” is defined as an individual hired primarily to perform services which are required for less than a consecutive twelve-month period. Temporary employment status may be extended under extraordinary circumstances. Temporary positions will be identified as such on the official job posting notice. Applicants will know up front that the position is to be temporary.

- ❖ **FULL-TIME PERMANENT STATUS** - An employee who is normally scheduled for 30-40 hours per week on a regular basis is considered a full-time employee. Such employees are eligible for holiday pay and all other benefits as described in this handbook.

Full-time employees are generally eligible to receive the following benefits paid in part or in full by OVER: health insurance; life insurance; vision; dental; Workers’ Compensation coverage; Medicare contributions; Public Employees Retirement System (PERS); Ohio Deferred Compensation and unemployment insurance. Full-time employees become eligible for health insurance, life insurance, dental insurance, and vision insurance on the first day of the month following ninety (90) days of employment.

- ❖ **FULL-TIME TEMPORARY STATUS** – An employee who works up to 30-40 hours per week. Such employees are not eligible for sick leave benefits or vacation leave benefits. Full-time temporary employees are eligible for holiday pay as provided to permanent employees.
- ❖ **PART-TIME PERMANENT STATUS** - An employee who works up to 30 hours per week. Such employees are pro-rated based on hours worked for sick leave and vacation leave benefits. Part-time employees are generally eligible to receive the following benefits: Life insurance, Public Employees Retirement System (PERS); Ohio Deferred Compensation, Workers’ Compensation coverage; Medicare contributions; and unemployment insurance.
- ❖ **PART-TIME TEMPORARY STATUS AND STUDENT INTERNS** – An employee who works up to 30 hours per week (4/15/05 – COG Motion #43-04; 5/2/22 – COG Motion #27-21). Such employees are excluded from sick leave benefits, vacation leave benefits, and holiday pay. An employee whose normal scheduled workday falls on a holiday may have the option, with supervisor approval, to work another day within that pay period to make up for the lost day.

Eligibility for any of the benefits listed above is subject to all terms, conditions and eligibility criteria for each of the listed benefits as set forth in the applicable plan documents and/or law as each may be amended from time to time.

## PERFORMANCE EVALUATIONS

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. A formal written performance evaluation will be conducted by the employee’s supervisor at the end of the 90-day introductory period. Annual performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

The performance of all employees is evaluated according to an ongoing 12-month cycle, for each calendar year.

## **PROMOTIONS**

OVER is a firm believer of career growth and development within its organization. With that in mind, it considers existing employees for promotional opportunities along with outside candidates for open positions. Promotion decisions will be based on skill, experience, past performance, and any other relevant factors. Promotions shall be at the discretion of the Executive Director.

## **PERSONNEL RECORDS**

The Agency maintains personnel records and information for each applicant, employee, and former employee. Accurate records are crucial, especially in the case of illness or accidents, where the Agency may need to notify immediate family members. These records will be kept confidential and in a secure location. The Agency will attempt to balance each individual's right to privacy with the Agency's need to obtain, use, and retain employment information.

Each employee has a responsibility to keep their personnel records up to date and is to notify OVER, in writing, of any changes in the following:

- Name;
- Address;
- Telephone number;
- Marital status (for benefits and tax withholding purposes only);
- Number of dependents;
- Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
- Benefit designations for any of the Agency's insurance, and retirement plan;
- Persons to be notified in case of emergency;
- Employees who have a change in the number of dependents or marital status and want this reflected for tax withholding, must complete a new Form W4 for income tax withholding
- Information related to the status of current professional licensure(s) - including any pending licensure reviews or investigations.

Employees are allowed to review their own personnel file by appointment. A written request to do so should be directed to the Executive Director stating the reason they wish to review their file. Once the request has been received, a time will be scheduled for the file review.

Employees who, after reviewing their personnel files, feel that any material is inaccurate or irrelevant may submit a written request to the Executive Director to have the material revised or removed from the file. If such a request is not granted, the employee will be permitted to place a written statement of disagreement in the file and can pursue the matter further with the WDB Personnel Committee.

## **EMPLOYEE BENEFITS**

### **COMPENSATION PLAN**

Employees may receive salary increases or one-time merit pay for superior performance. Performance

evaluations will be given yearly. Salary increases or one-time merit payments will be based on those evaluations and will be approved and awarded as budgets allow. All salary increases or one-time merit payments are based on the performance evaluation by the Personnel Committee of the Workforce Development Board (WDB) in conjunction with the Council of Government (COG) to be made effective at the beginning of January. Exceptional performance may be recognized by a supervisor through a pay increase at any point throughout the year. The supervisor will present the case for an employee pay increase in writing to the Personnel Committee of the Workforce Development Board.

Employees hired during the year, serve a 90-day probationary period. If the hire date is January-June the employee will begin the normal evaluation cycle the first January following hire; otherwise, the employee will begin the evaluation cycle until the following January.

Questions about the Compensation Plan pay ranges or salary increases should be addressed and/or directed to your supervisor in conjunction with the WDB Personnel Committee. Timekeeping and direct deposit questions should be addressed to the Fiscal Department.

## **INSURANCE BENEFITS**

The Agency offers certain employees various fringe benefits and insurances, including those listed below, and it may pay a percentage of the costs of such benefits. Benefit information in this Handbook, however, is merely a summary. You can find the details of many of these programs in the Plan Documents maintained by OVER and in the summary plan descriptions. Plan Documents are the official documents regarding employee benefits plans and supersede all references to employee benefits in this handbook or the benefits summary. The Agency, in the course of business, or as mandated by federal or other government statutes, may choose, or be required to amend or revise benefit plans offered to employees. Such amendments or revisions shall not be applied discriminatorily among similarly situated employees. To the extent permitted under applicable law, the Agency will deduct the employee portion of premiums for benefits elected by an employee from an employee's compensation on a pre-tax basis.

**Medical, Dental, and Vision Insurance** - All full-time OVER employees may elect coverage under these plans, subject to the applicable eligibility criteria and other terms and conditions. Coverage goes into effect on the first (1<sup>st</sup>) day of the month following ninety (90) calendar days of continuous employment.

**Life Insurance** - Employee Life Insurance is provided to all permanent OVER employees. Coverage goes into effect on the first (1<sup>st</sup>) day of the month following ninety (90) calendar days of continuous employment.

Detailed information relating to medical, dental, vision and life insurance and appropriate claim forms may be obtained from the Executive Director.

## **COBRA BENEFITS**

The Agency adheres to and follows the federal law as outlined in the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985. We provide employees in our medical, dental and vision plans with the opportunity to continue their medical, dental, and/or vision coverage for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition

between jobs, death, divorce, and other life events. The Executive Director is responsible for mailing the proper forms in a timely manner to the former employee for his/her consideration and decision. All questions concerning COBRA should be directed to the Executive Director.

## **RETIREMENT**

OVER employees participates in the Ohio Public Employees Retirement System (OPERS). OPERS administers three separate pension plans. The traditional pension plan is a cost-sharing, multiple-employer defined benefit pension plan. The member-directed plan is a defined contribution plan and the combined plan is a cost-sharing, multiple-employer defined benefit pension plan with defined contribution features.

OPERS provides retirement, disability, survivor and death benefits, and annual cost of living adjustments to members of the traditional pension and combined plans. Authority to establish and amend benefits is provided by Chapter 145 of the Ohio Revised Code. OPERS issues a stand-alone financial report that includes financial statements, required supplementary information and detailed information about OPERS' fiduciary net position that may be obtained by visiting <https://www.opers.org/financial/reports.shtml>, by writing to the Ohio Public Employees Retirement System, 277 East Town Street, Columbus, Ohio 43215-4642, or by calling 800-222-7377.

## **ANNUAL LEAVE (VACATION)**

Permanent employees who are actively maintained on the Agency's payroll are entitled to the following paid leave:

Annual Leave is for the purpose of giving individuals a beneficial change and rest. OVER believes it is important for employees to take annual leave for their mental and physical health. It is, therefore suggested that all earned and accrued annual leave be used each year. Annual leave time that is not used or carried over is forfeited.

Time off should be planned as carefully as possible so as not to interfere with critical work schedules. Supervisors will attempt to grant annual leave requests as requested; however, final scheduling will be at the sole discretion of the Agency to assure orderly operations and clients' demands are met. Annual leave requests of five (5) or more days should be scheduled with as much advanced notice as possible, but at a minimum of two (2) weeks' notice. Annual Leave requests of one (1) to four (4) days should be made with as much advanced notice as possible, but with a minimum of one (1) days' notice.

Failure to secure the approval from your supervisor or in the event that a request is denied due to a valid business reason, the Leave will not be paid, and those days will be considered unexcused absences.

In the event that you have an illness/injury while you are on Annual Leave you must continue to use the Annual Leave time and you are not allowed to convert your time off to Sick Leave.

Before leaving on Annual Leave, it is the responsibility of each employee to submit a timesheet when the due date falls within the employee's vacation time frame.

Employees will be paid for available but unused Annual Leave time upon leaving employment with the Agency, except when employees are terminated by the Agency or when employees resign without sufficient notice, as described in the Resignation or Termination Policy, they will not be entitled to pay for any



unused Annual Leave time.

All permanent employees earn Annual Leave based on their years of service with OVER in accordance with the schedule below and their hire date, pro-rata based on timesheet hours relative to an 80 hour pay period.

<b>Continuous Service Time</b>	<b>Amount of Vacation Time</b>
0-6 months	No vacation
Six (6) months to the end of the first (1 <sup>st</sup> ) year of employment	Five (5) workdays at the option of the employee used against to the first year's accrued vacation.
On the First Anniversary	Fifteen (15) workdays minus any days up to five (5) that were borrowed after six (6) months of employment
On the Second Anniversary	Fifteen (15) workdays each year
On the Fifth Anniversary	Twenty (20) workdays each year
On the Tenth Anniversary	Twenty-five (25) workdays each year
On the Twentieth Anniversary	Thirty (30) workdays each year

- Not more than fifteen (15) vacation days can be carried across a fiscal year. All days not taken in excess of fifteen (15) days will be lost.
- No vacation leave may be taken in advance of actual earning of such leave.
- 9/8/06 – COG Motion #04-06 allows OVER to "buy back" one (1) week of vacation for those employees who would otherwise exceed the carryover of 120 hours.

## **PERSONAL LEAVE**

Each permanent employee will receive two (2) personal leave days (prorated for those not full time; proration based on normal work schedule, not actual) at the time of hire and each year after to be used during each fiscal year, prorated on their first year based on date of hire. Personal leave shall be defined as paid leave for such activities as, but not limited to, religious holidays, education purposes or for the purposes of appearing in court for non-agency business. Any personal leave that has not been used at the conclusion of the fiscal year will be forfeited as this time is not subject to carry over.

Employees are not entitled to pay for any earned but unused personal days upon resignation or termination of employment for any reason.

## **NATIONAL HOLIDAYS**

The OVER office observes the following eleven (11) holidays and OVER offices will be closed unless contractually obligated to remain open:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Columbus Day (Observed)	Friday Immediately after Thanksgiving Day
Christmas Day	December 25

Permanent employees will be paid for the above eleven (11) holidays. (Prorated for those not full time; proration based on normal work schedule, not actual.) When a holiday noted above falls on Sunday, OVER offices will observe that holiday the following Monday. When a holiday falls on Saturday, OVER offices will observe that holiday the preceding Friday. (Juneteenth 5/2/22 – COG Motion #27-21)

## **SICK LEAVE**

From the date of employment, all permanent employees shall accrue paid Sick Leave at a rate of 4.6 hours of sick leave per each completed 80 hours of service (ORC 124.38). Sick Leave can be accumulated to a maximum of one-hundred-thirty-two (132) days which is equivalent to 1056 hours. Employees who have reached the maximum will receive pay for accumulated days on a ratio of one-half (1/2) of accumulated days in excess of the one-hundred-thirty-two (132) days. Payment will be calculated at the employee's current rate of pay and made at the end of each fiscal year.

In the event that you have an illness/injury while you are on Annual Leave you must continue to use the Annual Leave and you are not allowed to convert your time off to Sick Leave.

Failure to notify your supervisor in a timely manner may result in the Sick Leave not being paid and those days considered unexcused absences.

Upon approval by the Executive Director, employees may donate sick leave to a fellow employee. The potential recipient of the donated sick leave must have exhausted all other leave options to be eligible to receive the donated time. The employee wishing to donate sick leave must complete the request in writing.

## **PAYMENT FOR UNUSED SICK LEAVE**

An employee of OVER may elect at the time of retirement from active service under Ohio Public Employees Retirement System, with ten (10) or more years of service with OVER, be paid in cash for one-fourth (1/4) of the value of his/her accrued Sick Leave credit to a maximum of thirty (30) days. Such payment shall

be based on the employee's rate of pay at the time of retirement. Payment of Sick Leave on this basis shall be considered to eliminate all Sick Leave credit accrued by the employee at that time. Such payment may be made only once to any employee.

Should an untimely death occur to any employee of the agency with ten (10) or more years of service, the employee's spouse, if living, or estate otherwise, will be paid in the fashion of the preceding paragraphs.

Except as otherwise provided in this policy, the Agency will not pay an employee for any un-used Sick Leave upon resignation or termination of employment for any reason.

## **BEREAVEMENT DAYS**

The Agency will give all employees time off, with pay, up to a maximum of three (3) days to attend the funeral and make any necessary arrangements associated with the death that has occurred in his/her immediate family. For the purpose of this policy immediate family is defined as: the employee's parent, spouse, child, sibling, grandparent or grandchild; the employee's spouse's parent, child, sibling, grandparent or grandchild; the employee's child's spouse. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships. Employees are responsible for informing their supervisor of the need for this time off.

In the event there are extenuating circumstances (i.e. cross-country or out-of-country travel required to attend the funeral,) additional days off without pay may be requested and approved, in writing, by your supervisor at his/her sole discretion. Additionally, with your supervisor's approval, you can use any available paid time off benefits, if additional time off is needed.

## **PROFESSIONAL DEVELOPMENT**

The Agency believes in the benefit of continued learning and as such encourages conference and training participation within budget parameters. Employees are reminded that they are representing the Agency when participating in such events and that attendance is required at all conference and training sessions. Requests for financial assistance for participation in job-related training will be reviewed with the supervisor for initial approval and then submitted to the Executive Director for consideration and final approval.

## **JURY DUTY**

Jury duty is a fundamental right and duty of all Americans and participation by all employees is encouraged.

All full-time employees who are summoned for jury duty must notify their immediate supervisor as soon as they receive such "notice-to-serve". Employees will be given time off to serve. Full-time employees will receive the difference between their regular salary and the jury fees for the period of the jury duty service. Should jury duty continue for an extended period of time (longer than two (2) weeks), OVER reserves the right to review the situation and alter the compensation paid during the remainder of the time served on jury duty.

Upon completion of service, employees shall provide OVER the appropriate court receipt and the actual time served, and fee received. If you are released by the court from jury duty before the time you would normally quit working for the day, you are expected to call your supervisor, who will determine if you should report to work for the balance of the day.

## **TELECOMMUTING**

The Agency considers telecommuting to be a viable alternative work arrangement in cases where individual, job and the direct supervisor's characteristics are best suited to such an arrangement. Telecommuting, remote work, telework, or teleworking is a work arrangement in which employees are not required to commute to an OVER office for all or part of the regular workweek, as OVER has no physical office, this is the standard work arrangement. The Telecommuting policy allows eligible employees to work at home, on the road, or in a satellite location for all or part of their regular work week. Telecommuting is a work alternative that may be appropriate for some employees and some positions. It is not an entitlement and it in no way changes the terms and conditions of employment with OVER.

In addition to office supplies (as outlined in the Telecommuting Agreement, Attachment 1), employees will be provided a standard internet connection equipment package, to include: laptop; mobile broadband device to access internet; cell phone. If access to the internet cannot be established using the equipment provided, the employee is responsible for purchasing any additional equipment or services required.

## **UNEMPLOYMENT COMPENSATION**

The Agency pays a percentage of its payroll to the State of Ohio Unemployment Compensation Fund. If you become unemployed, you may be eligible for unemployment compensation, under certain conditions, for a limited period of time based upon the reason for your termination as well as the earnings you have accumulated while working for the Agency. This benefit is totally provided by the Agency at no cost to employees. All determinations regarding unemployment compensation benefits are made by the State of Ohio, not the Agency.

## **WORKER'S COMPENSATION**

Worker's Compensation provides for payment of medical expenses and partial salary continuation to you for an injury or occupational illness arising out of and in the course of employment. The amount of benefits payable and the duration of payment depend upon the nature of the work-related injury or illness. The Agency pays the total cost of Worker's Compensation coverage for employees.

In addition, if you are injured on the job and must be taken in for medical care, we will pay you for the balance of the scheduled workday on which you were injured if it is not practical for you to return to work.

If you become injured while at work, you must report such injury to your supervisor and Executive Director. An Occupational Injury Report from the Ohio BWC website: <https://www.bwc.ohio.gov/downloads/blankpdf/FROI-1.pdf> (or similar form if BWC changes) must be filled out and signed by the employee and the supervisor. Failure to do this may consequently jeopardize your right to benefits in connection with the injury, or result in disciplinary action, up to and including termination.

## **LEAVES OF ABSENCE**

### **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

In accordance with the Family and Medical Leave Act ("FMLA"), Eligible Employee(s) may qualify for up to

twelve (12) or twenty-six (26) work weeks (depending on the reason) of unpaid leave for the reasons specified below. However, the Agency requires an employee qualifying for FMLA leave to concurrently use all accrued paid sick, annual and personal leave as applicable for any part of the twelve (12) or twenty-six (26) week period. Once all paid leave is used, the remainder of FMLA will be unpaid.

An "Eligible Employee" is one who: (a) has been employed by the Agency for at least twelve (12) months;<sup>1</sup> (b) has worked at least 1250 hours in the twelve (12) months immediately preceding the beginning of the first day of the leave; and (c) works at a work site where 50 or more employees work within 75 miles.

The law also covers all public agencies (state and local governments) and local education agencies (schools, whether public or private). These employers do not need to meet the "50-employee" test. Title II of FMLA covers most Federal employees, who are subject to regulations issued by the Office of Personnel Management. <https://webapps.dol.gov/elaws/elg/fmla.htm>

### Reasons for FMLA Leave

- A. Eligible Employees may qualify for up to twelve (12) work weeks of unpaid leave in a year for any of the following reasons:
1. For birth of a Son or Daughter, and to care for the newborn Son or Daughter ("Birth Leave").
  2. For placement with the employee of a Son or Daughter for adoption or foster care ("Placement Leave");<sup>2</sup>
  3. To care for the employee's Spouse's, Son or Daughter who has a Serious Health Condition ("Family Health Leave").
  4. To care for the employee's Parent who has a Serious Health Condition ("Parent Health Leave").
  5. Because of a Serious Health Condition that makes the employee unable to perform the functions of the employee's job ("Employee Health Leave"); or
  6. For a Qualifying Exigency while the employee's Spouse, Son, Daughter, or Parent (the military member) is on Covered Active Duty or Call to Covered Active Duty Status (or has been notified of an impending call or order to Covered Active Duty) ("Exigency Leave").
- B. Eligible Employees may qualify for up to twenty-six (26) work weeks of unpaid leave in a year for the following reason:
1. In order to care for a Covered Service Member with a serious illness or injury, if the employee is the Covered Service Member's Spouse, Son, Daughter, Parent, or Next of Kin ("Covered Service Member Leave").

An employee who has taken any FMLA leave to care for a Covered Service Member during a single twelve (12) month period is not eligible to take any additional leave to care for the same Covered Service Member with the same injury or illness during any subsequent twelve (12) month period.

### Definitions

*Covered Active Duty or Call to Covered Active Duty Status:* In the case of a member of the Regular Armed Forces, this means duty during the deployment of the member with the Armed Forces to a foreign country. In the case of a member of the Reserve components of the Armed Forces, this means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

---

<sup>1</sup> Time worked for the Agency prior to a break in service of 7 years or more is not counted.

<sup>2</sup> Birth Leave and Placement Leave must conclude within twelve (12) months of the birth or placement.

*Covered Service Member*: means a member of the Armed Forces (including National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy; is otherwise in an outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness incurred by the member in the line of duty on covered active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. It also includes a veteran of the Armed Forces who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness covered by the FMLA. The veteran must have been a member of the Armed Forces within the 5 years preceding the medical treatment, recuperation or therapy and must have been honorably discharged or released.

*Next of Kin of a Covered Service Member*: means nearest blood relative or the relative identified in writing by the service member.

*Parent*: means the biological, foster, or adoptive parent, a stepparent, or a legal guardian.

*Serious Health Condition*: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

*Son or Daughter*: means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. For all leaves except Exigency Leave and Covered Service Member Leave, the Son or Daughter must also be either under 18 years old or age 18 or older and incapable of self-care because of a disability as determined under the ADA.

*Qualifying Exigency*: Qualifying exigencies may include things such as attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

*Year*: The Agency uses the "rolling" twelve-month period measured backward from the date an employee uses any FMLA leave, except in the case of Covered Service Member Leave, when the Agency uses a rolling forward twelve-month period.

#### Rules Applicable When Both Spouses Are Employed by the Agency

If both spouses are employed by the Agency and are Eligible Employees, they are entitled to a combined total of twelve weeks of leave, rather than twelve weeks each, for Birth Leave, Placement Leave, or Parental Health Leave.

When both spouses are employed by the Agency and are Eligible Employees, they are entitled to a combined total of up to 26 weeks of leave, rather than 26 weeks each, for (1) Covered Service Member Leave, or (2) Covered Service Member Leave in combination with Birth Leave, Placement Leave or Parental Health Leave, during the single twelve-month period in which the Covered Service Member Leave is first taken by either spouse.

When the leave taken includes both Covered Service Member Leave and Birth, Placement or Parental Health Leave, the limitation of a combined total of up to 12 weeks leave during any 12-month period applies to the portion of leave taken as Birth, Placement or Parental Health Leave.

#### Reduced Schedule or Intermittent Leave

##### Intermittent Leave

Exigency Leave may be taken intermittently (taking leave in blocks of time) or on a reduced leave schedule (reduction of normal weekly or daily work schedule). Employee Health Leave, Family Health Leave, Parent Health Leave or Covered Service Member Leave may be taken intermittently or on a reduced leave schedule when medically necessary. Birth or Placement Leave may only be taken intermittently or on a reduced leave schedule if approved by the Agency.

Except in the case of Exigency Leave, the Agency may require an employee taking scheduled leave intermittently or on a reduced leave schedule that is foreseeable based on planned medical treatments to transfer temporarily if the position has equivalent pay and benefits and better accommodates the scheduled intermittent or reduced leave schedule than the employee's regular employment position. An employee must make reasonable efforts to schedule intermittent or reduced leave planned medical treatment so as not to unduly disrupt the Agency's operations. Once intermittent leave or a reduced leave schedule is initially granted, the employee must subsequently specifically reference either the qualifying leave reason or the need for FMLA leave when scheduling leave or calling off work in order to qualify as FMLA leave.

##### Notice

An employee ordinarily must provide 30 days advance notice when the need for leave is foreseeable. If the need for leave is not foreseeable, the employee must give notice as early as practicable. If the need for leave is because of a Qualifying Exigency and is foreseeable, the employee must give notice as soon as is reasonable and practicable. The Agency may deny or delay commencement of the leave period if the eligible employee does not meet the notice requirements.

##### Required Certifications Based on Health Issues

The Agency will require that a Family Health Leave, Parent Health Leave, Employee Health Leave, or Covered Service Member Leave be supported by certification from a bona fide health care provider. The certification form required to be completed by the healthcare provider is available from the Executive Director and must be completed and returned within 15 calendar days after receipt of the certification paperwork, unless it is not practical to do so and the employee can provide a reasonable explanation for the delay. If the submitted certification is incomplete or insufficient, the Agency will provide such notice to the employee in writing and the employee will have 7 days (unless not practicable under the circumstances) to cure any deficiency. Unreasonable delay in submitting the required certification after the deadline for submission has passed will result in denial of FMLA leave. Additional medical opinions and/or recertification may be required under certain circumstances.

##### Certification for Exigency Leave and Covered Service Member Leave

If an employee is requesting Exigency Leave, the leave must be supported by a certification that the employee's covered family member is on Covered Active Duty or Call to Covered Active Duty Status. Certification of additional relevant information may also be required in support of Exigency Leave and covered Service Member Leave in accordance with the FMLA. The certification forms are available from the Executive Director or his/her designee.

##### Return to Work

Periodic reports during the leave regarding the employee's status and intent to return to work will be required. The employee must provide a return to work slip before the employee may return to work from an Employee

Health Leave of more than three (3) consecutive days.

#### Paid or Unpaid Leave

The Agency requires an employee qualifying for FMLA leave to concurrently use all accrued paid sick, annual leave, and personal time, as applicable, for any part of the 12 or 26-week leave period. Once all paid leave is used, the remainder of the FMLA shall be unpaid. The Agency may designate as FMLA leave any absence related to injuries for which the employee is receiving workers' compensation or short- or long-term disability benefits.

#### Restoration to Position

An Eligible Employee who takes leave shall be entitled upon return from such leave: (a) to be restored to the position of employment held by the employee when the leave commenced; or (b) to be restored to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. If you fail to return to work at the end of the approved leave, the Agency may terminate your employment. The FMLA contains specific provisions regarding the exemption of highly compensated Employees from the above restoration provisions.

#### Maintenance of Health Benefits

Group health insurance will be maintained for the duration of the leave on the same terms as if the employee had not taken the leave, as long as the employee pays the premium amount normally paid by the employee. If possible, you should contact Agency concerning premium payments before taking leave. In some circumstances, the Agency may recover the premium it paid to maintain health coverage for an employee who fails to return to work from the FMLA leave. Additionally, should the employee return to work and the Agency has paid the employee's share of the health insurance premium during the employee's absence, the Agency retains the right to recover that sum from the employee.

#### Requests for FMLA Leave and Questions

If you are considering requesting leave under this policy, or if you have questions about the policy, please contact the Executive Director.

#### *Notice to Employees Regarding Genetic Information*

The Genetic Information Non-discrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, **we are asking that you not provide any genetic information** when responding to any request for medical information by the Agency, except as noted below and/or as may be noted in any specific forms regarding employee requests for leave due to the health condition of a family member.

"Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Exception: GINA allows employers to request family medical history, defined as information about the manifestation of disease or disorder in family members of an individual, to substantiate an individual's need for leave. In cases where this exception applies, we are asking you not to provide any other genetic information when responding to a request for medical information, including the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's



family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

## **FAMILIES FIRST RECOVERY CORONAVIRUS RESPONSE ACT (FFCRA)**

It is the policy of Ohio Valley Employment Resource to comply with the requirements of the Federal Families First Coronavirus Response Act (FFCRA). The FFCRA provides employees with Emergency Paid Sick Leave and Emergency Paid Family and Medical Leave (EFMLA) for those affected by the COVID-19 pandemic, from April 1, 2020 through December 31, 2020.

### Two Types of Leave Covered Under FFCRA

#### **1) Emergency Paid Sick Leave (EPSL)**

Emergency paid sick leave will be available for an employee who is unable to work or work remotely because:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine because of COVID-19;
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
4. The employee is caring for an individual subject (or advised) to quarantine or isolation;
5. The employee is caring for a son or daughter whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 precautions; or
6. The employee is experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

#### **Eligibility for EPSL**

All employees, regardless of their tenure with the organization, with full-time or part-time status are eligible to receive this benefit.

#### **Paid Benefits for EPSL**

Eligible employees will receive up to two weeks of paid sick leave.

- Full-time employees (scheduled to work 40 or more hours per week): 80 hours at their regular rate of pay, subject to caps and reasons noted below.
- Part-time employees (scheduled to work less than 40 hours per week): the number of hours that the employee works, on average, over a two-week period, subject to caps and reasons noted below.

Payments are capped at \$511 a day (\$5,110 in total) for dealing with an employee's own illness or quarantine (reasons 1, 2 and 3 above). Employees who are caring for an individual affected by COVID-19 and those whose children's schools or childcare providers have closed (reasons 4, 5 and 6 above) receive up to two-thirds of their pay, and that benefit is limited to \$200 a day (\$2,000 in total).

#### **Return to Work Following EPSL**

Employees are required to follow guidelines established by the [Centers for Disease Control and Prevention](#) as it relates to ceasing home isolation practices.

#### **2) Emergency Family Medical Leave Act (EFMLA) Expansion**

Employees will be entitled to take up to 12 weeks of job-protected leave if an employee is unable to work (or remote work) due to caring for the employee's son or daughter because the child's school or place of care has been closed or his or her childcare provider is unavailable due to the public health emergency.

### **Eligibility for EFMLA**

Under this policy, full-time and part-time employees who have been on Ohio Valley Employment Resource payroll for 30 days, prior to taking the leave, are eligible for leave.

### **Paid Benefits for EFMLA**

The EFMLA provides for a combination of unpaid and paid leave.

- The first 10 days of EFMLA may be unpaid. An employee may choose to take any existing pay benefit (i.e. PTO, vacation, sick pay) during the 10-day unpaid period, or the 10 days may be paid under emergency paid sick leave, if taken for a qualifying reason.
- After ten days of unpaid leave, employees are entitled to 10 weeks of job-protected leave of two-thirds their usual pay. Part-time employees are entitled to be paid two-thirds of their usual pay based on the average number of hours worked for the six months prior to taking the leave.
- The cap of the paid leave entitlement for employees is \$200 per day (\$10,000 in the aggregate).

### **Notifying Company of the Need for FFCRA Leave**

Employees should request their need for emergency paid leave as soon as possible, by notifying their immediate manager or human resources and filling out a request form indicating the specific qualifying reason and date of requested leave. If an employee is incapacitated, the employee's representative should give verbal notice as soon as possible. Calling in "sick" does not qualify as adequate notice. An employee must provide sufficient information regarding the reason for an absence for the company to know that protection and benefits may exist under this policy.

### **Insurance Benefit Continuation During FFCRA Leave**

Coverage under group health insurance will continue while on leave, but employees must continue to pay their portion of the premium. Other employment benefits [*such as group life insurance, AD&D, etc.*] will also be continued during the leave, as long as the employee continues to pay any required contribution. Payment arrangements will be discussed with individuals upon their request for leave.

### **Certification for FFCRA Leave**

Generally, the company will require certification to verify the qualifying reason for the leave. Employees should be prepared to provide documentation such as a copy of any quarantine or isolation order, or written note by a health care provider advising self-quarantine, or a notice of closure of school or childcare provider (i.e. email, notification on website, or news article).

We understand that requesting healthcare provider documentation may place additional burdens on our medical community during this pandemic, therefore if an employee is unable to obtain this documentation, at a minimum, the name, address, and phone number of your treating healthcare provider must be provided. *Ohio Valley Employment Resource* also reserves the right to request additional documentation completed by your healthcare provider or childcare provider (as applicable) in situations where there is reason to believe an employee has fraudulently obtained leave or paid benefits.

### **Intermittent Leave**

For employees working on the premises, intermittent leave will only be permitted for the qualifying reason related to caring for their minor child whose school or place of care is closed, or childcare provider is unavailable. For employees working remotely, intermittent leave will be permitted if the employee is unable to work his or her normal schedule of hours. The employee and employer will come to an agreement on a schedule that provides for the least amount of disruption to an employee's job. For EFLMA purposes, the total amount of leave taken in should not exceed the 12 weeks defined earlier in this policy.

### **Rights Upon Return from FFCRA Leave**

An employee who takes leave under this policy may be reinstated to the same job or an equivalent position upon completion of the leave. If an individual has exhausted all leave under this policy and is still unable to return to work, the situation will be reviewed on a case-by-case basis to determine what rights and protections might exist.

The law provides that an employee has no greater rights upon a return from leave than the individual would have had if s/he had continued to work. Therefore, an employee may be affected by a layoff, reorganization, furlough, change in job duties or other change in employment if the action would have occurred had the employee remained actively at work.

**NOTE TO EMPLOYER:** Under the EFMLA portion of FFCRA, employers with less than 25 employees are excluded from restoring the employee to his or her previous position if all four of the following hardship conditions exist:

- *The position no longer exists due to economic or operating conditions that affect employment and due to COVID-19 related reasons during the period of the leave;*
- *The company made reasonable efforts to restore the employee to the same or an equivalent position;*
- *The company makes reasonable efforts to contact the employee if an equivalent position becomes available; and*
- *The company continues to make reasonable efforts to contact the employee for one year beginning either on the date the leave related to COVID-19 reasons concludes or the date 12 weeks after the leave began, whichever is earlier.*

### **General Questions Regarding the FFCRA**

**Q: The FFCRA applies to employers with less than 500 employees. How do we know whether our local government is subject to the FFCRA?**

**A: The FFCRA applies to private sector employers with fewer than 500 employees (subject to specific small business exemptions not applicable here) and governmental employers with one (1) or more employees. This means that all local governments – counties, municipalities, and school districts – are subject to the mandates of the FFCRA.**

<https://www.natlawreview.com/article/new-leave-entitlements-under-ffcra-issues-unique-to-public-sector-covid-19-resource>

## **FAMILY MILITARY LEAVE OF ABSENCE**

Ohio has a family military leave law that is similar to the FMLA's Exigency Leave and Covered Service Member Leave provisions, see Ohio Revised Code 5923.05.

## **MILITARY LEAVE**

It is the policy of the Agency to fully comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 and its subsequent updates. Employees who are inducted into the U.S. Armed Forces or who are reserve members of the U.S. Armed Forces or state militia groups or any other covered service member will be granted leaves of absence for military service, training, or other obligations in compliance with state and federal laws. At the conclusion of the leave, employees generally have the right to return to be reemployed in the job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined

by seniority. Employees are required to notify the Supervisor as soon as they are aware of the military obligation.

Agency employees who are required to work a regular schedule of 52 consecutive weekly pay periods and who are members of the Ohio National Guard, the Ohio Defense corps, the Ohio Naval Militia, or members of other reserve components of the armed forces of the United States are entitled to leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training or active duty for periods not to exceed thirty one (31) days in a calendar year.

However, these employees will receive only the difference between their regular salary and the military pay for that period.

## **COMPENSATION**

### **PAYDAY**

OVER requires direct deposit for its payroll for all employees. OVER pays on a bi-weekly basis with deposits made every other Wednesday. If the payday falls on a holiday, the payroll will be adjusted accordingly. There are twenty-six (26) bi-weekly pay days in a calendar year. Pay periods run from Sunday through Saturday.

It is our policy and practice to accurately compensate employees in accordance with all applicable laws. Compensation is based on a completed timesheet signed by the employee and approved by the supervisor. Any employee who fails to report or inaccurately reports any hours worked, will be subject to disciplinary action.

To ensure that you are paid properly for all time worked and that no improper deductions are made, you are encouraged to review your pay record promptly. Any employee who finds a discrepancy in his/her pay record should immediately notify the Executive Director so that the necessary arrangements can be made to correct any errors. Also, any employee desiring further information or explanation concerning his/her pay record should consult with the Executive Director. Every report of incorrect or improper pay will be investigated and corrective action will be taken where appropriate. The Agency will not permit retaliation against individuals who report alleged violations of this policy or who cooperate in the Agency's investigation of such a report.

### **TAX WITHHOLDING**

OVER will deduct local, state, and federal taxes for appropriate payment on the employee's behalf. Each employee is required by law to have a completed, signed, and dated W-4 form on file with the Agency. The W-4 form is a written instruction from the employee to the Agency expressing the desire of how the employee wants to have their tax withholding handled by the Agency. These instructions are current until replaced by a new W-4 form. You will be instructed to fill a W-4 form out during your orientation. You will also be able to complete a withholding form for the state where you reside which also instructs the Agency how the employee would like their state tax withholding handled.

If you want to change your tax withholdings, contact the Executive Director. Agency will use the most recently dated form when withholding taxes.

## **COMPENSATORY TIME / FLEX TIME**

Comp time must be kept to a minimum. All employees, who receive prior written supervisory approval, will receive compensatory time for any hours worked over 80 hours in a pay period. The current policy is one and at one-half (1.5) hours compensation for each hour worked beyond normal working hours. If an employee does not receive prior written supervisory approval, but needs to work past the full-time limit, an employee may note flex time. Flex time is at the standard hourly rate for those issues when approval was not obtained but additional work was necessary. A column on the timesheet will show compensatory time / flex time / personal time and will be turned in every two weeks. Flex time and compensatory time should be used as soon as possible in future pay periods as possible. (5-22 COG Motion #28-21)

## **EVALUATIONS AND COMPENSATION ADMINISTRATION**

The Agency provides a formal process for performance feedback to all of its employees. It is with this in mind that all employees will have their performance reviewed on an annual basis by their supervisor. New employees will be reviewed after the completion of their introductory period of ninety (90) days.

Performance evaluations will be written and will cover areas such as: quality of work, productivity, attendance, safety habits, attitude, and initiative. An employee whose evaluation score does not meet or exceed satisfactory will not receive a salary increase or one-time merit increase for that evaluation period.

The results of these annual performance evaluations will be a factor in determining future salary increases, if any, as well as in making job assignments and promotion/demotion decisions.

Each employee is entitled to review, sign and receive a copy of his/her performance evaluation. The original evaluation document will become a part of the employee's personnel file. The Executive Director, annually, will review staff salaries with consideration to these performance evaluations and will recommend adjustments of staff salaries to the WDB Personnel Committee for consideration.

## **TRAVEL & REIMBURSEMENT**

### **BUSINESS TRAVEL**

**Vehicle Usage** - For employees deemed to have an appropriate need, the Agency allows employees to drive their personal vehicles on Agency business and reimburses employees for business use of their personal vehicles in accordance with the guidelines below. This is a reimbursement and employees should not consider this part of their compensation package.

#### **Safe Driving of Personal Vehicles on Agency Business:**

1. In order for employees to be approved to drive their personal vehicle on Agency business, the employee must show proof of a valid driver's license, have a driving record acceptable to the Agency, and provide proof of auto insurance to their supervisor.
2. Employees holding jobs designated as requiring regular driving for business must, as a condition of employment, be able to meet the driver approval standards of this policy at all times.
3. Employees must report any and all driving related convictions that result in a change to a valid driver's license (both work and private) within twenty-four (24) hours of the conviction to their

Supervisor. The Agency reserves the right to randomly or periodically check the employee's driving record for violations. Failure to report any conviction resulting in a change to a valid driver's license may result in disciplinary action up to and including termination.

4. Employees are required to inform their Supervisor of any conditions or changes that may affect either their legal, physical, or mental ability to drive, or their continued insurability. This includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.
5. Employees who use their personal vehicle for Agency business must keep track of and record all business mileage. You will be asked to record the beginning and ending odometer readings for your trip. Commuting is not considered a business-related expense and should not be included in business mileage. The business mileage claimed and the COG adopted standard mileage rate will be used to calculate the amount of reimbursement. Parking charges and highway tolls related to business travel may be reimbursed at cost; receipts are required for all expenses exceeding five (\$5) dollars.
6. Employees who drive their personal vehicle on Agency business must exercise due diligence to drive safely. In addition, such drivers must make sure that the vehicle meets all Agency or legal standards for insurance, maintenance, and safety. Employees must comply with all applicable laws, regulations and traffic rules while driving on Agency business and will be personally responsible for any driving infractions, fines, and insurance deductibles as a result of their driving.
7. Cell phone usage (including texting or the use of any other mobile device) while driving on Agency business is strictly prohibited. If there is a need to make a phone call, you must pull off the road and park the car prior to making the call.
8. All employees and passengers are required to wear seatbelts at all times while driving on Agency business, even in a personally owned vehicle.

#### Accidents While Driving on Agency Business

If an employee is involved in an accident, theft, or damage involving an Agency vehicle or personal vehicle, or rental car used on Agency business, the employee must follow these steps:

- If an injury is involved, summon immediate medical aid.
- Notify police immediately.
- The accident should only be discussed with the police officers, employee's supervisor or the Agency's insurance carrier.
- If possible, a police report detailing the accident, or a case report number should be obtained.
- Report any accident to their supervisor, regardless of the extent of damage or lack of injuries.
- An Accident Report must be filled out and sent to Human Resources.
- **Failure to report an accident on Agency business or in an Agency rented vehicle within twenty-four (24) hours of the accident is grounds for disciplinary action up to and including termination.**

**Employees are expected to cooperate fully with authorities** in the event of an accident. However, employees should make no voluntary statement nor discuss blame other than in reply to questions of

investigating officers.

**Expense Reimbursement** - Reasonable expenses incurred by employees conducting Agency business are reimbursable. Each employee must record all information listed on the Expense Form. Expenses should be submitted in a timely manner. Any expense reimbursement requests (mileage or otherwise) not submitted within six months of the month the travel occurred will be forfeited and will not be reimbursed.

### **Methods of Transportation**

1. **Air Travel** – Less than “First Class” accommodations must be used unless the carrier does not offer this or other space is not available.
2. **Privately Owned Vehicles** – See business usage above section.
3. **Local Public or Private Transportation** – Transportation by local bus, subway and taxi between terminal, place of lodging and place of business during out-of-town, official Agency business is allowable.

### **Lodging**

When lodging is required, the Agency will pay for reasonable lodging costs. In instances where lodging is procured at a pre-arranged place (such as the hotel where the meeting, conference, or training session is being held), the Agency will pay the actual cost of lodging. Where higher than reasonable lodging costs are anticipated, advance approval must be obtained from the Executive Director.

No minimum allowance is authorized for lodging because those allowances are based on actual and reasonable lodging costs. Receipts for lodging costs must accompany travel expense report.

### **Meals and Incidental Expenses (M&IE)**

Costs associated with work productivity while in travel, such as copies/fax/internet/supplies are reimbursable with receipt while on travel.

Expenses will be paid for meals incurred by OVER staff members while on travel status. OVER employees are not permitted to pay for any additional person’s meals—only OVER staff members. Reimbursement for meals will be as follows (6/22/15 COG Motion #28-14):

- Breakfast - Ten (\$10) dollars in-state travel – Staff/WDB, if travel status begins prior to 7AM
- Lunch - Fifteen (\$15) dollars in-state travel for lunch while on travel status.
- Dinner - Twenty (\$20) dollars in-state while on travel status past 5PM. One day meetings which end at 4PM do not qualify.

Should an employee be on travel status all day and not spend the total allowance amount for one (1) meal they can spend more on another meal, as long as the total does not exceed the forty-five (\$45) dollar per day on meals.

1. Meal expense that may be reimbursed must be listed separately for each meal reimbursement requested with a receipt from the restaurant which provided the meal. Detailed receipts are

preferred, charge card receipts will be accepted only if noted no alcohol was purchased. May include tip up to 15%.

2. While on travel status for more than one of the above specified time periods, meal reimbursement is authorized for each of the time periods during which the individual is traveling. Meal reimbursement in that total amount may be allocated for any meal as the individual chooses. This reimbursement is however for actual expenses. They are not per diems or entitlements.
3. OVER staff employees can only be reimbursement for their meals. If the employee wants to entertain guests while on travel status that expense will be at the employees' cost. The Executive Director at their discretion can be reimbursed for any extra legitimate/allowable expenses. Other staff members will be allowed extra meeting expenses, with supervisor approval.
4. NOTE: No reimbursement for entertainment or alcohol. The Executive Director may be reimbursed for meals, coffee and other non-alcoholic drinks that occur in the ordinary, necessary, responsible course of OVER meeting activities.

## **EMPLOYEE CONDUCT & DISCIPLINE**

### **PROFESSIONAL APPEARANCE**

Employees of Agency are hired to provide services to the region and to perform specific tasks in a professional manner. As representatives of the Agency, employees are encouraged to meet high standards both in performing quality work and in presenting a professional image to the public.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions and schedule. Personal items should be selectively displayed. At the sole discretion of management, employees who do not present a clean and neat appearance and/or appear for work inappropriately dressed will be addressed by the WDB Personnel Committee.

Consult your supervisor in advance if you have questions as to what constitutes appropriate attire.

### **TIME AND ATTENDANCE REPORT**

All employees are required to keep accurate timesheets. If an employee does not understand the procedure for completing the record, the employee must consult with his/her supervisor.

Each employee shall make daily time entries in the time and attendance system. **Do not fill out your time record in advance.** Time records must indicate the following: hours worked, leave hours, and a concise description of the duties performed.

The value of each hour worked is important to the federal and state budget processes and to the audit procedures we are required to follow. Our time records are also used to assign your time to various programs and projects, and to maintain payroll records. In order to comply with applicable wage and hour laws, accuracy and clarity are the responsibility of each employee. Therefore, the following policy should be observed in addition to the rules noted above:



- ❖ Round the program hours worked and the times in and out to the quarter hour. Rounding is allowable under DOL regulation up to the quarter hour. Minutes 1 to 7 would be rounded down and minutes 8 to 14 must be rounded up.
  - If the employee arrives at 8:03 am, they would enter 8:00 am.
  - If the employee arrives at 8:12 am, they would enter 8:15 am.
  - If the employee leaves at 4:03 pm, they would enter 4:00 pm.
  - If the employee leaves at 4:09 pm, they would enter 4:15 pm.
  - Tardiness will still be determined by the supervisor based on the needs of the position in question.
  
- ❖ The program hours worked should be entered in the percentage of the hour:
  - 15 minutes = 0.25
  - 30 minutes = 0.50
  - 45 minutes = 0.75
  
- ❖ The total hours worked each day must be accurately entered.
  - If the employee checks email in the evening, they must clock in and out, and account for that time in the program hours worked.
  - If the employee comes in early, they must clock in early.
  - If the employee leaves for a personal appointment, they are not counted as worked hours.
  
- ❖ All time must accurately reflect the time worked. If it is determined that an employee is not entering all of their hours worked or entering hours not worked, that employee will be subject to disciplinary action up to and including termination.
  
- ❖ Never enter, alter, or delete any other employee's time record.
  
- ❖ Do not allow another employee to enter or alter your time record.
  
- ❖ If you become aware of any violations of this policy, or if any manager or employee instructs you to incorrectly under-report or over-report your hours worked or to alter another employee's time records to inaccurately report that employee's hours worked, you must report it immediately to the Executive Director. Every report will be investigated, and corrective action will be taken where appropriate. The agency will not permit retaliation against individuals who report alleged violations of this policy or who cooperate in the agency's investigation of such reports. Disciplinary action, up to and including termination will be taken against any employee found to have participated in such retaliation.
  
- ❖ Any violation of this policy can result in disciplinary action up to and including termination.

Bi-weekly employee time records for the corresponding pay period are to be finalized by the employee by close of business the Monday immediately following the end of the pay period. Failure to do so will result in disciplinary action.

## **ATTENDANCE**

Each employee plays an important role in the operations of OVER, and we rely on you to work the hours required for your position. We understand that situations may arise which will detain or prevent you from

reporting to work, but we expect you to provide your immediate supervisor with advance notice of any tardiness or absence, where possible. We also expect that you will demonstrate professionalism and make up any work left undone due to your tardiness or absence.

**Tardiness** is defined as reporting to work after your scheduled starting time. This applies only to positions with a scheduled start time.

If an employee is tardy six (6) times within a three (3) month period, the employee will receive a written warning. Two (2) written warnings for tardiness within a twelve (12) month period shall be grounds for termination.

An employee's immediate supervisor should make efforts to address an employee's tardiness behavior prior to it reaching the written warning stage.

**Excused Absence** are those approved by an employee's immediate supervisor for the use of paid time off for an acceptable reason (illness, vacation, personal or family emergency, etc.) Absences or leaves taken under FMLA or Military Leaves are considered "excused absences."

In the case of an unexpected absence (illness, emergency, etc.), employees are expected to contact their immediate supervisor no later than one (1) hour before the time they are scheduled to start work for that day if a group activity requiring attendance is planned. OVER reserves the right to verify the nature of any absence.

We reserve the right to require a doctor's excuse along with a medical release to allow you to return to work for any employee who misses more than three (3) consecutive workdays due to an illness or injury.

**Unexcused Absence** is an absence for a reason other than that mentioned above. If the request for the use of paid time is denied and the employee is absent, the absence will be considered unexcused.

If an employee has more than two (2) unexcused absences within a three (3) month period, the employee will be issued a written reprimand. Two (2) written reprimands within a twelve (12) month period shall be grounds for termination from employment.

Non-exempt employees will not be paid for unexcused absences. The pay of exempt employees may be deducted in accordance with the Compensation policy.

## TELEPHONE USAGE/PERSONAL CALLS

Professionalism is important to OVER, and the manner in which an employee speaks with clients and the public on the telephone reflects directly upon the Agency's reputation. We expect employees to conduct themselves in a professional manner at all times. All callers are to be treated with respect.

Cell phones will be provided by OVER to staff members. The following conditions must be followed by all staff members regarding the use of the cell phones:

1. Staff members are responsible for the protection of the phone and must keep the phone secure from any possible loss or damage.
2. All additional roaming charges for personal phone calls are the responsibility of the employee to whom the cell phone is issued.
3. Phone shall be "ON" and carried during core work hours except for while on leave. Exceptions-meetings/ lunch time.

4. In exchange for the availability during core hours, personal calls are allowable as long as they do not interfere or take precedence over work calls.
5. Employee is responsible for keeping phone battery charged.
6. There must be the ability to leave messages; and staff is required to have a personalized business voicemail greeting.

## **SAFETY AND SECURITY**

Safety is the responsibility of both the Agency and its employees. It is the intention of the Agency to establish a safe work environment for all employees. Employees are expected to work in a safe and responsible manner during the performance of their duties.

## **ELECTRONIC RESOURCES**

In order to assist each of us in successfully carrying out our business, OVER provides and maintains computers, computer software and hardware, mobile and cellular telephones and other wireless equipment and related accessories, an electronic mail system (E-mail) and access to the Internet (collectively the "Electronic Resources"). The Electronic Resources are OVER property. They have been provided by the Agency for use in the conduct of Agency business. Use of the Electronic Resources for personal purposes, other than incidental use, is prohibited. Additionally, all communications and/or other content composed, maintained, stored, sent, or received through use of the Electronic Resources are and remain the property of the Agency.

This policy applies to all individuals who use the Electronic Resources. Users are reminded to behave in a courteous and professional manner when using the Electronic Resources. The Electronic Resources shall **not** be used to:

- Create any offensive or disruptive messages. Among those considered offensive or disruptive are any messages which contain sexual implications, racial/ethnic slurs, offensive gender specific comments or any other comment that offensively addresses someone's age, color, gender, race, veteran status, religious beliefs, national origin, disability or any other characteristic protected by applicable law.
- Send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior written authorization of the Executive Director of the Agency.
- Access, transmit, retrieve, display, or store illegal materials or engage in any illegal activity.
- Conduct unauthorized business.
- Engage in non-job-related commercial activity.
- Violate any other policy of the Agency. The Agency's policies apply fully to the Electronic Resources, and any violation of those policies will be grounds for disciplinary action, up to and including termination.

Although the Agency's Electronic Resources are intended solely for use in the conduct of Agency business, incidental personal use of the Electronic Resources may be permitted, subject to all aspects of this policy and all other Agency policies, including provision relating to monitoring of usage and access to information.

Incidental personal use, however, shall not be allowed to: (i) impede the user's ability or the ability of others to work, or (ii) adversely impact access to or use of the Electronic Resources by others for business purposes.

OVER reserves and intends to exercise the right to review, audit, intercept, access, and disclose all communications or other content created, maintained, stored, received, or sent through the Electronic Resources at any time, with or without notice, and for any purpose. The contents of electronic mail may be disclosed within or outside the organization without the permission of the employee. There is no right to, and users should have no expectation of, privacy in the use of the Electronic Resources. The confidentiality of any message should not be assumed. Even when a message is erased or deleted, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality.

Notwithstanding OVER's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any E-mail messages that are not sent to them.

No employee shall use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's message without the latter's permission. All employees are to keep their pass codes confidential.

Employees are responsible for the proper care and use of any equipment issued to them by the Agency, e.g., mobile device, computer, etc. All such equipment must be immediately returned to the Agency upon request or termination of employment for any reason, whichever occurs first. An employee must report loss or damage of any Agency-issued equipment to his or her supervisor immediately. When applicable, an employee must file a police report and submit a copy of such report to his or her supervisor before replacement of equipment can be issued.

When using a mobile device, safety must remain the employee's paramount concern. Mobile devices must not be used while driving. If an employee needs to make or receive a call and/or send or receive a message, he or she must pull off to the side of the road or otherwise safely stop their vehicle before doing so. Any employee who discovers a violation of this policy must notify the supervisor immediately. Violations of this policy as a whole or any individual component will result in discipline up to and including discharge. The Agency may also seek reimbursement or other expenses from an employee who causes damage to or otherwise misuses the Electronic Resources.

## **SOCIAL MEDIA USE**

### **Vision & Purpose for Using Social Media**

OVER is increasingly exploring how online and mobile interactions can benefit the organization and staff members in fulfilling our mission in the area. OVER is the place where visions and ideas about our workforce are created, designed, discussed, and embraced. By expanding our presence online, we are expanding opportunities for the creation, design, discussion, and adoption of ideas.

**To learn:** As a community focused agency, we believe in the importance of open exchange and learning—between OVER and our customers and the general public. The rapidly growing phenomenon of user-generated web content is an important arena for community focused engagement and learning.

**To contribute:** Each day we are researching, discussing, and working on issues important to our region and our constituents. Online and mobile interactions provide an opportunity to further contribute our experiences and knowledge to public dialogue.

### **Social Media Guidelines**

OVER Policy Letter 4-17 Social Media and Social Media - Employee Usage are the governing documents to be followed with regard to setting up social media sites and usage whether business/personal. The Agency does not seek to control, through this policy or otherwise, the purely personal online content posted by staff members if that content is: posted during non-working time; posted using the staff member's own equipment; unrelated to and does not identify a matter of public concern involving OVER or the staff member's position with OVER; not otherwise disruptive to OVER's mission.

This policy also is not intended and will not be applied in a manner to limit or discourage employee discourse or communications which are protected by applicable federal, state or local law, including but not limited to communications related to working conditions, pay and/or other terms and conditions of employment under R.C. 4117 and/or constitutionally protected communications.

This policy applies to the use of Social Media by Agency employees with respect to Agency information or Agency representation, both on and off-duty, and whether using Agency equipment or personal equipment.

Keep in mind that, as technology changes or as new opportunities or challenges emerge relating to Social Media, this Policy will evolve, and the Agency reserves the right to modify this policy.

### **Monitoring**

The Agency has the ability to monitor and record all usage of its Electronic Resources, including e-mail and Internet use, and we want you to be aware that we reserve the right to do so for any reason and at any time, with or without notice. Employees are further cautioned that the Internet is generally a public forum, and therefore, your Internet postings, whether on or off duty, are subject to review by anyone, including the Agency.

### **Reporting Violations/Questions**

The Agency expects employees to report any violations or possible or perceived violations of this policy to their supervisor. If you have any questions about this policy or whether certain content is appropriate to post on a Social Media site, contact the Executive Director.

### **Discipline for Violators**

Violations of this policy may result in disciplinary action up to and including immediate termination. The Agency reserves the right to take legal action where appropriate against employees who engage in prohibited or unlawful conduct.

## **CONFIDENTIALITY AND NON-DISCLOSURE**

In the context of employment with the Agency, employees will have access to client and Agency information that must be kept confidential. Employees agree that they will protect the confidentiality of all confidential information and that they will use it and/or disclose it only as properly required for purposes of performing their job for the Agency or as otherwise may be required by applicable law. Employees are required follow and sign the Employee Attestation Personally Identifiable Information (PII) form as stated in OVER Policy

Letter 3-15 (Use of Personally Identifiable Information).

## **SOLICITATION AND DISTRIBUTION**

In the interest of maintaining a productive business environment and of preventing interference with work and inconvenience to others, the Agency reserves the right to limit and prohibit solicitation and distribution activities in the workplace.

Solicitation refers to oral communications designed to obtain financial and/or other types of support for an organization, cause, event, or issue. Examples include, but are not limited to, soliciting memberships, contributions, or individual enlistment in an outside organization or cause, or engaging in solicitation activities for personal or other non-Agency business purposes.

Distribution refers to the sharing or posting of written or electronic materials designed to obtain financial and/or other types of support for an organization, cause, event, or issue.

No distribution may occur through the use of any Agency-wide communication systems, such as e-mail, mail delivery, employee publications, payroll stuffers, etc., unless the material is approved in advance by the Executive Director.

Solicitation and Distribution by Non-Employees: Non-employees shall not solicit or distribute material (including literature) on Agency-owned or controlled property (including parking lots) at any time. The only exception to this shall be those authorized in writing by the Executive Director. Violators shall be subject to prosecution.

Solicitation and Distribution by Employees: In order to maintain an efficient, safe work environment which is free of disturbances to employees, solicitation and distribution by employees must be subject to limitations of time and place.

**Time:** No employee shall engage in solicitation of another employee or engage in distribution of materials if either employee is on working time (defined below).

**Place:** No employee shall engage in distribution of material at any time in any working area of the Agency (defined below).

“Working time” is defined as the time assigned for the performance of an employee's job duties and responsibilities, but does not include break periods, meal periods, and other duty free periods when an employee is properly not performing his or her job duties, even if these periods are paid.

“Working area” includes all work areas within the Agency’s buildings or facilities where employees customarily work, such as cubicles, offices, and the like, other than employee break areas, employee bathrooms and the like.

## **TOBACCO USE**

This policy is intended to provide all of our employees and clients with a tobacco free workplace. The breathing of secondhand smoke has been shown to be a violation of the rights of workers and clients and in our work environment it can also create both a safety and health hazard. Additionally, the State of Ohio has enacted legislation forbidding smoking in work environments.

Therefore, this policy is designed to provide for the creation of a healthier/safer workplace environment for employees and clients to comply with state law and to protect Agency assets.

Any employee who is found to be in violation of this policy will be subject to disciplinary action up to and including termination.

## HARASSMENT

**Any and all forms of unlawful harassment are prohibited.**

OVER and its employees value a professional environment where each employee is treated with respect and dignity. OVER expressly prohibits any form of harassment based on race, color, religion, gender, national origin, ancestry, age, disability, genetic information, sexual orientation, veteran status, military status, or any other characteristic protected by applicable law. Interference with the ability of our employees to perform their expected job duties will not be tolerated. Any employee who is found, after appropriate investigation, to have engaged in any form of harassment will be subject to prompt disciplinary action, up to and including termination. This policy applies to workplace conduct, conduct at OVER functions, and to employees at all levels and positions within OVER. This policy also prohibits unlawful harassment of Agency employees by vendors, customers or other third parties.

It is impossible to list all behaviors that could constitute unlawful harassment. Sexual harassment is defined as: Unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:

- ◆ Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- ◆ Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- ◆ Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Both males and females can be guilty of sexual harassment.

Unlawful harassment may also include offensive conduct directed at a person because of the person's race, color, religion, sex, age (40 and older), national origin, ancestry, disability, military status, genetic information or any other characteristic protected by applicable law.

Acts of harassment can take a variety of forms, ranging from subtle pressure for sexual activity to physical assault to racial or ethnic slurs. Some examples of the kind of conduct that may be defined as harassment include:

- A. Verbal abuse, offensive gestures or leering, sexually degrading words, offensive comments, jokes, innuendos, sexual content added to work-related conversations, and other sexually oriented statements.
- B. Graphic, degrading, condescending, or suggestive comments about an individual's body or body parts.
- C. Unwanted flirtations, propositions, or physical contact or any threats of undesired contact.
- D. Repeated invitations when the recipient has indicated that he or she is not interested.
- E. The display of sexually suggestive drawings, posters, or pictures.
- F. Improper questions about an employee's private life.

- G. Circulating material (electronically or otherwise) which ridicules a gender, or which is sexually suggestive, regardless of whether it is directed at specific individuals or not.
- H. Verbal kidding or jokes regarding race, age, etc.
- I. Racial, ethnic, or religious epithets.

Prohibited harassment may involve individuals of the same gender, race, national origin, etc.

**Harassment complaint procedure (Use Attachment 2 to file a complaint.)**

Employees are expected to treat their co-workers with respect and to refrain from any conduct which may be construed as harassment. If you experience or witness any job-related harassment based on sex, race, or any other characteristic listed above, or if you believe you have been treated in an unlawful, discriminatory manner, it is your responsibility to promptly report the incident to your immediate supervisor, or to the Executive Director. You may also report the incident to the presiding officer of the governing body if the Executive Director is the subject of the grievance. Any supervisor who is aware of harassment is obligated to report the matter immediately to the Executive Director.

While complaints cannot be kept totally confidential (we would not be able to conduct an investigation if they were) we will be as discreet as possible with the information you provide. Only those individuals who have a “need to know” will have access to the information.

All employees are required to cooperate in investigations of harassment complaints by providing truthful information in response to any inquiry. OVER prohibits any form of retaliation against any employee for filing a good faith complaint under this policy or for assisting in a complaint investigation.

We will investigate any and all claims of harassment promptly, impartially, and thoroughly. The organization reserves the right to conduct the investigation either internally or with the assistance of an external investigator. Since these investigations are conducted in a thorough manner, they may take some time to complete. We are committed to concluding the investigation as quickly as possible, but not to the extent that we sacrifice the thoroughness and fairness of the investigation.

During the investigation, both the person filing the complaint and the individual whom the complaint was filed against will be kept informed of the progress of the investigation when feasible. Once the investigation is concluded and a decision is reached, the decision will be covered with both individuals involved. If an employee is not satisfied with the way a complaint is handled, he or she should bring this to the attention of the Executive Director.

Any employee found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

## **WORKPLACE BULLYING**

The Agency will not, in any instance, tolerate bullying. The Agency defines bullying as repeated inappropriate verbal or physical behavior carried out (directly or indirectly) by one or more persons against another. Bullying may be intentional or unintentional. However, where an allegation of bullying is made, the intention of the alleged bully is irrelevant. It is the effect of the behavior on the individual who is the object of the bullying that is important.

The following types of behaviors are examples of bullying and will be treated as a violation of this policy:



- Verbal Bullying: slandering, ridiculing, or maligning an Employee or his/her family; persistent name calling, which is hurtful, insulting or humiliating; using an Employee as the butt of jokes; abusive and offensive remarks.
- Physical Bullying: pushing; shoving; kicking; poking; tripping; assault or threat of physical assault; damage to an Employee's work area or property.
- Gesture Bullying: non-verbal threatening gestures or glances which can convey threatening messages.
- Exclusion: socially or physically excluding or disregarding an Employee in work-related activities.

The following are additional examples of conduct that may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person
- Shouting or raising voice at an Employee in public and/or in private
- Using verbal or obscene gestures
- Not allowing the Employee to speak by ignoring or interrupting
- Personal insults and use of offensive nicknames
- Public humiliation in any form
- Constant criticism on matters unrelated or minimally related to the Employee's job performance
- Ignoring or interrupting the Employee during meetings
- Public reprimands
- Repeatedly accusing an Employee for errors that cannot be documented
- Spreading rumors and gossip regarding an Employee
- Interfering with the ability of an Employee to do his or her work (e.g., overloading, underloading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, deliberately giving ambiguous instructions)
- Assigning menial tasks which are inconsistent with the Employee's job duties
- Denying reasonable requests for leave in the absence of work-related reasons to deny leave

Employees are expected to resolve their differences in a professional and respectful manner. If an Employee has a complaint about a fellow Employee that cannot be resolved by the Employee's own efforts, Employees are encouraged to resort to the following procedure:

- An Employee may present to his or her Supervisor a written or verbal complaint. If written, use Attachment 2 to file a complaint. If the Employee's complaint concerns his or her Supervisor, the Employee should direct the complaint to the next higher management level.
- The recipient of the complaint will attempt to resolve the dispute through discussion with the parties and, within a reasonable time after receiving the complaint, issue a written statement of the resolution of the dispute.
- In the case of a complaint of bullying, the recipient of the complaint will notify the Executive Director of such complaint. The Executive Director will then direct an investigation and, within a reasonable time after receiving the complaint, should issue a written statement of the resolution of the complaint of bullying.

Employees who are determined to have violated this policy will be subject to disciplinary action, up to and including termination.

## **ALCOHOL AND SUBSTANCE ABUSE/DRUG FREE WORKPLACE**

OVER is committed to maintaining an efficient workplace with a safe environment for our employees. It is our policy that, in accordance with the Drug-Free Workplace Act of 1988, our workplace shall be drug-free. This means that all full-time, part-time, temporary, and contract employees are prohibited from unlawfully manufacturing, using, possessing, selling, distributing, dispensing, or transporting drugs, alcohol or other controlled substances during work hours, no matter the location. Prescription or over-the-counter drug use must be within the limits of a valid prescription and/or manufacturer's guidelines and must not adversely impair the individual's ability to function safely and effectively or adversely affect judgment or perception. Employees are also prohibited from reporting to or being at work while under the influence of alcohol or illegal substances.

Off-the-job possession, sale, use or involvement with drugs (or alcohol) which leads to adverse publicity, or impacts the Agency's credibility with any outside concern, or has the potential for that publicity or impact, as determined solely by the Agency, will be dealt with on an individual case basis.

All employees of OVER are required, as a condition of employment, to submit, upon request, to a urinalysis, blood test, and/or Breathalyzer test to detect the presence of illegal drugs or alcohol in their system. The Agency reserves the right to initiate this request under any or all of the following circumstances:

- When OVER has reasonable suspicion to believe that an employee is under the influence of drugs or alcohol in violation of this policy.
- Following a work-related accident, injury, or safety violation.

All test results will be provided to the Executive Director, who will notify only the WDB Personnel Committee about the test results. The Agency will make a reasonable effort to treat the test results as confidential medical records, but the Agency has no liability to an applicant or any Agency employees as a result of any disclosure of such test results. Test results are maintained in the employee's medical file. Because we are a service organization and many employees are required to use their vehicles for work to conduct business, we take this policy very seriously. There will be disciplinary action for an alcohol level of .02 to .039 (In a rolling 12 month period):

- 1st offense: Suspended one month without pay.
- 2nd offense in previous 12 months: Termination.

Employees experiencing problems resulting from drug, narcotic, or alcohol abuse or dependency should voluntarily contact a member of management who will assist them in obtaining counseling assistance. This must be done prior to the abuse being identified as a work rule violation.

If an employee is convicted of a criminal drug violation, he or she must notify the Agency within five calendar days of the conviction. If an employee is convicted of any criminal drug activities, the Agency will take appropriate action against the employee (up to and including termination) and may require the employee to participate in an approved drug-abuse assistance or treatment program.

This policy applies to all employees and to personnel associated with any contractor or subcontractor working on OVER property. Violation of this policy may result in discipline, up to and including discharge. Any employee with confirmed positive test results or who refuses to consent to being administered a test is subject to immediate termination.

If an employee has a drug problem, a care center can help through individual and family counseling. OVER can assist an individual in obtaining a list of available resources.

## **THREATS AND VIOLENCE**

Our policy is to strive to maintain a safe work environment free from intimidation, threats, or violent acts. This includes, but is not limited to, intimidating, threatening or hostile behaviors, physical assault or abuse, vandalism, arson, sabotage, use of weapons, carrying weapons (beyond what is permitted by law or any other act, which, in management's opinion, is inappropriate to the workplace during work hours. In addition, bizarre or offensive comments regarding violent events and/or behavior are not tolerated. Under no circumstances are the following items permitted during work hours: firearms (beyond what is permitted by law), dangerous chemicals, explosives (including blasting caps), or any other objects carried or used for the purpose of injuring or intimidating.

Employees who are subjected to any of the behaviors listed above must immediately report the incident to any Supervisor or Director. Complaints will receive attention and the situation will be investigated. Based upon the results of the inquiry, or direct observation, disciplinary action, up to and including termination, will be taken against the offender if management deems it appropriate. Law enforcement authorities will be involved on an as-needed basis.

Employees who observe or have knowledge of any violation of this policy must immediately report it to OVER management. Management will act when unforeseen events occur and expect employees to support this policy. In the event of an emergency, employees should always contact proper law enforcement authorities; it is not necessary to first inform management if there is a threat to anyone's personal safety.

## **WEAPONS**

OVER prohibits anyone from possessing or carrying weapons of any kind during work hours, regardless of whether the person is licensed to carry the weapon under applicable Ohio law, except as provided in Ohio Revised Code 2923.1210.

A business entity, property owner, or public or private employer may not establish, maintain, or

enforce a policy or rule that prohibits, or has the effect of prohibiting, a person who has been issued a valid concealed handgun license from transporting or storing a firearm or ammunition when both of the following conditions are met:

- (1) Each firearm and all of the ammunition must remain inside the person's privately-owned motor vehicle while the person is physically present inside the motor vehicle, and each firearm and all of the ammunition must be locked within the trunk, glove box, or other enclosed compartment or container within or on the person's privately-owned motor vehicle;
- (2) The vehicle is in a location where it is otherwise permitted to be.

No Agency employee shall carry on his/her person a firearm during work hours or in the performance of the employee's work responsibilities. This policy also prohibits the carrying of a firearm on his/her person at any Agency-sponsored events.

The Agency reserves the right to investigate potential violations of this policy in a reasonable manner, including undertaking property searches as provided in the Workplace Searches policy. Any weapon uncovered in a search may be confiscated. When warranted confiscated items may be turned over to appropriate law enforcement authorities.

Nothing in this policy shall be construed as creating any duty or obligation on the part of the Agency to take any actions beyond those required of an employer by existing law.

The Agency intends to prosecute all violators of this policy.

## **OUTSIDE ACTIVITIES OF EMPLOYEES**

**Outside Activities** - Employees are welcome to participate in service clubs and other personal activities during non-working time. However, they should only do so in such manner that these activities do not interfere with their normal work.

**Outside Employment** - Outside employment shall not be in conflict with the normal duties and goals of the individual as an employee of OVER and must not create a conflict of interest that is noted below in the Conflict of Interest/Code of Ethics Policy and entered into only with the prior written approval and at the sole discretion of the Executive Director. Employees will not be compensated during an absence that results from an injury that occurs on the outside employment, nor will the injury be covered by OVER's Worker's Compensation Insurance.

## **RULES OF CONDUCT**

The Agency believes that the primary reason for corrective action is to modify the behavior of the employee, not to punish them. We also recognize that certain infractions and performance problems are more serious than others, and that repeated violations need to be dealt with differently than isolated breaches of conduct. However, the Agency cannot tolerate the following types of major misconduct. Any incident which falls into the "Major Misconduct" category is grounds for immediate termination.

### **MAJOR MISCONDUCT**

1. Theft or unauthorized removal of Agency property or the property of others, destroying or intentionally defacing or damaging Agency property or the property of others.
2. Possessing any type of weapon or explosives during work hours.
3. Conviction of a felony.
4. Possessing, distributing, selling, or using alcohol or illegal substances at work.
5. Refusing to take or failing a drug or alcohol test or otherwise violating the Agency's Alcohol and Substance Abuse Policy.
6. Working/driving on Agency time in an impaired condition due to the consumption of alcohol, illegal substances, or the abuse of legal drugs.
7. Fighting or willfully causing bodily harm to another employee, supervisor, vendor, or client.
8. Insubordination - Defined as the refusal to perform a reasonable job assignment that is not hazardous, illegal, immoral, or unethical including, but not limited to, refusal to cooperate in any investigation.
9. Falsifying any Agency documents, including but not limited to: employment application, expense reports, mileage information, timesheets, or recording time for another employee, or allowing another employee to record your time without management authorization.
10. Revealing confidential information (as defined in this handbook) to anyone or misusing confidential information for personal reasons.
11. Repeated violations of other Agency policies and procedures.

The following areas of misconduct, while not being considered "Major Misconduct" are still violations of the accepted conduct at the Agency and will result in disciplinary action up to and including termination.

**OTHER AREAS OF MISCONDUCT**

- Misrepresenting or omitting facts to the Agency on any document, record, or report including but not limited to, employment documents, medical documents, and security documents or related to current professional licenses.
- Disorderly conduct during work time.
- Criminal, immoral, or indecent conduct, which occurs away from the workplace, but which, could be related back to the workplace or the Agency.
- Disrespectful treatment, offensive treatment, or the use of abusive language verbally, via fax, by e-mail or text messages toward a consumer, co-worker, or supervisor.
- Making false statements concerning the Agency, its employees, or clients.
- Any violation of the Agency's Equal Employment Opportunity Commitment and/or Harassment policies.

- Violation of safety rules; such as carelessness in regard to safety; causing danger or accident to fellow employees.
- Habitual tardiness, abuse of sick leave, unauthorized or excessive absence from duty without notice to and permission from your Supervisor.

The preceding rules of conduct do not alter your employment-at-will relationship with OVER. OVER may terminate your employment at any time, for any reason not prohibited by law. Likewise, you may also terminate the employment relationship at any time, for any reason or for no reason.

## **CONFLICT OF INTEREST**

All OVER grant award and procurement practices will be conducted in a manner to provide, to the maximum extent possible, open and free competition. OVER will be alert to organizational conflicts of interest. All employees will follow OVER Policy Letter 2-15 Conflict of Interest. Staff members shall sign this policy form annually.

## **WHISTLEBLOWER POLICY**

OVER takes the reporting of waste, fraud, or abuse as an extremely urgent and serious matter. As part of our ongoing vigilance, we have adopted the Ohio Revised Code section on Whistleblower Protection as our Whistleblower Policy. It is as follows:

### **124.341 Violation or misuse - whistleblower protection.**

(A) If an employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the employee may file a written report with the office of internal audit created under section 126.45 of the Revised Code or file a complaint with the auditor of state's fraud-reporting system under section 117.103 of the Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with the supervisor, appointing authority, the office of internal audit, or the auditor of state's fraud-reporting system, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102, section 2921.42, or section 2921.43 of the Revised Code, the employee may report it to the appropriate ethics commission.

(B) Except as otherwise provided in division (C) of this section, no officer or employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report or filing a complaint as authorized by division (A) of this

section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.

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

(D) If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified employee as a result of the employee's having filed a report or complaint under division (A) of this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the board shall immediately notify the employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Revised Code.

(E) As used in this section:

- (1) "Purposely," "knowingly," and "recklessly" have the same meanings as in section 2901.22 of the Revised Code.
- (2) "Appropriate ethics commission" has the same meaning as in section 102.01 of the Revised Code.
- (3) "Inspector general" means the inspector general appointed under section 121.48 of the Revised Code.  
*Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.*  
*Amended by 129th General Assembly File No.73, HB 66, §1, eff. 5/4/2012.*  
*Effective Date: 10-31-1990; 07-01-2007; 2007 HB166 02-14-2008*

## **COUNSELING AND DISCIPLINE**

Your position with OVER requires a level of commitment and maturity. You are expected to act in a responsible and professional manner. Where an employee's performance or conduct does not reflect the appropriate level of professionalism or commitment to your duties, OVER will take disciplinary action or terminate the employment relationship. In the case of disciplinary action, it may range from counseling, formal reprimands, to suspension, or immediate termination of employment for the first incident. OVER reserves the right to determine, at any time, whether an employee's actions warrant immediate termination or less severe disciplinary measures. This is not a progressive discipline policy.

### **1. Counseling Sessions**

- **Training Counseling** – Training Counseling is intended to bring to the employee's attention to unsatisfactory job performance due to a lack of knowledge, or a misunderstanding, of the expectations or requirements of the job position. The employee will be counseled by their supervisor and written documentation of the counseling session will be placed in the employee's Personnel File.

If the employee does not repeat the infraction during the current rating period, the supervisor

will not consider it in future years. If the employee repeats the violation, based on supervisor's judgment of the seriousness of the offense and number of times repeated, the employee will be assigned for remedial training. If upon completion of remedial training the employee repeats the offense, supervisor will issue employee a Reprimand (see below).

- **Conduct Counseling** – Counseling that is intended to bring to the employee's attention a behavioral and/or job performance issue due to a failure to: take direction; fulfill one's responsibilities; or conduct oneself in a professional manner. The employee will be counseled by his/her supervisor and written documentation of the counseling session will be placed in the employee's Personnel File.

If the employee does not repeat the infraction during the current rating period, the supervisor will not consider it in future years. If the employee repeats the violation, based on the supervisor's judgment of the seriousness of the offense and number of times repeated, supervisor will either document a second Conduct Counseling Session for the disciplinary file or issue a Reprimand (see below).

2. **Reprimand** – Formal reprimands will be used to bring the employee's attention to a serious violation of the rules of the workplace, or to a failure to correct a series of minor to moderate violations that were documented as Warnings and placed in the employee's Personnel File.

In the case of a single serious offense, the employee will be informed by supervisor of the serious nature of the offense and written documentation of the offense will be placed in the employee's Personnel File.

In the case of an employee's failure to correct repeated conduct issues as discussed in Conduct Counseling sessions, the employee will be issued a Reprimand. Along with the Reprimand, all prior documentation related to the offense will be placed in the employee's Personnel File.

In the case of an employee's failure to correct repeated training issues as discussed in Training Counseling sessions and upon completion of remedial training, the employee will be issued a Reprimand. Along with the Reprimand, all prior documentation related to the training issue will be placed in the employee's Personnel File.

**The supervisor must notify the Executive Director prior to issuing a Reprimand to an employee regardless of the reason for the Reprimand.**

3. **Suspension** - A suspension may be used by OVER as the first form of discipline to address an employee's performance or conduct problems which OVER deems to be very serious, or as a form of progressive discipline where an employee has not responded satisfactorily to counseling or probation.

In the case of an employee who has already received a written warning, if at the time of the follow-up meeting the employee's conduct or job performance has not improved to the satisfaction of OVER, the employee may be suspended from work without pay.

The suspension period may be of any length, but generally will not exceed thirty (30) days. The



employee is informed in writing that, once permitted to return to work, he/she is expected to show immediate improvement in job performance or dismissal without any further notice may result.

4. **Termination of Employment** - Termination of employment may be used by OVER as the first action taken to address an employee's performance or conduct problems which the Agency deems to be most serious and unlikely to be corrected, or as the final form of discipline where an employee has not responded satisfactorily to counseling, probation or suspension.

In the case of an employee who has already been placed on an unpaid suspension, if at the time of the follow-up suspension meeting the employee's conduct or job performance has not improved to the satisfaction of OVER, the employee may be terminated.

## **TERMINATION**

It is the policy of the Agency that no employee's employment will be involuntarily terminated without the circumstances first being reviewed by the WDB Personnel Committee. The purpose of this review is to ensure that all employees are receiving fair treatment and where circumstances warrant, that termination is appropriate. This policy is for the protection of the employee as well as the supervisor and the Agency. This policy does not apply in instances where the employee has voluntarily resigned their position.

As with any disciplinary measures, it is the policy of the Agency that all terminations and resulting investigations shall be reduced to writing. Any terminated employee may make a request to the WDB Personnel Committee for review of the termination decision. This request must be made in writing within seven (7) calendar days of the conveyance of the termination decision.

## **WORKING CONDITIONS**

### **INCLEMENT WEATHER**

#### **Employee Responsibility**

1. In the event of inclement weather conditions or forecasts, it is the responsibility of each employee to check the weather and use reasonable judgement to cancel/change travel plans
2. If the threat of inclement weather persists, it is the responsibility of each employee to periodically recheck these sources throughout the day for updates as the status of weather conditions may change. If weather is bad, leave when feasible.
3. It is the responsibility of each employee to notify consumers, suppliers, or any other person with whom they may have had a scheduled appointment of the change and rescheduling of that appointment.
4. These procedures in no way replace or supersede the uniform statewide system for winter weather advisories established by the Ohio Sheriff's Association. It is the responsibility of each employee to monitor and abide by the uniform statewide system for winter weather advisories established by the Ohio Sheriff's Association. The levels are as follows:

**Level I** – Hazardous driving conditions with blowing snow and icy roads exist; use caution.

**Level II** – Increased intensity of conditions exist, and driving should be done cautiously and with discretion.

**Level III** – Driving is permitted only for emergency reasons.

No OVER travel will be allowable under level III (unless needed to return to home) until it has been lifted and conditions permit safe driving. Each individual is expected to use their own discretion and assess their individual circumstances as to their safety in making it to work.

## **HIPAA COMPLIANCE**

It is the policy of this Agency to comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 as it pertains to the Agency staff and the preservation of the privacy and the confidentiality of protected health information (PHI), as that term is defined by HIPAA. Employees will be required to review and familiarize themselves with HIPAA - required consent form and cover letter, Attachment 3 of the Agency and to sign an acknowledgment of having done so.

## **FAIR LABOR STANDARDS ACT (FLSA)**

OVER shall abide by all applicable provisions of the Fair Labor Standards Act (FLSA) relating to (1) Exemptions; (2) Minimum Wage; (3) Overtime and (4) Records.

You may view your employee rights and employer responsibilities at the U.S. Department of Labor's website at <http://www.dol.gov/whd/flsa/>.

## **PUBLIC RECORDS REQUESTS & RESPONSE(S)**

Openness leads to a better informed citizenry, which leads to better government and better public policy. Ohio Valley Employment Resource as a governmental agency has Policy Letter No. 2-17 to explain what is a public record requests and the process for responding. On OVER's Boards webpage, the records custodian's contact information is provided. Please consult the records custodian if you, as an OVER employee get a public record request.

## **FORMS & SIGNATURES**

### **COMPLETION AND SIGNING OF FORMS**

All businesses use forms and other documents to conduct their business, and OVER is no exception. Some of our forms and documents are used in determining and describing employee wages and benefits, such as insurance applications, and claim forms. Others help us to describe employees' conduct and performance, such as performance appraisals and warning notices. Still others are required to federal, state, or local governments, such as tax withholding forms and retirement account reports.

Whenever you are presented a form or document and asked by the Agency to complete or sign it, please read it carefully, complete it accurately and sign it. OVER policy prohibits employees from failing or refusing to complete or sign any of these important records and documents. Please note that your signature on any form of discipline does not necessarily indicate that you agree with the discipline; it just means that you have read and received it.

## **ACKNOWLEDGEMENT OF RECEIPT AND REVIEW**

Ohio Valley Employment Resource is pleased to welcome you to the team. Communication is essential to success. Never hesitate to ask questions if you don't understand or need additional information. Take time to read and understand the OVER Employee Handbook.

As a new employee, by signing and dating below, you acknowledge receipt of the Agency Handbook and the related attachments. In addition, you acknowledge that you have had a chance to review this document, the attachments and the website ([www.omj15.com](http://www.omj15.com)) as it relates to the OVER policies and have been given the opportunity to ask any questions or discuss its contents.

Please initial that you have read and understand the following topics.

- Auditor of State Fraud Hotline
- Request for Leave Procedure
- Telecommuting Agreement
- Travel/Meal Reimbursement
- Timesheet Procedure
- Social Media Usage
- Confidentiality (Personally Identifiable Information)
- Complaint Procedure
- Drug Free Workplace Policy
- Conflict of Interest Policy
- HIPPA – Consent for Disclosure

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date