



# **2018 Policy Manual**

## Revision/Action History

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**Policy# 2018-1-001**

**Policy on Policies**

The purpose of the Policy Manual is to establish a framework of administrative policies and procedures to further the mission of the Board of Health. These policies include Foundational Policies, Terms of Employment, Conduct, Worksite Health and Safety, Paid and Unpaid Leave, Compensation/Benefits/Reimbursement, and Disciplinary Policies.

The Marion Board of Health is the authority for the Marion County Combined General Health District, a.k.a. Marion Public Health, and no policy will be considered an official policy of Marion Public Health unless it has been approved by a resolution of the Marion Board of Health.

- (A) A staff *Policy Review Committee* will review the policy manual annually and make recommendations to the Health Commissioner. This is a staff review process. Directors are expected to bring their own recommendations directly to the Health Commissioner. All changes approved by the Health Commissioner will be presented to the Board of Health for their final approval and adoption within the first quarter of each calendar year.
- (B) In the event a new policy would need to be added or an existing policy amended or rescinded prior to the annual schedule, those recommendations will be taken to the Board of Health for approval at any regular or special meeting of the Board of Health.
- (C) When changes and updates are made to the manual and approved by the Board of Health, notices will be sent to employees via email and presented at the subsequent divisional staff meeting by Division Directors. A record will be kept by the Administrator to document that the employee has received the policy and has indicated that they understand the policy.
- (D) The most current version of the policy manual will be maintained on the shared drive of the internal IT network.
- (E) Any requests for personal exemptions or waivers from the policies in this manual must be made in writing in advance of the exemption being granted. The written request shall be delivered to the Health Commissioner and shall include the rationale for the exemption as well as the duration of the exemption. The exemption request, if approved and signed by the Health Commissioner, will be maintained in the personnel file and the senior leadership team will be made aware of that exemption to avoid confusion in the event they observe what might otherwise be considered a violation of policy.

**Applicability and Administration**

The provisions of this Policy Manual are applicable to all Marion Public Health employees except as specifically provided herein. This manual's purpose is to provide a systematic and organized approach to the establishment, implementation, and administration of the personnel policies and practices relevant to all affected employees. This manual is not a contract of employment or a guarantee of any rights or benefits, but is merely intended to be used to assist and guide employees in the day-to-day directions and performance of their duties. Any promises or statements made by any individual that conflicts with this manual is unauthorized, expressly disallowed, and should not be relied upon. Any questions relating to the purpose, goals, and/or interpretation of these policies should be directed to the Health Commissioner.

This manual is also intended to be construed in such a manner as to comply with all applicable federal, state, and civil service laws and regulations. Employees are responsible, as a condition of their employment, to familiarize themselves with, and abide by, these policies.

Employees are encouraged to make suggestions for improvements in personnel policies and practices to the Health Commissioner.

If any article or section of this manual is held to be invalid by operation of law, the remainder of this manual and amendments thereto shall remain in force and effect. Should a conflict arise between the Ohio Revised Code (O.R.C.) or applicable federal law and this manual, law shall prevail.

**Policy# 2018-1-003**

**Formation, Mission, and Organization**

(A) Marion Public Health is a Combined General Health District as described in Ohio Revised Code 3709.071. Marion Public Health serves all of Marion County, Ohio.

(B) The mission of Marion Public Health is to create a culture of health by providing all people with the opportunity to reach their greatest health potential at every stage of life.

(C) The Marion Board of Health is the ultimate authority for Marion Public Health.

(D) The organizational features of Marion Public Health are defined as follows:

- (1) The **Board of Health** establishes policies for the Health Department. The Board may adopt such orders and regulations as are needed to protect the public's health. The Board consists of seven (7) members, three (3) of whom are appointed by the District Advisory Council, three (3) appointed by the Mayor of the City of Marion. The remaining one (1) appointment will alternate between the Mayor and the DAC beginning with a DAC appointment in March, 2016. Regardless of the origin of the appointment, the Board of Health's primary interest is supporting Marion Public Health in the execution of its mission.
- (2) The **District Advisory Council** (DAC) consists of the President of the Board of County Commissioners, the Mayor of the City of Marion, the chief executive of each municipal corporation not constituting a city health district, and the president of each board of township trustees. It is responsible for reviewing reports of the Board of Health and may offer recommendations for the betterment of health and sanitation and for needed legislation. The DAC appoints three (3) members to the Board of Health.
- (3) The **Health Commissioner** is appointed by the Board of Health to be the chief executive officer and is responsible for carrying out orders and regulations of the Board and the Ohio Department of Health. The Health Commissioner is also responsible for the enforcement of all sanitary laws and regulations, as well as for keeping the public informed in all matters affecting public health. The Health Commissioner is the appointing authority for all other employees of Marion Public Health, subject to budgetary approval by the Board of Health. To the extent the Board of Health is not prohibited from doing so by law, the Board of Health has delegated full management authority to the Health Commissioner.
- (4) **Employees** are expected to conduct their responsibilities with maximum effectiveness and in an efficient manner. They are also responsible for having a thorough understanding of program responsibilities and administrative policies and procedures.

**Policy on Health Equity**

Health equity is defined as the elimination of societal and institutional barriers to optimal health that are experienced disproportionately within our population. These barriers may include, but are not limited to, access to quality education, a living wage, a discrimination-free social environment, and a safe physical environment. As such, Marion Public Health sees the pursuit of health equity as both an ethical and public health necessity as we strive to improve the health of the entire population of Marion.

- (A) Marion Public Health believes health equity is an essential component of a society that values the well-being of all people and recognizes that healthy people require healthy places.
- (B) Marion Public Health seeks to create the economic, social, and physical characteristics needed for healthy communities in all neighborhoods, with a focus on the unique needs of low-income communities and communities of color.
- (C) Marion Public Health is dedicated to achieving and institutionalizing health equity by supporting key stakeholders with technical assistance, policy advocacy tools, research and data analysis, and coalition-building consultation.
- (D) Marion Public Health staff will work to deliberately include this health equity framework in decision-making when planning and executing programs and developing public health policy.
- (E) Marion Public Health leadership will work to deliberately include this health equity framework in administrative decision-making and personnel policy development as it relates to our own staff.



**Policy# 2018-1-005**

**Policy on Inclusion of County Policies**

Where feasible and in keeping with the direction of the Marion Board of Health, Marion Public Health will benefit by having policies that are consistent with those followed by Marion County employees.

- (A) Marion Public Health has adopted a number of policies found in the 2013 policy manual of Marion County with certain changes.
- (B) Adoption of the amended or original County policies does not imply that the employees of Marion Public Health are Marion County employees.
- (C) Any discrepancy regarding the interpretation of any adopted County policy with regard to the policy's intent will be resolved by the opinion of the Health Commissioner. Such opinions may be appealed to the Marion Board of Health.
- (D) The County policies adopted by the Board of Health remain subject to Marion Public Health policy # 2017-1-001, Policy on Policies, and will be reviewed individually on an annual basis.

**Hiring and Selection**

(A) **Posting of Vacant Position**

When a position is to be filled, notice of the vacancy is advertised in local newspapers and/or posted on the Marion Public Health web site, indicating the classification of the position, the salary range, where and how to apply for the position, a statement that Marion Public Health is an Equal Employment Opportunity Employer, and a brief description of the duties and qualifications. To be considered for employment, applicants are required to submit a cover letter, a list of references, and a resume. These documents will be reviewed by the hiring committee as part of the decision-making process.

(B) **Evaluation of Applicants**

1. A panel consisting of the Health Commissioner and appropriate supervisor/director shall evaluate all job applicants' resumes. Applicants must submit to reference checks, interviews, background checks, driving record checks, and/or other job-related evaluation procedures. An applicant shall be required to provide any non-medical information, upon request, insofar as such information is job-related.
2. The Employer may also require a selected applicant to pass an appropriate examination as a condition of employment to determine whether the applicant can physically and/or mentally perform the essential functions of the job, with reasonable accommodation where necessary. Pre-employment tests to determine current use of illegal drugs that may affect the applicant's ability to perform the duties of the job in question will be conducted before a conditional offer of employment. Such drug screening shall be paid for by Marion Public Health.
3. Employees are required to take and pass a criminal background check conducted by Bureau of Criminal Identification and Investigation (BCI&I) as a condition of employment.

(C) **Basis for Selection/Disqualification**

1. Appointments to vacant positions, either from internal promotion or selection from outside job applicants, shall be made based solely on the applicant's knowledge, skills, and abilities, and other job-related practical selection methods.
2. An applicant shall be eliminated from consideration if he/she:
  - a. Does not possess the knowledge, skills, and abilities necessary to effectively perform the duties of the vacant position;
  - b. Has made a false statement of material fact on the application form or supplements thereto;
  - c. Has committed or attempted to commit a fraudulent act at any stage of the selection process;
  - d. Is not legally permitted to work due to lack of required citizenship status;
  - e. Has been previously terminated from Marion Public Health for just cause except in unusual circumstances to be determined by the Health Commissioner or designee after review with the previous supervisor;

- f. Failed to adequately complete or pass a BCI&I background check, if required;
  - g. Failed to satisfactorily pass a required drug screening; or
  - h. Failed to produce a current driver's license and proof of automobile insurance.
- 3. An applicant may be eliminated from consideration upon other reasonable and legal grounds relating to job requirements.
  - 4. If an employee is hired and it is subsequently learned that any of the above disqualifying criteria apply, the employee may be terminated.
  - 5. The Administrator is responsible for documenting that the person selected for employment is legally authorized to work in the United States.

(D) Making the Offer

- 1. The Division Director for the division in which the open position exists must make a recommendation to the Health Commissioner and have that recommendation approved prior to extending any offer to the candidate.
- 2. The Health Commissioner is the hiring authority and will authorize the selection of the candidate and the offer (start date and hourly rate or salary) prior to it being made to the candidate.

**Rehiring OPERS Retired/Separated Members**

**(A) Marion Public Health Employees Who Take OPERS Retirement may be Rehired Subject to the Following:**

1. In accordance with O.R.C. §145.381, if the retiring employee is subject to hire through a Board, then sixty (60) days prior to rehire in the same job from which the employee retired, the hiring Board must give public notice of the employee's intent to rehire. The hiring Board must then hold a public hearing on the issue between fifteen (15) and thirty (30) days prior to the retired employee's rehire date.
2. At the time of retirement, the employee must be paid all accrued vacation time. When rehired, the employee will begin accruing vacation as a new employee. The employee will not receive credit for prior years' service in determining the vacation accrual rate.
3. If the employee requests payment of sick leave upon retirement, the employee will start with a zero balance and accrue sick leave as a new employee. The employee will not be eligible for any future payment of unused sick leave earned during post-retirement employment.
4. If the employee does not request payment of sick leave upon retirement, he/she may retain the sick leave balance for use when rehired provided his/her re-hire date is within ten years of his/her retirement. If the employee chooses not to request payout upon retirement, he/she shall not be eligible for any payment of unused sick leave upon separation from the post-retirement employment.
5. Classified employees who are rehired subsequent to taking OPERS retirement will receive no credit for prior service. Rehired employees will start a new period of classified service for the purpose of calculating service credits in the event of layoff or other action affecting their employment.
6. Employees are required to notify their employer of their retirement date. Marion Public Health reserves the right to start a rehired employee at a newly negotiated rate of pay.
7. Employees who leave an OPERS position through some other means than retirement and who opt to receive a payout of vacation time will only be rehired as a new employee. The employee will not receive credit for prior years' service in determining the vacation accrual rate.

**Immigration Reform and Control: Hiring**

**(A) In General**

In accordance with the provisions of the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, Marion Public Health has adopted the policy set forth below:

1. Marion Public Health shall not knowingly hire or recruit or continue employment of any person without legal citizen status hired after November 6, 1986, without substantiating and documenting that person's eligibility in accordance with provisions established by this policy.
2. Marion Public Health has established an employment verification system and shall retain appropriate records establishing that each employee hired after November 6, 1986 is lawfully authorized to work in the United States as either a U.S. citizen or as a properly "documented person."
3. As a condition of continued employment, Marion Public Health shall verify both the identity and the employment eligibility of all applicants considered for employment, by following the steps outlined in (B) below.

**(B) Pre-employment Requirement**

1. All applicants to be hired, as a condition of employment, shall be required to complete the biographical information requested by Form I-9 (Refer to Form I-9). The applicant shall attest that he/she is eligible for employment and has presented authentic, original documentation of identity and employment eligibility by placing an X in the appropriate box in Part 1 of the form. The applicant shall sign the signature space of Part 1 of the form and shall submit the form to the Employer for review and verification.
2. Marion Public Health shall require the applicant to furnish an original of one of the documents listed below in order to substantiate both the applicant's identity and employment eligibility:
  - a. United States passport (unexpired or expired);
  - b. Certificate of United States Citizenship (INS Form N-560 or N-561);
  - c. Certificate of Naturalization (INS Form N-550 or N-570);
  - d. Unexpired foreign passport which contains (a) an unexpired endorsement of the United States Attorney General authorizing the individual's employment in the United States (an unexpired stamp that reads, "Processed for I-551. Temporary Evidence of Lawful Admission for permanent residence. Valid until (see form). Employment authorized."); or (b) has attached thereto a Form I-94 bearing the same name as the passport and contains an employment authorization stamp, so long as the period of endorsement has not yet expired and the job does not conflict with restrictions or limitations identified on the Form I-94;
  - e. An unexpired Temporary Resident Card (INS Form I-668), or unexpired Employment Authorization Card (INS Form I-668A); or
  - f. An unexpired Refugee Travel document (INS Form I-571) or unexpired reentry permit (INS Form I-327); an unexpired employment authorization document issued by the Immigration and Naturalization Service which contains a photograph (INS Form I-688B).

3. In lieu of any of the documents specified in (B)(2) of this policy, the applicant may submit to the Employer an original of one of the documents outlined below to establish employment eligibility and an original of one of the documents outlined below to verify the employee's identity:

Acceptable Documents for Verifying  
Employment Eligibility:

- a. Social Security card, unless stamped  
""not valid for employment purposes""
- b. A birth certificate issued by the Dept. of  
State (Form FS-545)
- c. A certificate of birth abroad issued by  
the Dept. of State (Form DS-1350)
- d. An original or certified copy of a birth  
certificate issued by a state or by a  
political subdivision
- e. Native American tribal document
- f. U.S. Citizen ID Card (INS Form I-97)
- g. ID card for use of resident citizen in the  
United States (INS Form I-179)
- h. An unexpired employment  
authorization document issued by the  
Immigration and Naturalization Service

Acceptable Documents for Verifying  
Employment Identity:

- a. State driver's license\*
- b. State identification card\*
- c. School identification card with a  
photograph
- d. Voter's registration card
- e. U.S. military card or draft record
- f. ID card issued by federal, state, or  
local government\*
- g. Military dependent's ID card
- h. Native American tribal documents
- i. U.S. Coast Guard Merchant Marines  
Card
- j. Canadian driver's license

- 4. If the applicant cannot produce the documents, the applicant must produce a receipt for an application for replacement documents within three (3) days of hire.
- 5. Individuals who are disabled may establish identity through certain other documents if they are being placed into employment by a nonprofit organization, association, or as part of a rehabilitation program. The Administrator can provide additional information.
- 6. Minors under the age of 18 who are unable to produce one of the identity documents listed under (3) of this section may provide other acceptable documents to establish identity. The Administrator can provide additional information on the acceptable documents.
- 7. If a person attests to the Employer that he/she intends to apply or has applied for legalization or amnesty, the Employer need not require evidence of work authorization as specified in 3(c) above, the applicant must, however, provide to the Employer evidence of the applicant's identity.

(C) Post-Hiring Requirements

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\*A driver's license, state identification card, or government ID shall be accepted by the Health Department only if the card bears a photo of the applicant or contains personal identifying information including the applicant's name, date of birth, sex, height, weight, eye color, and address.

1. Within three (3) business days after the appointment of the applicant, the Employer shall physically examine the documentation presented by the new employee, ensure that the documents presented appear to be genuine and relate to the individual, and then complete the remaining portions of Form I-9.
2. The Employer shall retain Form I-9 and photocopies of the supporting documentation for three (3) years after the effective date of hire or for one (1) year from the date of the employee's separation from service, whichever is later.
3. Form I-9 and copies of supporting documentation shall not be used for any purpose or provided to any agency or person other than for the purpose of complying with the requirements of the Act.
4. Should an employee be rehired or reinstated by the Employer, within one (1) year of the date of separation, the Employer may use the original I-9 form and supporting documentation for the purpose of complying with the Act.
5. If an employee's authorization to work expires, the Employer must immediately re-verify that the employee is still authorized to work, based on the employee's documentation of continuing eligibility or new authority to work. The Employer must review the document, and verify on the I-9 Form, noting the document's ID number and expiration date.

(D) Anti-Discrimination Policy: It is the intention of Marion Public Health not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise provided by law. The employer will not unlawfully discriminate against any citizen or national of the United States or against any person authorized to work in the job at issue.

**Probationary Period**

Newly hired employees shall be required to successfully complete a one year probationary period. The probationary period allows Marion Public Health to closely observe and evaluate the employee's fitness and suitability for the position. Only those employees who demonstrate an acceptable standard of conduct and performance shall be retained in their positions. All probationary employees shall be given at least three performance evaluations during the one year period. These should occur with no more than five (5) months between any two evaluations.

If, at any time during the probationary period, a newly hired employee's service is determined to be such that it does not merit further employment, he/she may be terminated without appeal rights. Time spent on inactive pay status or non-paid leave of absence shall not be counted toward the completion of the probationary period.

Probationary period may only be extended with the approval of the Health Commissioner and only if agreed to by both the probationary employee and the supervisor.

Promoted employees are not subject to a probationary period.



**Equal Employment Opportunity**

Marion Public Health is an equal opportunity employer and does not discriminate on the basis of race, color, religion, gender, sexual orientation, age, national origin, disability, military status, genetic testing, or other unlawful bias except when such a factor constitutes a bona fide occupational qualification ("BFOQ"). All personnel decisions and practices including, but not limited to, hiring, suspensions, terminations, layoffs, demotions, promotions, transfers, and evaluations, shall be made without regard to the above listed categories. Marion Public Health intends for all of its policies to comply with federal and state equal employment opportunity principles and other related laws.

Marion Public Health condemns and will not tolerate any conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that their rights have been violated under this policy should submit a written complaint of discrimination to the Health Commissioner who shall have the authority and responsibility to work directly with Ohio Civil Rights Commission to investigate and take appropriate action concerning the complaint.

**Americans with Disability Act**

Marion Public Health prohibits discrimination in hiring, promotions, transfers, or any other benefit or privilege of employment, of any qualified individual with a permanent disability. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position he/she holds or desires and must be able to perform the essential functions of his position, with or without a reasonable accommodation.

Marion Public Health will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on or direct threat to the facility. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. An employee who wishes to request an accommodation shall direct such request to the Health Commissioner to investigate and take appropriate action concerning the complaint. Requests for accommodation should be in writing. The Administrator, Health Commissioner, and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given.

Any employee who feels that his rights have been violated under this policy should submit a written complaint as set forth in Policy# 2017-4-006, paragraph (E).

**Classification Status**

***See ORC 124.11 Unclassified service - classified service.***

*The civil service of the state and the several counties, cities, civil service townships, city health districts, general health districts, and city school districts of the state shall be divided into the unclassified service and the classified service.*

The classified service shall comprise all Marion Public Health employees not specifically included in the unclassified service (refer to Ohio Revised Code 124.11). Following completion of the probationary period, no classified employees shall be reduced in pay or position, fined, suspended or removed, or have his or her longevity reduced or eliminated, except and for those reasons set forth in the civil service laws of the State of Ohio. Such reasons include: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of Marion Public Health, any other failure of good behavior, any other acts of misfeasance, malfeasance or nonfeasance in office, or conviction of a felony, except for just cause.

Unclassified employees serve at the discretion of the Health Commissioner and may be terminated or otherwise separated from employment for any reason not inconsistent with law. An unclassified employee may not be rendered classified due to the provisions of this manual.

**Employment Categories**

(A) The Board of Health may employ personnel in any of the following appointment categories:

1. Full time: An employee who works at least thirty-five (35) hours per week on a regular basis.
2. Part time: An employee who works less than thirty-five (35) hours per week on a regular basis.
3. Intermittent: An employee who works an irregular schedule that is determined by the fluctuating demands of the work and is generally not predictable. An intermittent employee shall not work more than one thousand (1,000) hours in a calendar year.
4. Temporary: An employee who works for a specific period of time, not to exceed six (6) months.
5. Seasonal: An employee who works during a regular season or period of each year performing an activity limited to that season or period of the year.
6. Interim: An employee who is appointed for an indefinite period of time, fixed by the length of absence of an employee due to sickness, disability, or approved leave. An interim appointment can come from outside (external) or from within (internal).

(B) Persons employed on a part-time basis will be scheduled at the discretion of their Division Director.

(C) External interim appointees are to be notified in writing, as a condition of employment that their appointment shall cease upon the return of the regular employee for whom the interim employee is working. Temporary employees shall sign a statement, prior to employment with Marion Public Health, which indicates that they understand the temporary nature of the position. Likewise, seasonal employees must also sign a statement indicating that they understand the position is seasonal.

**Job Assignments**

Employees shall be expected to fully, dutifully, and conscientiously perform those tasks as assigned to them. Employees may be expected, from time to time, to complete job assignments which are typically not performed by them or contained in their job description. No employee can refuse a job assignment unless it would violate law or place him/her in an imminently harmful or life-threatening situation.

**Medical Examinations and Disability Separation**

- (A) Marion Public Health may require an employee to take an examination, conducted by a licensed medical practitioner, to determine the employee's physical or mental capacity to perform the essential functions of his/her job, with or without reasonable accommodation. This examination shall be at the health department's expense. If the employee disagrees with the licensed medical practitioner's determination, he/she may request to be examined by a second licensed medical practitioner of his/her choice at his/her own expense. If the reports of the two practitioners conflict, a third opinion shall be rendered by a neutral party chosen by Marion Public Health and paid for by the Marion Public Health. The third opinion shall be controlling.
- (B) If an employee, after examination, is found to be unable to perform the essential functions of his/her position with or without reasonable accommodation, he/she may request use of accumulated, unused, paid and unpaid leave benefits, if applicable. If a classified employee remains unable to perform the essential functions of his/her position after exhausting available leaves, he/she may request a voluntary disability separation. If, after exhausting available leave, an employee refuses to request a voluntary disability separation, the Board of Health may place the employee on an involuntary disability separation if the Board of Health has substantial credible medical evidence to indicate that the employee remains disabled and incapable of performing the essential job duties. Such involuntary disability separation must be done in accordance with Ohio Administrative Code (O.A.C.) Chapter 123:1-30.
- (C) An employee's refusal to submit to an examination, to release the findings of an examination, or to otherwise cooperate in the examination process will be considered insubordination.

**Hours of Operations and Overtime**

The Board of Health will establish the standard hours of operation, noting that there will be exceptions. With the approval of the Health Commissioner, Division Directors may implement flexible work schedules within their division. Flexible hours should be reviewed quarterly regarding the impact on public access. Staff may be required to work days, evenings, nights and/or weekends due to operational needs. Additionally, the Health Commissioner may alter schedules, days off and shifts based upon operational needs. Unless prohibited due to operational needs, the employee's division director will meet in advance with employees and give at least two weeks advance notice for significant shift and schedule changes.

Due to federal regulations, employees who are not exempt from the overtime provisions of the Fair Labor Standards Act ("FLSA") are prohibited from signing in or beginning work before their scheduled starting time, or signing out/stopping work past their scheduled quitting time except with supervisory approval or in emergency situations. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working during their lunch period except with supervisory approval or in emergency situations. Non-exempt employees who work outside their regularly scheduled hours in contravention of this rule shall be paid for all hours actually worked, but may be disciplined accordingly.

Failure to properly sign in or out as required, misrepresenting time worked, altering any time record, or allowing a time record to be altered by others will result in disciplinary action.

Generally, employees not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all hours actually worked in excess of forty in any one work week, regardless of the employee's regularly scheduled work day. Sick leave, vacation leave, personal days, compensatory time, holidays and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation. Overtime shall be compensated at a rate of one and one-half times the employee's regular rate of pay for actual overtime worked.

Marion Public Health may mandate overtime as a condition of continued employment. Supervisors shall attempt to distribute overtime as equally as practicable among qualified employees within those classifications in which overtime is required. An employee who refuses to work a mandatory overtime assignment may be considered insubordinate and disciplined accordingly. Additionally, the Marion Public Health management may authorize or require employees to work a flexible schedule in a work week. For overtime eligible employees, a flexible schedule must occur within a single forty-hour work week.

A partial overtime exemption, or differing work schedule, may apply during public health emergencies.

(A) Overtime Exempt Employees

Employees who are exempt from the overtime provisions of the FLSA are not eligible for overtime payment. The appropriate appointing authority shall determine if an employee is exempt from overtime requirements for purposes of the FLSA. Exempt employees of Marion Public Health include the Health Commissioner, the Director of the Office of Policy and Planning, the Director of Environmental Health, the Director of Nursing, the Director of Maternal and Child Health, and the Executive Administrative Assistant. At the discretion of the Health Commissioner, exempt employees may be required to keep track of, and report, their hours without destroying their exempt status.

(B) Compensatory Time – Non Exempt Employees Only

Non-exempt employees: At the discretion of the Appointing Authority, certain non- exempt employees may be permitted to take compensatory time-off in lieu of overtime payment. Compensatory time, like overtime, shall accrue at a rate of at one and one-half times the hours actually worked and applies only to hours actually worked in excess of forty (40) in any one work week. **Compensatory time should be used in the calendar year it was accrued.** Compensatory time not used within the requisite time period will be paid out. The appointing authority may, at its sole discretion, require an employee to use his compensatory time prior to the employee reaching the three hundred sixty-five (365) day accrual limit. Additionally, the appointing authority may choose to pay out an employee's compensatory time. If an employee's compensatory time is paid out, the employee shall receive payment at the employee's regular rate of pay at the time of payment.

(C) Earned Time Off – Overtime Exempt Employees

Employees who are exempt from the overtime provisions of the FLSA shall not receive compensatory time. However, if approved by the appointing authority an exempt employee may receive earned time off. Earned time off may not be given on a time and one half basis, but may be given as an hour-per-hour trade or as a lump sum "bonus" for hours worked on a particular project. Earned time off shall not be paid out and shall either be used or lost.

(D) Improper Deductions

Marion Public Health intends to comply with all FLSA provisions. Improper deductions that are not in accordance with the FLSA are prohibited. Additionally, improperly classifying individuals as "exempt" from overtime is prohibited. Any deduction that is subsequently determined to be improper, or any exemption status later found to be improper, shall be reimbursed. Any employee who believes that he has had an improper deduction from his salary, or who believes he has been improperly classified under the FLSA, shall submit a complaint in writing to the Administrator who will investigate and see that a written response is provided in a timely manner to ensure a good faith effort to comply with the FLSA.

(E) Part Time Employees

Part-time Employment shall be 34 hours or less per week (less than 1,768 hours per year).

(F) Unless prior approval is given by the Health Commissioner, employees are entitled to and shall take an uninterrupted thirty (30) minute unpaid lunch period on any day they work six (6) or more hours. No employee, unless exempted from the overtime provisions of the FLSA, may remain at



their routine work station during the lunch period. Where space is available, areas shall be designated for break/lunch periods which the employees may use.

- (G) Employees are allowed one (1) paid fifteen (15) minute break in the morning and one (1) paid fifteen (15) minute break in the afternoon.
- (H) All employees will keep supervisors/office staff aware of their out-of-office schedule so that they can be easily contacted.
- (I) If it is necessary for the benefit of Marion Public Health, employees may be directed to work or may request to work hours other than the regular working hours of Marion Public Health.
- (J) Failure to comply with work schedule rules will be a basis for disciplinary action.
- (K) Employees may be required to flex their schedule during the seven (7) day work period to avoid overtime. If this is a challenge because of an unanticipated event without sufficient lead time, the employee may request that overtime be authorized. Authorization will be determined by the Division Director and shall be reported to the Health Commissioner when it occurs.

**Reporting to Work and Tardiness**

Employees are expected to report for and remain at work as scheduled and to be at their work stations, ready to work, at their starting time. Employees who call off work for personal reasons must call off in advance of their starting time. Employees who call off must make contact with their supervisor or designee each day of their absence unless they have made alternate arrangements. Calling off work in accordance with this procedure will not necessarily result in an employee receiving approved leave for their absence. Marion Public Health will consider the underlying reason for the absence in order to determine whether to grant approved leave.

An employee who reports to work late or extends his lunch or break without authorization or who leaves before the end of his scheduled shift may be disciplined and docked pay. Pay will be docked in 15 minute increments for any part of a 15 minute period.

**Layoff and Furlough**

If it becomes necessary to reduce staffing levels the Health Commissioner may lay off employees or reduce the number of hours worked and paid via a voluntary furlough of employees subject to the approval of the Board of Health and in accordance with law. The Health Commissioner shall determine the number of positions and the classifications in which layoffs or voluntary furloughs will occur. Furloughs will not have the effect of changing a full-time position to a part-time position for purposes employee benefits. Layoffs and job abolishment may occur for lack of work, lack of funds, or reorganization.

**Employee Information and Records**

**(A) Employee Information:**

The Administrator shall establish and maintain a personnel file for each employee. The employee is responsible for providing the employer with the following information: the employee's legal name, address, telephone number, social security number, tax exemptions, affiliation with any branch of the armed services, the name and phone number of a person to contact in case of an emergency, loss of licensure or insurability, if applicable, and, any other requested information. In addition to providing this information, the employee is also responsible for reporting any change in the information within 60 days of the change.

In the event the employer must send correspondence or other documentation to an employee who is on leave, the employer will mail the document to the last known address listed in the employee's personnel file. An employee will be considered to have constructive notice of any correspondence or documentation mailed to his last known address.

**(B) Release of Records:**

Marion Public Health and its employees are subject to the mandates of Chapter 1347 of the Ohio Revised Code regarding personal information systems. Marion Public Health maintains records that are manually stored and records that are stored using electronic data processing equipment. Records maintained by Marion Public Health include personal information (i.e. employee information required above).

The Health Commissioner is appointed to be directly responsible for the agency's personal information systems. The agency understands that it creates, receives, and maintains sensitive and private information, and will ensure that it collects, maintains, and uses only personal information that is necessary and relevant to the functions of Marion Public Health. Personal information maintained by Marion Public Health shall not be modified, destroyed, or disclosed without the approval of the Health Commissioner. Marion Public Health will continually monitor the personal information system, and make necessary adjustments to ensure the system's accuracy. Employees will be trained on the use of personal information, including review of this policy. Employees who use personal information in an unauthorized manner shall be subject to the agency's disciplinary policy.

Records maintained by Marion Public Health that are not defined as "public records" in §149.43 of the Ohio Revised Code or other applicable provisions of law, shall not be released from an employee's personnel file unless specifically authorized by such employee in writing. Pursuant to applicable law, medical records are not public records and are maintained in a separate file. Records maintained by Marion Public Health that are defined as public records shall be released in accordance with law. The agency will attempt to give employees at least twenty-four hours' notice before releasing their personal information in response to a public records request.

**(C) Review of File:**

Each employee shall have the right, with reasonable notice, to examine his/her personnel file. If an employee disputes the accuracy, timeliness, relevance, or completeness of documents in his/her file, he/she may submit a written request that the Health Commissioner investigate the current status of the information. The Health Commissioner will make a reasonable investigation to determine the accuracy, timeliness, relevance, and completeness of the file, and will notify the employee of the results of the investigation and any plans to take action with respect to the disputed information.

Employees are not permitted to alter, add or remove documents or other information contained in their personnel files absent express authorization from the Health Commissioner. An employee who alters, adds or removes documents or information from his/her personnel file without prior approval may be subject to discipline. Employees may submit a statement to be attached to any disputed document.

**Performance Evaluations**

- (A) The primary purpose of a performance evaluation is to:
1. Uniformly and objectively rate an employee's job performance;
  2. Provide a means of communication between the employee and supervisor;
  3. Reveal conditions that are contributing to poor morale or low productivity;
  4. Provide an opportunity for the employee to identify and correct specific performance problems of which he/she may not have been aware;
  5. Provide a means of determining job efficiency for layoff purposes;
  6. Increase an employee's awareness of his/her work and what is expected of him/her; and
  7. Enable supervisors to detect gaps and limitations in their own supervision.
- (B) All probationary employees shall be given at least three performance evaluations during the one year period. These should occur with no more than five (5) months between any two evaluations.
- (C) The Health Commissioner may authorize/request additional evaluations.
- (D) The Health Commissioner (prior to review with the employee) will review all evaluations.
- (E) Written comments may be made by the employee and will be examined by the supervisor and Health Commissioner, with follow-up discussions as needed, before placing in the employee's personnel file.
- (F) A copy of the evaluation will be made available to the employee upon request.

**Policy# 2018-3-001**

**Auditor of State Fraud Reporting System**

The Ohio Auditor of State's Office maintains a system for reporting fraud, including the misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll free number, the Auditor of State's website, or the United States mail. Contact information is as follows:

Telephone:

1-866-FRAUD OH (1-866-372-8364)

US Mail:

Ohio Auditor of State's Office  
Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, OH 43215

Web:

[www.ohioauditor.gov](http://www.ohioauditor.gov)

**Ethics**

The proper operation of a democratic government requires that actions of public officials and employees be impartial, that government decisions and policies be made through the proper channels of governmental structure, that public office not be used for personal gain, and that the public have confidence in the integrity of its government. Ohio Revised Code §§ 102.03 and 2921.42 prohibit public employees from using their influence to benefit themselves or their family members. In recognition of the above-listed requirements, the following Code of Ethics is established for all Marion Public Health employees and Marion Board of Health members:

- A.** No employee shall use his/her official position for personal gain, or shall engage in any business or shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of his/her official duties.
- B.** No employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of Marion Public Health, nor shall he/she use such information to advance the financial or other private interest of him/herself or others.
- C.** No employee shall accept any gift, whether in the form of service, loan, item or promise from any person, firm or corporation that is interested directly or indirectly in any manner whatsoever in business dealings with Marion Public Health; nor shall an employee accept any gift, favor or item that may tend to influence the employee in the discharge of his/her duties or grant, in the discharge of the employee's duties any improper favor, service or item.
- D.** No employee shall represent private interests in any action or proceeding against the interest of Marion Public Health in any matter wherein Marion Public Health is a party.
- E.** No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair his/her independent judgment or action in the performance of his/her official duties. Neither shall other employment, private or public, interfere in any way with the employee's regular, punctual attendance, and faithful performance of his/her assigned job duties.

Any employee having doubt as to the applicability of these provisions should consult his/her supervisor or legal counsel. Any employee offered a gift or favor should inform his/her supervisor of the gift offer. The supervisor will make a decision or will refer the individual to the Prosecutor's Office. No employee will accept from any contractor or supplier doing business with Marion Public Health, any material or service for the employee's private use, regardless of perceived or real value. State law prohibits public employees and officials from having a financial interest in companies that do business with public agencies, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to consult an attorney.



**Confidentiality and HIPAA**

Under the provisions of Health Insurance Portability and Accountability Act (HIPAA) all information that is categorized as personal health Information (PHI) must be treated with extreme confidentiality. Our office will, without exception, follow the guidelines for management of PHI and all HIPAA guidelines. All employees are responsible to preserve the privacy of clients. To that end, all employees will be provided and must read, sign, and abide by the confidentiality form.

**Solicitation**

Individuals not employed by Marion Public Health are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers or vendors given prior authority), or engaging in any other solicitation, distribution, or similar activity on the premises or at a worksite.

The Health Commissioner may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist these drives; however, participation is entirely voluntary.

The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:

- A. Distribution of literature, solicitation and the sale of merchandise or services is prohibited in areas frequented by clients or the general public.
- B. Soliciting and distributing literature during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term “working time” does not include an employee’s authorized lunch or rest periods or other times when the employee is not required to be working.
- C. Distributing literature in a way that causes litter on Marion Public Health property is prohibited.

**Nepotism**

**(A) Hiring.**

Marion Public Health may receive employment applications from relatives of current employees. However, the following four (4) situations shall prevent Marion Public Health from hiring a relative of a current employee:

1. If one relative would have supervisory or disciplinary authority over another.
2. If one relative would audit the work of another.
3. If a conflict of interest exists between the relative and the employee or the relative and Marion Public Health.
4. If the hiring of relatives could result in a conflict of interest.

**(B) Employment.**

An employee is not permitted to work in a position where his/her supervisor or anyone within his/her chain of command is a relative. If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred or an accommodation acceptable to the Board of Health must be established. Termination of employment will be a last resort. If two employees marry, they will be subject to the same rules listed above as other relatives.

The provisions of O.R.C. §§ 102.03 and 2921.42 render it unlawful for a public official to use his/her influence to obtain a benefit, including a job for his/her relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action. For purposes of the Article, the term "relative" shall include: spouse, children, grandchildren, parents, grandparents, siblings, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, step-parents, step-children, step-siblings, and a legal guardian or other person who stands in the place of a parent to the employee.

**Political Activity**

- A.** Although Marion Public Health encourages all employees to exercise their constitutional rights to vote, certain political activities are legally prohibited for public employees whether in active pay status or on leave of absence. The following activities are examples of conduct permitted by classified employees:
1. Registration and voting.
  2. Expressing opinions, either orally or in writing.
  3. Voluntary financial contributions to political candidates or organizations.
  4. Circulating non-partisan petitions or petitions stating views on legislation.
  5. Attendance at political rallies.
  6. Signing nominating petitions in support of individuals.
  7. Displaying political materials in the employee's home or on the employee's property.
  8. The display of political stickers on private vehicles.
  9. Serving as a precinct official under O.R.C. § 3501.22.
- B.** The following activities are examples of conduct prohibited by classified employees.
1. Candidacy for public office in a partisan election.
  2. Candidacy for public office in a non-partisan general election if the nomination to candidacy was obtained in a primary partisan election or through the circulation of a nominating petition identified with a political party.
  3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
  4. Circulating official nominating petitions for any partisan candidate.
  5. Holding an elected or appointed office in any partisan political organization.
  6. Accepting appointment to any office normally filled by partisan election.
  7. Campaigning by writing in publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.
  8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate.
  9. Solicitation for the sale, or actual sale, of political party tickets.
  10. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues.
  11. Service as a witness or challenger for any party or partisan committee.
  12. Participation in political caucuses of a partisan nature.
  13. Participation in a political action committee that supports partisan activity.
- C.** Unclassified employees whose jobs are funded in whole or in part by the federal government may also be subject to prohibitions against partisan political activity.

**Outside Employment**

Employees are required to notify the Health Commissioner of any outside employment. No employee shall have outside employment which conflicts in any manner with the employee's ability to properly and efficiently perform his duties and responsibilities with Marion Public Health. Employees are expected to be at work and fit for duty when scheduled.

Employees are prohibited from engaging in secondary employment while on sick leave, disability leave, or family medical leave. Employees are strictly prohibited from engaging in or conducting outside private business during scheduled working hours and are further prohibited from engaging in conduct which creates a potential or actual conflict of interest with their duties and responsibilities as a Marion Public Health employee.

The Health Commissioner may approve secondary employment of an employee by an entity regulated by Marion Public Health only when sufficient firewalls are in place to assure no direct or indirect influence exists as a consequence. For example, if an employee were to seek employment at a restaurant or as a life guard at a public pool, the Health Commissioner might require the Director of Environmental Health to engage in the inspections for those facilities rather than having a line staff conduct the investigations. Division Directors may not engage in secondary employment with any entity regulated by Marion Public Health.

**Social Media**

**(A) Employee Use of Social Media Limitations.**

Marion Public Health supports the free exchange of information. However, when internet blogging, chat room discussions, email, text messages or other forms of electronic communication extend to employees revealing confidential information about Marion Public Health or its employees, or engaging in posting inappropriate material about the agency or its employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action. Employees are reminded to be careful of the information they disclose on the internet, including social media sites. The following uses of social media are strictly prohibited, whether on or off duty:

1. Comments or displays about coworkers, supervisors or Marion Public Health that are vulgar, obscene, threatening, intimidating, harassing, or a violation of workplace policies against any form of discrimination, harassment or hostility.
2. Statements or uses of the agency logo which are slanderous or detrimental, including evidence of the misuse of the Board of Health's authority, information, insignia or equipment.
3. Unprofessional communication which, if left unaddressed, could potentially result in a civil or criminal cause of action against the Marion Public Health. Unprofessional communication also includes that which the agency could demonstrate has a substantial risk of negatively affecting the agency's reputation, mission or operations, such as slander, defamation or other legal cause of action.
4. Disclosure of confidential and/or proprietary information acquired in the course of employment. Confidential information includes not only information that would not be available pursuant to a public records request, but also includes any information which does not relate to an issue of public concern.
5. Comments or displays which impact employees' abilities to perform their job duties or the agency's ability to maintain an efficient workplace.

Social media sites may be inspected by Marion Public Health for cause to determine potential policy violations. If an employee believes that an online communication violates a policy, the employee should immediately report the communication to his supervisor. Management may investigate the matter, determine whether such communication violates policy, and take appropriate action. This policy does not apply to communications protected by the U.S. or Ohio Constitutions.

**(B) Agency-Wide Use of Social Media.**

MPH will identify and train a social media team. Only members of that team may post to MPH social media outlets. The MPH Social Media Team shall post messages that are consistent with the mission of public health and the agency. No post on agency social media sources should reflect personal opinion. Postings should reflect MPH positions and activities as a team. The MPH Team should be mindful when posting or discussing issues where emotions can run high and should

always show respect for others' opinions. Employees should refrain from posts of a personal nature that would reflect poorly on MPH. All posts must be reviewed by at least one member of the senior leadership team prior to posting.

**Marion Public Health Property**

**(A) General.**

1. Employees are prohibited from using Marion Public Health materials, tools, facilities, equipment and labor for personal or private use regardless of whether the use is during working or non- working time. Employees may not perform private work for themselves, co-workers, friends or family members during working time or while using Marion Public Health materials, tools, facilities, or equipment. All tools and equipment must be used and operated within the laws of the State of Ohio and/or rules and regulations of Marion Public Health. Employees who separate from service with Marion Public Health are responsible for return of reusable property in her possession.
2. Employees have no reasonable expectation of privacy in the use of Marion Public Health property and facilities. In order to safeguard employees and the workplace, and in order to maximize efficiency, safety and productivity, the agency reserves the right, in its sole discretion and without notice to employees, to inspect, monitor or otherwise search agency property and facilities or any other enclosed or open area within agency property or facilities and to monitor or inspect any items found within such facilities. Employees are required to cooperate in any work place inspection. Marion Public Health also reserves the right to inspect any packages, mail, parcels, handbags, briefcases, or any other possessions or articles carried to and from Marion Public Health facilities and job sites where permitted by law.
3. Employees required to answer the telephone as part of their assigned duties shall do so in a polite and courteous manner. No employee shall use foul or abusive language over the telephone or in any dealings with the public. Marion Public Health reserves the right to monitor any phone at any time. Personal phone calls must be kept to an “on emergency basis” only. Personal toll calls and/or long distance for personal reasons shall not be charged to Marion Public Health.
4. Marion Public Health may issue cellular phones to its employees. Cellular phones are not only capable of making and receiving phone calls, they may also be capable of email, text messaging, internet browsing, running third party applications, GPS, and entertainment. Regardless of the capability of a particular cellular phone, Marion Public Health-issued cellular phones are considered Marion Public Health property and are for business use only. Features other than phone use must not be used or activated without direct authorization from a supervisor. Use of Marion Public Health cellular phones while operating any motor vehicle is prohibited.
5. Use of personal cellular phones for personal business during working hours is not permitted except during breaks. If a need exists to use a personal cellular phone, every effort should be made to use it in a time and manner that is outside of the public eye and not disruptive to other employees. The use of any cellular phone while operating a Marion Public Health vehicle is not permitted.

**(B) Vehicles.**



1. Employees operating a Marion Public Health motor vehicle are required to have a proper and valid motor vehicle operator's license. An employee who operates a motor vehicle for work and who has his/her license suspended, but who has acceptable court-ordered driving privileges, may nevertheless have his driving privileges temporarily suspended by Marion Public Health.
2. Any Marion Public Health employee who operates an agency-owned motor vehicle, or a privately owned motor vehicle in the discharge of official health district business, shall at all times during the course of operation, fully utilize the front seat occupant restraint systems provided in the vehicles and require like use of said systems by any passengers in the vehicle. Employees who operate agency vehicles must have appropriate insurance coverage as designated by the Board of Health.
3. Use of an agency-owned vehicle must be pre-approved by the employee's supervisor. Employees shall not use, or permit the use of agency automobiles for any purpose other than official Marion Public Health business. Passengers not on official Marion Public Health business are not permitted in agency-owned vehicles. Employees, as representatives of Marion Public Health, are expected to be courteous to the public and to obey all traffic laws. Marion Public Health employees should drive and conduct themselves as to enhance the reputation of Marion Public Health.
4. Employees who drive Marion Public Health vehicles or who drive their personal vehicles for agency business are subject to periodic (at least annual) record checks at the Bureau of Motor Vehicles. Employees who utilize agency vehicles are responsible for reporting to their supervisor any moving traffic violations obtained while on, or off, duty as an employee's personal driving record may impact his ability to be covered on the Marion Public Health liability policy. Employees who drive on behalf of Marion Public Health are subject to reassignment and/or discipline in the event of a license revocation, suspension or traffic offense conviction
5. Concerns regarding repairs or vehicle maintenance must be reported to the employee's immediate supervisor.

**Computer Use**

**(A) General**

1. Marion Public Health computers and information systems are agency property. They may be used only for explicitly authorized purposes. Marion Public Health management reserves the right to examine all data stored in or transmitted by their computers and systems. Without notice, Marion Public Health management may enter, search, monitor, track, copy, and retrieve any type of electronic file of any employee or contractor. These actions may be taken for business-purpose inquiries including but not limited to theft investigation, unauthorized disclosure of confidential business or proprietary information, excessive personal use of the system, or monitoring work flow and employee productivity.
2. Employees have no right to privacy with regard to the Internet and email on Marion Public Health systems. Marion Public Health management may access any files stored on, accessed via, or deleted from computers and information systems. When necessary, Internet, email, and Instant Messenger (IM) usage patterns may be examined for work-related purposes, including situations where there is a need to investigate possible misconduct and to assure that these resources are devoted to maintaining the highest levels of productivity. All software installed on any Marion Public Health computer must be licensed to Marion Public Health. No employee may install, uninstall, or reconfigure any software or hardware owned by the agency without prior authorization from management. The use of privately-owned or contractor-owned devices (i.e., PDAs, smart phones, and laptops) for official Marion Public Health business must be authorized in advance by management.

**(B) Prohibited Uses of Computers and Information Systems Including but not Limited to E-mail, Instant Messaging, and the Internet**

1. Violating local, state, and/or federal law.
2. Harassing or disparaging others based on age, race, color, national origin, sex, sexual orientation, disability, religion, military status or political beliefs. Harassment and disparagement include but are not limited to slurs, obscene messages, or sexually explicit images, cartoons, or messages.
3. Threatening others.
4. Soliciting or recruiting others for commercial ventures, religious or political causes, outside organizations, or other matters which are not job related.
5. Using computers or information systems in association with the operation of any for-profit business activities or for personal gain.
6. Sabotage, e.g. intentionally disrupting network traffic or crashing the network and connecting systems or intentionally introducing a computer virus.
7. Vandalizing the data of another user.
8. Forging electronic mail and instant messenger messages.
9. Sending chain letters.
10. Sending rude or obscene messages (anything that would embarrass or discredit the agency).

11. Disseminating unauthorized confidential or proprietary agency documents or information or data restricted by government laws or regulations.
12. Browsing or inquiring upon confidential records maintained by Marion Public Health without substantial business purpose.
13. Disseminating (including printing) copyrighted materials, articles, or software in violation of copyright laws.
14. Accessing the Internet in any manner that may be disruptive, offensive to others, or harmful to morale.
15. Transmitting materials (visual, textual, or auditory) containing ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on age, race, color, national origin, gender, sexual orientation, disability, religious or political beliefs.
16. Sending or soliciting sexually-oriented messages or images.
17. Using the Internet or instant messenger for political activity.
18. Using the Internet to sell goods or services not job-related or specifically authorized in writing by an approving authority.
19. Downloading and viewing non-work-related streaming audio or video (i.e. listening to radio stations, etc) due to the limited bandwidth of the system.
20. Intentionally using Internet facilities to disable, impair, or overload performance of any computer system or network or to circumvent any system intended to protect the privacy or security of another user.
21. Uploading or downloading games, viruses, copyrighted material, inappropriate graphics or picture files, illegal software, and unauthorized access attempts into any system.

NOTE: Whether on working time or not, these prohibitions apply at all times to agency-owned computers and information systems. Personnel cannot expect that the information they convey, create, file, or store in agency computers and information systems will be confidential or private regardless of the employee's intent. Please remember that there is no expectation of privacy for anything sent by email or IM, and that others can view this information at any time.

**(C) Guidelines for Incidental/Occasional Personal Internet Usage.**

The Internet is to be used for work-related purposes. Agency Internet resources must be devoted to maintaining the highest degree of productivity. Personal Internet usage is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason or for no reason. Employees are prohibited from engaging in personal use while in active pay or otherwise on work time.

**(D) Securing Computer Equipment and Electronic Data.**

Marion Public Health employees who are responsible for or are assigned portable computer equipment and electronic media (i.e., laptops, flash memory devices, external hard drives, DVDs, CDs, etc.) shall secure those items when not in the office as these items may contain confidential and/or HIPAA information, which could be compromised if lost or stolen. If an employee loses a piece of equipment or it is stolen, they are required to immediately notify their supervisor. Failure to properly secure portable computer equipment and electronic data is subject to disciplinary action.

**Conflict of Interest**

Marion Public Health will take such actions necessary to avoid known real and perceived conflicts of interest relating to contracts for services provided to and paid by Marion Public Health. When known and feasibly avoidable, the following types of contractual relationships will be avoided:

- 1.) Service contracts with any person who might influence the fiscal or regulatory operations of Marion Public Health, including but not limited to the employees of Marion Public Health, members of the Board of Health of Marion County, members of the District Advisory Council, and elected and appointed government officials of all cities, townships and villages in Marion County.
- 2.) Service contracts with any company or agency owned or operated by a person who might influence the fiscal or regulatory operations of Marion Public Health, including but not limited to the employees of Marion Public Health, members of the Board of Health of Marion County, members of the District Advisory Council, and elected and appointed government officials of all cities, townships and villages in Marion County.
- 3.) Service contracts with the immediate family members of those entities identified above.

If a situation arises wherein there is only one acceptable source for the contracted service and there is an associated real or perceived conflict of interest, that conflict will be clearly identified, documented, and the overriding justification to approve the contract will be provided in writing to accompany the language of the Board of Health action approving the contract.

If a proposal is submitted by a potential vendor for services where a real or perceived conflict of interest is identified, that conflict will be documented in writing, attached to a copy of the proposal and kept on file in administration. That documentation will be available for review when future proposals from that vendor are submitted.

This specific policy is not intended to restrict the ability of Marion Public Health to enter into a contract in which Marion Public Health is paid to provide services.

**Tobacco**

The purpose of this policy is to control the use of nicotine and tobacco products by Marion Public Health employees and to lead our community by example. This policy applies to all Marion Public Health employees and includes all nicotine and tobacco products, including e-cigarettes and vaping, unless otherwise stated. Violations of policy provisions will be addressed through appropriate disciplinary action which may include termination without prior progressive discipline.

(A) Employees shall not use nicotine or tobacco products at any time. Upon reasonable suspicion that such an employee is using a nicotine or tobacco product, they shall be subject to mandatory testing at the employer's expense. A positive test or refusal to comply with the test for nicotine shall be considered sufficient cause for disciplinary action which may include termination.

(B) New applicants and employees applying for a promotional position will be asked about their use of nicotine and tobacco on the pre-employment application or promotional interview. Applicants who declare use of nicotine or tobacco use will not be considered for employment or promotion. Applicants may reapply for open positions after they have been nicotine or tobacco-free for 90 days. If a promotional position has not yet been filled or otherwise closed, employees may reapply for the promotional position after they have been nicotine or tobacco-free for 90 days.

**Immunizations**

- (A) All Health Department employees shall be immunized against disease as it pertains to their position and under the guidance of the Health Commissioner or Medical Director. The Nursing Director will provide a recommendation with input from the Medical Director regarding what immunizations should be required for specific positions. Costs for required immunizations will be covered by MPH.
- (B) All employees are encouraged to be immunized annually for influenza.

**Worksite Wellness: Healthy Food**

Marion Public Health is concerned about the health of our employees and obesity prevention to our community as a whole. Marion Public Health employees can serve as a role model for healthy eating. Chronic diseases such as heart disease, stroke, cancer and diabetes are among the most common, costly and preventable of all health problems in the US and Ohio. Two-thirds of adults are overweight or obese.

(A) The Dietary Guidelines for Americans describe a healthy diet as one that:

1. Emphasizes fruits, vegetables, whole grains, and fat-free or low-fat milk and milk products;
2. Includes lean meats, poultry, fish, beans, eggs, and nuts; and
3. Is low in saturated fats, trans fats, cholesterol, salt (sodium), and added sugars.

(B) All activities and events (meetings, potluck events, catered events, community events, health fairs, etc.) sponsored or supported by Marion Public Health will always include opportunities for healthy foods and beverages by

1. Offering water as a beverage option and omitting sugar-sweetened beverages
2. Offering at least one fruit and/or vegetable option
3. Offering lower-sodium foods when available
4. Serving fat-free/low-fat milk and dairy products
5. Choosing from whole grains when available
6. Serving appropriate portions
7. Purchasing locally grown foods when able
8. Identifying restaurants and/or caterers where healthy choices are available
9. MPH employees will serve as role models for healthy food choices and encourage healthy food policies
10. Vending choices will follow the National Alliance for Nutrition & Activity-Model Beverage and Food Vending Standards
11. Food based incentives and rewards will be healthy (fruits, vegetables, whole grains, etc.)
12. Marion Public Health will provide learning opportunities on healthy eating through various forms of education
13. Staff will be encouraged to bring in healthy food choices for break room.
14. Potlucks will have healthy options
15. Displaying food nutrition labels where feasible and requesting nutrition information when using outside food vendors
16. Displaying information with regard to known food allergens

**Worksite Wellness: Physical Activity**

Marion Public Health is concerned about the health of our employees. Cancer and heart disease are the leading causes of premature morbidity and mortality in Ohio. These are largely impacted by what we eat and how physically active we are. Physical activity is associated with many positive health benefits and can prevent or delay the onset of many chronic diseases, reduce feelings of depression, improve stamina and strength, reduce obesity, and reduce risks of cardiovascular disease.

- (A) Activities and events sponsored or supported by this organization will always include opportunities for physical activity by:
1. Building physical activity breaks into meetings, conferences and events such as stretch breaks, icebreakers or other activities, encourage the use of “walking meetings” as appropriate
  2. Identifying physical activity opportunities such as maps with walking routes and local attractions, recreational and exercise facilities, organizing walking groups and other group activities
  3. Supporting schedules to allow physical activity such as use of lunch break to provide time for physical activity, adding physical activity breaks to meeting agendas, and allowing employees to engage in physical activity opportunities during their designated break time
  4. Providing encouragement from senior leadership to engage in physical activity such as promoting healthy lifestyles, physical activity for employees, and serving as role models for staff



**Worksite Breastfeeding**

- (A) The 2010 healthcare Reform Act amended the FLSA by requiring employers to provide a reasonable break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time the employee has the need to express milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion of coworkers and the public to be used by an employee to express breast milk. Marion Public Health intends to comply with this requirement so long as it does not impose undue hardship. Employees who fall under this category shall contact the Board of Health or their supervisor.
- (B) Each supervisor of a breastfeeding employee will work with that employee to determine "*reasonable break times*" for milk expression. If the time needed by a breastfeeding mom exceeds normal time allowed for lunch and breaks, a flexible work schedule or using accrued leave (vacation, personal or comp time) may, upon supervisor approval, be used.
- (C) Employees shall be allowed access to a nearby clean and safe water source and a sink for washing hands and rinsing out any breast-pump equipment.
- (D) Employees shall have access to hygienic/refrigerated storage alternatives for the mother to store her breast milk.
- (E) Employees who are breastfeeding mothers may, with the knowledge of their supervisor, have their infant brought to the workplace for breastfeeding.
- (F) Supervisors will ensure that employees are aware of this policy when they are informed of an employee's pregnancy.

**Discrimination and Harassment**

- (A) Marion Public Health is committed to providing a facility that is safe and free from any form of discrimination, interpersonal misconduct and harassment. Discrimination is behavior directed toward an employee as a consequence of their race, color, religion, sex, sexual orientation, national origin, age, ancestry, disability, genetic information, medical condition, or military status. Harassment is repeated unwelcome unprofessional interpersonal misconduct causing distress to the person being harassed. Discrimination, interpersonal misconduct, and harassment are inappropriate, may be illegal, and will not be tolerated. All forms of discrimination, interpersonal misconduct, and harassment are governed by this policy and must be reported and addressed in accordance with this policy.
- (B) Discrimination occurs when individuals are treated less favorably in their employment because of characteristics or circumstances unrelated to their employment. An employer may not discriminate against an individual with respect to the terms and conditions of employment, such as promotions, raises, and other job opportunities, based upon that individual's membership in that protected class. Harassment is a form of discrimination. Harassment may be generally defined as unwelcome conduct severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. A victim's perceived acquiescence in the behavior does not negate the existence of discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.
- (C) Discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy.
- (D) To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform the Health Commissioner if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should the Health Commissioner determine that a conflict exists between an employee's employment and a personal relationship with a co-worker, the Health Commissioner will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties must separate from employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee they directly, or indirectly, supervise.
- (E) Employees who feel they have been subject to discrimination or harassment by a fellow employee, supervisor, or other individual otherwise affiliated with Marion Public Health shall immediately report the conduct, in writing, to the Health Commissioner to investigate and take appropriate action concerning the complaint. Similarly, employees who feel they have knowledge of discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact the Health Commissioner. Late reporting of complaints and verbal reporting of complaints will not preclude the Health Commissioner from taking action. However, so that a thorough and accurate investigation may be conducted, employees are

encouraged to submit complaints in writing and in an expedient manner following the harassing or offensive incident. All supervisors are required to follow up on all claims or concerns, whether written or verbal, regarding any discrimination and harassment. Although employees may confront the alleged harasser at their discretion, they are also required to submit a written report of any incidents as set forth above. When the Health Commissioner is notified of the alleged harassment, he will investigate the complaint immediately. The investigation may include private interviews of the employee allegedly harassed, the employee committing the alleged harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality is not guaranteed. All employees are required to cooperate in any investigation. Determinations of harassment shall be made on a case-by-case basis. If the investigation reveals the complaint is valid, prompt attention and disciplinary action designed to stop the harassment and prevent its recurrence will be taken.

- (F) Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals, in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. Marion Public Health and its supervisors and employees shall not in any way retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels he has been subjected to retaliatory conduct as a result of actions taken under this policy or as a result of his relationship with someone who took action under this policy shall report the conduct to the Health Commissioner immediately. Disciplinary action for filing a false complaint is not a retaliatory act.
- (G) Legitimate complaints made in good faith are strongly encouraged; however, false complaints or complaints made in bad faith will not be tolerated. Failure to prove discrimination or harassment will not constitute a false complaint without further evidence of bad faith. False complaints are considered to be a violation of this policy.
- (H) If the Health Commissioner determines discrimination, harassment, or retaliation has taken place, appropriate corrective action will be taken, up to and including termination. The corrective action will be designed to stop the conduct and prevent its reoccurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior towards an employee who exercised a right under this policy, or who is a close personal friend or family member of someone who exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.
- (I) This policy covers all employees. Additionally, this policy covers all suppliers, subcontractors, residents, visitors, clients, volunteers and any other individual who enters Marion Public Health property, conducts business on Marion Public Health property, or who is served by Marion Public Health personnel.

**Drug and Alcohol Policy**

**(A) Drug-Free Workplace.**

1. Alcoholism and drug addiction are treatable diseases. Therefore, employees who believe they may have an alcohol or drug addiction problem are encouraged to seek professional treatment and assistance. No employee who seeks such treatment or assistance prior to detection will have his job security, promotional opportunities, or other job conditions jeopardized by a request for treatment. The individual's right to confidentiality and privacy will be recognized in such cases. Marion Public Health will reasonably accommodate a recovering employee's alcohol or drug addiction in accordance with federal and state law.
2. Treatment pursuant to this accommodation policy will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action. Marion Public Health may take disciplinary action for any violations of work rules, regardless of the effect of alcohol or drug abuse. Nothing in this policy shall be construed to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem.
3. Marion Public Health maintains a drug and alcohol free workplace in order to eliminate the inherent risks and liability to the Board of Health and the Health District, the affected employee, co-workers and the public. Employees are hereby notified that the manufacture, distribution, dispensing, possession, use or being under the influence of alcohol, drugs or other controlled substance is strictly prohibited during working hours at any location where employees are conducting Marion Public Health business. Also prohibited is the illegal use of legal substances.
4. In order to further Marion Public Health's objective of maintaining a safe, healthful, and drug-free workplace, the Health Commissioner may require an employee to submit to a urine and/or blood test if there is reasonable suspicion to believe that an employee is under the influence of a controlled substance or alcohol. Any time an employee is involved in an accident (driving related or otherwise) the health commissioner may, at his discretion, require the employee to submit to a drug test. This will be based on the circumstances of the accident, the severity, and the behavior of the employee. In addition, any time an employee is sent to Occupation Health after an accident, Occupational Health will automatically conduct a drug test on the employee. Refusal to submit to a drug or alcohol test and/or to release the results of the same shall be considered insubordination and will be construed as a positive test result.
5. Employees are put on notice that an employee who is under the influence of drugs or alcohol may forfeit their right to obtain workers compensation benefits. The law establishes a rebuttable presumption that if an injured worker tests positive for the use of drugs or alcohol, the worker will have to prove the use of drugs or alcohol did not cause the accident. A refusal to test for the use of drugs or alcohol will also establish the presumption. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing in accordance with this policy.

**(B) Drug Policy.**

1. Controlled Substance: Means any controlled substance contained in Schedules 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812; or as defined in § 3719.01 O.R.C.).
2. Conviction: Means any finding of guilt, including a plea of *nolo contendere* (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
3. Criminal Drug Statute: Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with O.R.C. § 3719.01 *et seq.*
4. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the employer's work place is strictly prohibited and will result in criminal prosecution and employee discipline
5. Any employee arrested or convicted of any Federal or State criminal drug statute must notify the employer of that fact immediately, but in no event longer than five (5) calendar days, of the arrest or conviction.
6. Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances and/or alcohol will be subject to disciplinary action up to and including removal. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.
7. Any employee arrested or convicted of a drug or alcohol offense, who fails to timely report the arrest or conviction, may be terminated from employment and/or held civilly liable for any damage caused, including a loss of state or federal funds, resulting from the misconduct.

**(C) The Drug/Alcohol Testing Policy.**

1. In order to maintain a safe and healthful work environment, Marion Public Health reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.
2. Where Marion Public Health has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to go to a medical clinic at the health department's expense, to provide blood and/or urine specimens. Reasonable suspicion shall generally mean suspicion based on personal observation by a health department employee, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.
3. If requested, the employee shall sign a consent form authorizing the clinic to withdraw a specimen of blood or urine and release the test results to Marion Public Health. Refusal to sign a consent form or to provide a specimen will constitute insubordination and a presumption of impairment and may result in discharge.
4. Any employee who tests positive may request retesting of the original specimen at their own expense.
5. Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be offered rehabilitation through the Marion County Employee Assistance

Program. Any costs related to the rehabilitation shall be paid by the employee. Employees must take any available, accumulated, paid or unpaid leave during their absence. Failure to fully participate in or successfully complete such a rehabilitation program may result in disciplinary action.

6. Employees who return to work after the successful rehabilitation will be subject to random drug tests for a period of two years from the date of their return.
7. Employees subject to random drug tests who refuse to participate in the drug/alcohol testing and/or rehabilitation program or who continue to test positive for substance abuse will face additional disciplinary actions, up to and including removal.
8. Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol testing.
9. Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the Marion County drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors.

**(D) Discipline.**

Marion Public Health may discipline an employee for any violation of this policy. Nothing herein shall be construed as a guarantee that Marion Public Health will offer an opportunity for rehabilitation. Failure to successfully complete or participate in a prescribed rehabilitation program, if offered, shall result in the employee's discharge (including a refusal to test or a positive test result on a return to duty or follow-up test). No employee shall be provided more than one opportunity at rehabilitation. The Health Commissioner's decision whether to discharge an employee shall be made on the basis of the circumstances surrounding the employee's positive drug or alcohol test and considerations such as any other misconduct resulting from the employee's substance abuse (e.g. injury, property damage, etc.) the employee's work record, and other factors traditionally considered when determining whether to retain an employee.

**(E) Refusal to Test.**

Employees who refuse to submit to the required testing shall be subject to disciplinary action up to and including discharge. A refusal to test for purposes of this policy shall include:

1. Failure to provide a sufficient sample provided there does not exist a valid medical explanation as to why the employee was unable to do so;
2. Any conduct that attempts to obstruct the testing process such as unavailability, leaving the scene of an accident without proper authorization, delay in providing a sample, adulterating, substituting or attempting to adulterate or substitute a specimen during the testing process, regardless of whether such attempt results in a negative or positive diluted sample;
3. Failure to execute or release forms required as part of the testing process.

**(F) Prescription/OTC Medications.**

Employees must inform the Health Commissioner if they are taking any medication that may impair their ability to perform their job. Employees on such medications must provide a written release from their treating licensed medical practitioner indicating that they are capable of performing their essential job functions, with or without reasonable accommodation. Employees are prohibited from performing any health department function or duty while taking legal drugs that adversely affect their ability to safely perform any such function or duty.

Employee use of prescription or over-the counter drugs must be utilized for medical reasons, taken at the dosage and frequency of use prescribed on the label, and, in the case of prescription drugs, prescribed to employees for medical reasons by a licensed medical practitioner. An employee's use of the prescription or over-the-counter drugs shall not affect the employee's job performance, threaten the safety, productivity, public image or property of the health department or its employees, or result in criminal behavior.

**Concealed Carry**

Consistent with the Ohio Revised Code 2923.126, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or ordnance on to the property of Marion Public Health. A valid concealed carry license does not authorize an individual to carry such a weapon onto these premises. Law enforcement officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon.

Employees are prohibited from carrying firearms any time they are working for the agency or acting within the course and scope of employment.

No employee or member of the public may carry a concealed weapon in a Marion Public Health owned vehicle.

Marion Public Health is not permitted to establish or enforce a policy that prohibits a concealed handgun licensee from transporting or storing a firearm or ammunition on their property under certain circumstances. For this restriction on employers and property owners to apply, several conditions must be met:

1. the firearm is in the vehicle while the licensee is physically present or,
2. the firearm and ammunition is locked within the trunk, glove box or other enclosed compartment or container within the vehicle and,
3. the vehicle is in a location where it is permitted to be.

Employees shall immediately contact a supervisor if they suspect an employee or member of the public is carrying a concealed weapon on agency premises. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a concealed weapon at any time while they are working, acting within in the course and scope of employment, or acting as a representative of Marion Public Health.



**Workplace Violence**

**(A) Zero Tolerance.**

Marion Public Health is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. In furtherance of this commitment, the agency enforces a zero tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect employees, or which occur on agency property or offsite while on duty, will not be tolerated. Employees who are found to have committed acts of workplace violence will receive discipline and possible criminal prosecution, depending on the nature of the offense.

**(B) Prohibited Acts of Violence.**

Prohibited acts of workplace violence include, but are not limited to, the following: (1) hitting or shoving; (2) threatening harm to an employee or his family, friends, associates, or property; (3) intentional destruction of property; (4) harassing or threatening telephone calls, letters or other forms of written or electronic communications, including email and website postings; (5) intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule; (6) willful, malicious and repeated following of another person, also known as “stalking” and/or making threats with the intent to place another person in reasonable fear for his safety (7) suggesting or otherwise intimating that an act to injure persons or property is “appropriate”, without regard to the location where the suggestion or intimation occurs; and (8) unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Marion Public Health property.

**(C) Warning Signs and Risk Factors.**

The following are examples of warning signs, symptoms and risk factors that may indicate an employee’s potential for violence. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others, consistent with Marion Public Health’s safety committee guidance. An employee should immediately notify management if they witness any violent behavior, including, but not limited to, the following: (1) hinting or bragging about a knowledge of firearms; (2) making intimidating statements such as: “You know what happened in Oklahoma City,” “I’ll get even,” or “You haven’t heard the last from me.”; (3) keeping records of other employees the individual believes to have violated departmental policy; (4) physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech; (5) acting out violently either verbally or physically; (6) excessive bitterness by a disgruntled employee or an ex-employee; (7) being a “loner,” avoiding all social contact with co-workers; (8) having a romantic obsession with a co-worker who does not share that interest; (9) history of interpersonal conflict; (10) domestic problems, unstable/dysfunctional family; and (11) brooding, depressed, strange behavior.

**Code Alerts**

(A) Marion Public Health employs a set of codes to communicate certain alerts to all staff. For these codes to be meaningful, they need to be understood, reviewed, and drilled. Division Directors will review these codes with their teams at least twice per year and will assure that their staff understand what each code means and how they are expected to respond if the code is issued.

**(B) CODE ADAM:**

- a. **Definition:** The issuance of a Code Adam alert within Marion Public Health indicates that a child who is believed to be on the property cannot be located. It does **NOT** mean that the child has been abducted, only that the child's location is unknown to the person responsible for his/her care.
- b. **How/When to Report:** Upon being advised by a client that a child is presumed to be missing, the employee receiving the report will immediately pick up the phone, press the "PAGE" button and announce in a calm voice, "Code Adam (description of child). When describing the child, give race, sex, age, and a description of the clothes being worn. If possible give the child's name and location where last seen.
- c. **Action to be taken:** If you hear a "Code Adam" alert, each employee will conduct a quick, visual search of their immediate surroundings to see if the missing child may be in their area. If you do not see the child, each staff member will perform the tasks for which they have been specifically assigned during this type of emergency. Employees will work in pairs and will take positions at the rear door and front door and will prevent anyone from leaving with the missing child. Team of employees will be assigned to search each of the three floors of the building.
- d. **Child Found:** When/If the missing child is located, a member of the locating team should proceed to the nearest phone, press the "PAGE" button and announce "Code Adam, all clear". The child should then be immediately inspected for physical injury and be returned to the adult responsible for his/her care.
- e. **Child NOT Found:** If a complete search of all three floors of the building does not discover the missing child, a call should be placed to the Marion Police Department reporting a missing child. The building should remain under Code Adam lockdown until such time as the police arrive and take charge of the operation.

**(C) CODE BLUE**

- a. **Definition:** A Code Blue alert is to be issued whenever an unexpected, sudden, medical emergency in or on MPH premises. Such an emergency is defined as any situation which requires immediate medical attention in order to prevent serious impairment to bodily functions or serious dysfunction of a body organ or part, or would place the person's health in serious jeopardy. An immediate assessment should be made regarding the need to call 911. Personnel are encouraged to err to the side of caution and call 911 in the event the

emergency would warrant attention beyond that which could be appropriately provided on site.

- b. **How/When to Report:** If you witness or are advised by anyone that a person is experiencing a sudden medical emergency, immediately attempt to summon a nurse to the scene. If a staff nurse is not readily available, pick up the phone, press the “Page” button, and announce in a calm voice, “Code Blue [location].” Be as specific as possible when announcing the location.
- c. **Action to be taken:** Upon hearing a code blue alert, a pre-assigned response team will respond to the location. The response team will be comprised of a nurse, the health commissioner (or designee), and the director of administration (or designee). The nurse will administer medical care within the scope of training, the health commissioner will gather information regarding the situation for an incident report, and the director of administration will manage the scene.

#### (D) CODE RED

- a. **Definition:** Any incident involving an uncontrolled fire within the facility. A Code Red can refer to actual flames or to smoke only.
- b. **How/When to Report:** Should you be a witness to or be the recipient of a report of flames or smoke within the MPH premises, you should pull the nearest fire alarm and then pick up the phone, press the “PAGE” button and announce in a calm voice, “Code Red (location).” Be as specific as possible when announcing the location.
- c. **Action to be taken:** Upon hearing a fire alarm and/or Code Red page, your first action should be to get yourself and those people near you out of the building. You should follow the directions set forth on the fire escape diagram posted in each room of the building. The closest, most direct escape path is designated on the diagram with red arrows. Should that path be blocked or unsafe, follow the path designated by blue arrows. Take your backpack, briefcase, purse and/or coat with you, but do not delay your exit to do so. If you are the last person to leave your area, shut off the lights and close the door. Do not lock the door. Proceed as quickly as possible to your assigned muster point in the parking lot next to 197 S. Main St. Remain there until given further instructions by your supervisor or a police or fire official.

#### (E) CODE SILVER

- a. **Definition:** A Code Silver conveys the message that a person with a weapon has entered the building and that there is a strong possibility that the person intends to do harm.
- b. **How/When to Report:** Immediately upon seeing a person with a weapon inside the Marion Public Health facility and if you can safely do so without drawing attention to yourself, you should attempt to alert your fellow employees that imminent danger exists. To do so, pick up the phone, press the “PAGE” button and announce in a calm voice, “Code Silver (location) (description).” Be as specific as possible when announcing the location, so your fellow employees can avoid the area. Providing a description will allow others to identify the person from a distance and give them a better chance of escape.

- c. **Action to be taken:** Should you hear a Code Silver alert you should immediately exit the building if you can do so safely and quickly without drawing attention to yourself and others. Encourage others to go with you but do not wait for them if they are hesitant.

#### (F) CODE BLACK

- a. **Definition:** A Code Black alert is intended to inform occupants of the building that they need to evacuate the building.
- b. **How/When to Report:** A Code Black alert will be initiated for any situation in which an immediate evacuation of the facility is required. One such instance could be the receipt of a bomb threat in which the time given for the bomb to explode is less than five minutes. To report a Code Black, pick up the phone, press the "PAGE" button and announce in a calm voice, "Code Black".
- c. **Action to be taken:** If you hear a Code Black announcement, immediately leave the building and assemble in the parking lot next to 197 S. Main St. Before evacuating, **close your room but do not lock it**. If you can do so without delaying your exit, take your purse, backpack, coat and any personal packages with you.

#### (G) CODE YELLOW

- a. **Definition:** A Code Yellow is used to inform staff of a situation in which an individual has become abusive and/or disruptive to the point that they pose a threat to themselves or others in the area.
- b. **How/When to Report:** If you are the victim of or witness a threatening, abusive individual or event and your supervisor is not readily available, you should pick up the phone, press "PAGE", and announce in a calm voice, "Code Yellow [location]." Be as specific as possible when announcing the location, so your fellow employees can avoid the area.
- c. **Action to be taken:** When a Code Yellow alert is announced you should proceed immediately to the location announced to see if you can assist. Do not enter directly into the area but observe quietly from a short distance to assess the situation. It is possible that a display of support will be enough to calm the situation with no further action being required. Follow the direction of the most senior personnel on site.

**Appropriate Attire/Appearance**

Marion Public Health is a professional worksite where individuals at all levels are engaged in valuable and valued work. At all times, it is expected that all personnel exercise good judgment in selecting attire that reflects a respect for what we do as professionals. Employees will be provided with a MPH branded polo shirt and fleece jacket to be worn during an agency-wide activity or in the event of an emergency response. Employees involved in enforcement activities may be provided additional uniform apparel.

(A) Generally unacceptable attire includes but is not limited to the following:

- *T-shirts, athletic wear, track suits, sweat shirts and sweat pants*
- *Denim jeans, jean look alike pants or slacks (other than on specified "jeans days")*
- *Yoga pants, spandex/Lycra or other stretch fabric*
- *"Skinny" pants or leggings (unless worn with thigh-length tops, jackets, sweaters, etc.)*
- *Tank tops, tube tops, tops exposing the midriff, tops that are low cut or off the shoulder without appropriate coverage, tops with spaghetti straps, transparent thin tops*
- *Any clothing that does not fit appropriately for the workplace (too tight/form-fitting or so baggy as to appear sloppy), any clothing that has holes or is unclean*
- *Tennis shoes and flip flops*

(B) What is deemed to be "appropriate" attire will necessarily vary by job duties.

1. Nurses seeing patients in a clinical setting should be in scrubs and may wear sneakers.
2. Environmental Health staff engaged in work that exposes them to mud, solid waste, or yard work including septic system or well inspection, campgrounds, nuisance complaints, or housing or buildings that may be infested may wear jeans and boots.
3. Staff making professional presentations, testifying in court, attending conferences or trainings should dress in a particularly businesslike professional manner. For example, ties and jackets may be appropriate, depending on the circumstances. Employees are encouraged to seek guidance from their director/supervisor if they are unsure of appropriate attire in atypical work situations such as those described here.
4. "Jeans days" will continue to be held on Fridays. The rest of the code remains in place. The only deviation is for pants, not tops or shoes. Jeans are still not appropriate if staff are engaged in professional activities as described in #3 above.

(C) Enforcement:

1. Staff deemed by their Division Director or the Health Commissioner to be dressed in a manner that reflects poorly on the agency or that would pose an otherwise avoidable risk of injury may be instructed to change.
2. Staff deemed by their Division Director or Health Commissioner to have a non-attire appearance by choice that reflects poorly on the agency or that would pose an otherwise avoidable risk of injury will be instructed to change. Examples might include but are not limited to distracting piercings or other body art or an unkempt appearance.

(D) Staff should be prepared for the unexpected. For example, if your job entails field work but you don't anticipate going into the field on a particular day, a pair of boots in the car trunk makes sense.

**Sick Leave**

- (A) Sick leave can be used for illness, injury, physician visits, or other approved purposes (as described in F) for either the employee or the employee's immediate family. For purposes of this policy, the "immediate family" is defined as only: mother, father, stepmother, stepfather, brother, sister, half-brother/sister, child, stepchild, spouse (including domestic partnership), aunt, uncle, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandparent-in-law, legal ward/guardian, or other person who stands in place of the employee's parent.
- (B) All employees will earn sick leave at a rate of .0575 for each hour in active pay status, up to a maximum of one hundred twenty (120) hours per year. Credit for sick leave is based on time in active pay status (hours paid at a normal rate of pay), including time on approved vacation, personal, sick, accrued (compensatory) leave, and holidays.
- (C) If sick leave is requested for less than one (1) full day, leave will be charged in units of fifteen (.25) minutes.
- (D) Sick leave accumulation is unlimited.
- (E) Sick leave may be granted upon approval of the supervisor for the purposes listed below. The Health Commissioner must approve prolonged periods, exceeding one (1) week.
  - 1. Illness or injury of the employee
  - 2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees
  - 3. Examination of the employee, including medical, psychological, dental, or optical examination by an appropriate practitioner
  - 4. Death of a member of the employee's immediate family. Such usage shall be limited to a reasonably necessary time, not to exceed five (5) days. The Health Commissioner has sole discretion to grant additional days
  - 5. Illness or injury of a member of the employee's immediate family, where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member
  - 6. Examination, including medical, psychological, dental, or optical examination of a member of the employee's immediate family by an appropriate practitioner, where the employee's presence is reasonably necessary
  - 7. Pregnancy, childbirth, or other pregnancy-related conditions of the employee
- (F) Justification for the use of sick leave will be in a manner approved by the Health Commissioner.
  - 1. An employee may be required to complete a signed, written statement explaining the nature of illness or other reason for taking sick leave.
  - 2. If sick leave is three (3) consecutive days or more in length, with the exception of bereavement, the employee is required, upon return to work, to submit a written statement from a licensed medical professional stating the nature of the illness.
  - 3. Employees requesting leave for reasons listed in item F(4), F(5), or F(6) shall include with their request a statement in support of "reasonable necessity."

4. If medical attention is required, the employee may be required to submit a certificate from a licensed physician stating the nature of the illness. Falsification of either the written, signed statement or the physician's certificate will be grounds for disciplinary action, including termination.
- (G) An employee who is unable to report to work will notify (by phone or other means of communication) the immediate supervisor or other person as designated by the supervisor. Such notification must be made prior to the scheduled reporting for starting time on the first day of absence, unless emergency conditions make it impossible, and each day thereafter, unless sick leave is prior-approved for a specific period of time.
- (H) Employees failing to comply with sick leave policies may result in denial of paid leave and other disciplinary action.
- (I) An employee injured during the course of employment, and who makes application for Workers' Compensation payments, may elect to use accrued sick leave in accordance with Employer policy prior to receiving payments from Workers' Compensation. Employees shall sign an agreement directing all Workers' Compensation payments to the Employer as reimbursement for such payments and shall have proportionate amount of their sick leave recredited upon receipt of Workers' Compensation payments by the Employer. Additional vacation and sick leave are not earned while an employee is on Workers' Compensation. If a leave of absence is granted, and the illness or disability continues past expiration of the leave, a disability leave may then be granted.
- (J) Employees cannot receive sick leave and Workers' Compensation simultaneously.
- (K) Employees with ten (10) or more years of service with the Board of Health or any other political subdivision of the state of Ohio may elect at the time of their retirement under PERS to receive pay for twenty-five percent (25%) of the value of their accrued but unused sick leave. Such payment will be based on the employee's rate of pay at the time of retirement, and will thereby eliminate all sick leave credit accrued by the employee at that time. The maximum payment that shall be made under this section shall be for fifteen (15) days (one hundred twenty [120] hours).
- (L) An employee who transfers from one public agency to another, or who is reappointed or reinstated, or who transfers from one state department to another, will be credited with the unused balance of accumulated sick leave, provided the time between separation and reappointment does not exceed ten (10) years.
- (M) The Administrator is responsible for maintaining a record of all sick leave accumulation and use.



**FMLA**

**(A) Statement of Policy.**

Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993.

**(B) Definitions.**

As used in this policy, the following terms and phrases shall be defined as follows:

1. "Family and/or medical leave of absence": An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
  - a. Upon the birth of an employee's child and in order to care for the child.
  - b. Upon the placement of a child with an employee for adoption or foster care.
  - c. When an employee is needed to care for a family member who has a serious health condition.
  - d. When an employee is unable to perform the functions of his position because of the employee's own serious health condition.
  - e. Qualifying service member leave.
2. Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on "covered active duty" or receiving a "call to covered active duty" In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a "single twelve (12)-month period" to care for a service member with a "serious injury or illness" sustained or aggravated while in the line of duty on active duty. The "single twelve (12)-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.
3. "Per year": A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four weeks beginning June 1, 2009, and four weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.
4. "Serious health condition": Any illness, injury, impairment, or physical or mental condition that involves:
  - a. Inpatient care.

- b. Any period of incapacity of more than three consecutive calendar days that also involves:
    - i. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
    - ii. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider
  - c. Any period of incapacity due to pregnancy or for prenatal care.
  - d. A chronic serious health condition which requires at least two “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
  - e. Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer’s disease, etc.).
  - f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).
- 5. “Licensed health care provider”: A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
- 6. “Family member”: Spouse, child, parent or a person who stands “in loco parentis” to the employee.
- 7. “Covered Service Member”: Means either:
  - a. A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
  - b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.
    - i. Note: An individual who was a member of the Armed Forces (including National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period of October 28, 2009 and March 8, 2013, shall not count toward the determination of the five-year period for covered veteran status.
- 8. “Outpatient Status”: The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.
- 9. “Next Of Kin”: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.
- 10. A “serious injury or illness”, for purposes for the 26 week military caregiver leave means either:
  - a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on 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, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,
- b. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or 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) and manifested itself before or after the member became a veteran, and is:
    - i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
    - ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service–Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
    - iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
    - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
11. “Covered Active Duty” or “call to covered active duty”:
- a. In the case of a member of a Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. (Active duty orders of a member of the Regular components of the Armed Forces generally specify if the member is deployed to a foreign country.”
  - b. In the case of a member of the Reserve components of the Armed Forces 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 pursuant to specific sections of the U.S. Code, as outlined in 29 CFR § 825.126.
12. “Deployment to a foreign country” means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.
13. “Qualifying Exigency”: (For purposes of the twelve (12)-week qualifying exigency leave) includes any of the following:
- a. Up to seven days of leave to deal with issues arising from a covered military member’s short notice deployment, which is a deployment on seven (7) or fewer days’ notice
  - b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.

- c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
- d. Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.
- e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
- f. Rest and recuperation leave of up to fifteen (15) days to spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. This leave may be used for a period of 15 calendar days from the date the military member commences each instance of Rest and Recuperation leave.
- g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.
- h. Qualifying parental care for military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age, when the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living, as described in 29 C.F.R. § 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.
- i. Any qualifying exigency which arose out of the covered military member's covered active duty or call to covered active duty status.

**(C) Leave Entitlement.**

To be eligible for leave under this policy, an employee must meet all of the following conditions:

1. Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.
2. Actually worked at least one thousand two hundred and fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.

The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement. Spouses who are both employed by the agency are entitled to twelve (12) weeks each for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

**(D) Use of Leave.**

The provisions of this policy shall apply to all family and medical leaves of absence as follows:

1. Generally: An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.
2. Birth of An Employee's Child: An employee who takes leave for the birth of his or her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust all of her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. (Note: See section E below for information on disability leaves.)
3. Placement of a Child for Adoption or Foster Care: An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.
4. Employee's Serious Health Condition or Family Member's Serious Health Condition: An employee who takes leave because of his serious health condition or the serious health condition of his family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

**(E) FMLA and Disability/Workers' Compensation.**

An employee who is eligible for FMLA leave because of his own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using worker's compensation benefits, the Employer may designate the absence as FMLA leave, and count it against the employee's twelve (12) week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the worker's compensation program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor can the employer require him to do so, while the employee is receiving compensation from such a program.

**(F) Procedures for Requesting FMLA Leave.**

Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. If the employee fails to provide thirty (30) days' notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the employer receives notice. The employee must follow the regular reporting procedures for each absence.

FMLA requests must be submitted on a standard leave form prescribed by the Employer. The Employer will determine whether the leave qualifies as FMLA leave, designate any leave that counts against the employee's twelve (12) week entitlement, and notify the employee that the leave has been so designated.

When an employee needs foreseeable FMLA leave, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the Employer's operations.

**(G) Certification of Need for FMLA Leave for Serious Health Condition.**

An employee requesting FMLA leave due to his family member's serious health condition must provide a doctor's certification of the serious health condition, which must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or if the need for leave is not foreseeable, as soon as practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.

The Employer, at its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

The Employer may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the Employer. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the Employer. If the first and second opinions differ, the Employer, at its own expense, may require the binding opinion of a third health care provider approved jointly by the Employer and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

Employees who request and are granted FMLA leave due to serious health conditions may be required to provide the Employer periodic written reports assessing the continued qualification for FMLA leave. Further, the Employer may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.), or if the employer receives information that casts doubt on the employee's stated reason for the absence. The employee must provide the requested additional reports to the Employer within fifteen (15) days.

**(H) Certification for leave taken because of a qualifying exigency**

The Employer may request that an employee provide a copy of the military member's active duty orders to support the request for qualifying exigency leave. Such certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; appropriate contact information for the third party if the qualifying exigency requires meeting with a third party and a description of the meeting; and, if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

**(I) Intermittent/Reduced Schedule Leave.**

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee unless specifically authorized in writing by the Executive Director. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or, as soon as practicable.

To be entitled to intermittent leave, the employee must, at the time such leave is requested, submit additional certification as prescribed by the Employer establishing the medical necessity for such leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts supporting the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave may be required to meet with the Appointing Authority / Elected Official or designee to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the Employer's operations.

**(J) Employee Benefits.**

Except as provided below, while an employee is on FMLA leave, the Employer will continue to pay its portion of premiums for any life, medical, and dental insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts he would have been required to pay had he not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

The Employer will not continue to pay the Employer portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for his portion of the premium is late by more than thirty (30) days. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the Employer may seek reimbursement from the employee for any amounts paid by the Employer for insurance benefits the employee received through the Employer during any period of unpaid FMLA leave. Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.



FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, specific leaves times (i.e. sick, vacation, and personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

**(K) Reinstatement.**

An employee on FMLA leave must give the Employer at least two business days' notice of his intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the Employer.

An employee will not be laid off as a result of exercising her right to FMLA leave. However, the Employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the agency, the employee would not otherwise be employed at the time reinstatement is requested. An employee on FMLA leave has no greater or lesser right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during her FMLA leave.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to perform the essential functions of his position, with or without reasonable accommodation.

**(L) Records.**

All records relative to FMLA leave will be maintained by the Employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential. Records and documents created for purposes of FMLA containing family medical history or genetic information as defined by the Genetic Information Nondiscrimination Act of 2008 (GINA) shall be maintained in accordance with the confidentiality requirements of Title II of GINA, which permit such information to be disclosed consistent with the requirements of FMLA.



**Vacation Leave**

- (A) Employees will earn vacation while in active pay status according to their length of service with the agency, the state, or any political subdivision of the state.

Years of Qualifying Service	Accrual per Hour Active Pay Status	Maximum** Allowable Balance of Vacation Time
Less than 1 Year*	Depends upon qualifying service	An employee may not carry a balance of vacation hours that exceeds the total number of hours they can earn in a two year period.
1 through 4 Years	0.03875 per hour	
5 through 11 Years	0.0575 per hour	
12 or more Years	0.0775 per hour	
*Vacation time accrues but is not credited and available for use until completion of the probationary period.		
**Once the maximum balance is reached, vacation time will no longer accrue until use of existing vacation drops the balance below the maximum allowable level.		

- (B) Intermittent, temporary, and seasonal employees will not earn vacation.
- (C) Employees are encouraged to use their vacation time but an employee may carry over earned vacation from one calendar year to the next.
- (D) Vacation leave requests must have prior approval of the immediate supervisor. Vacation leave must be planned and scheduled so that provisions can be made for adequate coverage of Health Department programs.
- (E) If vacation leave is requested for less than a full day, leave will be charged in units of fifteen minutes (0.25 hours). Vacation will not be charged for Saturday, Sundays, or legal holidays.
- (F) Upon separation from service, an employee is entitled to compensation for accumulated, unused vacation leave. In case of an employee's death, the accumulated unused vacation leave shall be paid in accordance with Section 2113.04 of the ORC or the estate. If separation occurs within thirty (30) days of a pay increase, "pay-off" will be at the previous rate of pay.
- (G) The Administrator or designee will maintain a record of all vacation leave accrued and used by each employee.

**Paid Personal Leave**

(A) Full-time and Part-time Non-probationary staff:

On January 1 of each year, full-time and part-time non-probationary staff will be credited with thirty-two (32) hours of personal leave time per calendar year that may not be carried over to the following year. Personal leave time not used during the calendar year for which it is credited is lost. Personal leave time is not paid out at separation. Staff who routinely work fewer than 20 hours per week are exceptions to this policy and will not be credited with personal leave time.

(B) Full-time and Part-time Probationary staff:

At the date of hire, full-time and part-time probationary staff will be credited personal leave time on the following schedule:

- For those hired from January 1 through March 31: 32 hours
- For those hired from April 1 through June 30: 24 hours
- For those hired from July 1 through September 30: 16 hours
- For those hired from October 1 through December 31: 8 hours

For probationary staff whose probationary period transcends the change from one calendar year to the next, personal leave time from the passing year will expire on December 31 and 32 hours of new leave time will be assigned on January 1 of the new year. Personal leave time not used during the calendar year for which it is credited is lost. Personal leave time is not paid out at separation. Staff who routinely work fewer than 20 hours per week are exceptions to this policy and will not be credited with personal leave time.

(C) Intermittent, temporary, and seasonal employees:

Intermittent, temporary, and seasonal employees will not earn personal leave time. Also, staff who routinely work fewer than 20 hours per week will not be credited with personal leave time.

(D) Full-time Non-probationary staff:

Employees who are enrolled in higher education programs for personal or professional development will receive up to an additional 8 hours of personal leave time each year. This leave will only be granted for school-related activities, including, but not limited to meeting with professors, registering for classes, taking exams, and completing course papers and projects. The employee's supervisor must approve use of this personal leave after receiving appropriate documentation from the employee regarding the need for leave. Documentation could be, for example, a course schedule or syllabus. Before granting the leave, the supervisor must assure that the approval of the leave does not create a hardship for the department or other staff members. If the employee does not use the entire 8 hours in the calendar year, the leave will not be extended into the next year. However, the employee is eligible to receive 8 hours of personal leave every year that he or she is enrolled in a school program. Prior to crediting employees with the personal leave, documentation of enrollment in a higher education program of study must be made available. This documentation could be, for example, a list of courses for which the employee is registered.

**Policy# 2018-5-005**

**Paid Holidays**

(A) Marion Public Health will observe the following holidays for full time employees at the rate of 8 hours per holiday:

New Year's Day

Martin Luther King Day

Presidents' Day

Memorial Day

Veterans' Day

Independence Day

Labor Day

~~Columbus Day~~

Thanksgiving Day

Day Following Thanksgiving

Christmas Day

The office will also close at noon on the last working day before the Christmas Day holiday.

(B) Holidays which fall on Saturday will be observed on the preceding Friday. Holidays which fall on Sunday will be observed on the following Monday.

(C) Additional holidays as declared by an act of the President, Governor, or the County Commissioners may be observed by the Health Department at the discretion of the Board of Health.

(D) Part-time, intermittent, temporary, and seasonal employees will not earn holiday pay for the holiday or portion of the holiday they would normally have been scheduled to work. These employees will have the option of using Personal Time or Vacation Time up to 8 hours on a holiday to mitigate the potential loss of income of having the office closed during a day they are regularly scheduled to work. Alternatively, if approved by their supervisor, an alternate schedule may be accommodated within the week to recapture the regular paid hours. It is not permissible to exercise both options for one holiday.

(E) If a holiday occurs during a period of sick or vacation leave, the employee will not be charged for sick leave or vacation.

(F) Employees who take a sick day on the day before or the day after a holiday must provide a satisfactory written signed physician's statement justifying the use of sick leave in order to receive paid leave for the Holiday.

(G) It may be necessary for Health Department staff to provide mandated services during holidays. The necessity of such service shall be determined and preapproved by the employee's supervisor. When work during holiday weekends is deemed necessary, nonexempt employees will be paid at a rate of one and one-half times (1.5) their normal rate of pay, without being required to meet the 40 hour work week rule. Time paid and mileage for such work will be calculated based on the number of miles from Marion Public Health.

(H) Employees working a flex schedule will need to alter their schedule to reach their full 35-40 paid hours

**Transitional Work**

**(A) General Policy Statement**

The purpose of the Marion Public Health Transitional Work Program (TWP) is to return employees with a work-related injury to gainful employment in temporary bridge assignments, within the limitations of the injury, in order to provide a transition to full duty without restrictions. Since it is in the best interest of the employee, both physically and psychologically, to remain active and productive within the limitations of the injury, Marion Public Health is committed to returning employees to work as soon as possible after a work-related injury or illness.

The implementation of an effective early return to work program serves a threefold purpose:

1. Employees benefit because
  - a. They return to productive work in a systematic, impartial manner in which they provide a valued service, and
  - b. Trauma related to an injury is reduced as the employee continues his/her work contracts and routine during recovery period, and
  - c. No financial loss as employees return at their current rate of pay.
2. Treating physicians benefit because a formalized program exists which will permit them to make informed decisions about the type of work at Marion Public Health the employee can perform given the employee's physical capabilities.
3. Marion Public Health benefits because
  - a. Employees are performing a useful service;
  - b. It encourages a positive attitude of "working without lost time";
  - c. It reduces workers' compensation related expenses resulting in a positive impact to the "bottom line"; and
  - d. An experienced work force is maintained, thereby improving productivity, quality, and efficiency.

The needs of a safe, cost-effective organization must always be a major consideration in the administration of the Marion Public Health Transitional Work Program.

**(B) Program Objectives**

This transitional work program (TWP) will benefit the Marion Public Health employee by providing opportunity to build strength and stamina to return to regular job duties. Participants in the program will be paid at their regular hourly rate for the hours worked. Work station accommodations will be provided and occupational/physical therapy will be provided at the work site as needed.

The success of the TWP will depend on the employee, the employee's supervisor, the employee's physician of record, the employee's work department, and the human resource department.

The most important goal is to promote the employee's recovery and return to work. At the same time, the TWP is intended to reduce costs associated with work-related injuries and illnesses by decreasing the lost time of the injured worker and promoting a speedy recovery to full physical and work capacities. Transitional work allows the employee to continue in a productive lifestyle, reduce pain focus, and receive the support of co-workers and supervisors.

(C) Transitional Work Program Definition

Transitional work is a progressive and individualized program. It is an interim step in the physical conditioning and recovery of a worker with restrictions toward the goal of returning to the original job. Transitional work represents an opportunity for Marion Public Health to protect the employability of the worker with restrictions while reducing the financial liability associated with work restrictions and lost time.

Transitional work is any job, task, function, or combination of tasks or functions, within the classification of the worker, which the worker with restrictions may perform safely for remuneration and without the risk of re-injury.

(D) Eligibility Criteria

The benefits of participating actively in the TWP are available to any employee who sustains a work-related injury, occupational disease, or illness that is likely to result in lost time from the job.

Injuries/illnesses that are eligible for the TWP will be classified as work-related. It is understood that each of these situations will require different services and approaches to ensure a successful transition of the employee to full employment at the original job.

All employees who participate in the TWP are expected to transition to normal duties within a sixty (60) day period. This can be extended by thirty (30) days with mutual agreement of the appointing authority, the on-site therapist, and the physician of record, under no conditions should TWP exceed a ninety (90) day maximum.

(E) Incentives for Participation

Marion Public Health employees return to work at one hundred percent (100%) of wage as opposed to a smaller percent of wage from disability benefits. The physician benefits from the experienced therapist on the job site and job analyses, which specifically indicate job duties and physical capacities.

(F) Requirements of TWP

The TWP should be based on operational need and allow the employee to build strength and stamina for return to work in his/her original job in less than ninety (90) days. The TWP is not a permanent reassignment of job duties. An employee would not be eligible for TWP if:

1. As a result of an accident the employee is required to take a drug and alcohol test and the test is positive. In addition, the Health Department will make effort to deny all workers' compensation benefits.
2. The nature and severity of the workers' disability indicates that the worker will never be able to return to regular job duties or will not be able to return to regular job duties within ninety (90) days.
3. Due to an aggravation of the worker's impairment, the worker's involvement in the program is temporarily disrupted or limited.
4. The employee is not making progress toward regular job duties. In the case, the worker will be discharged from the TWP.

(G) Permanent Job Modifications

In cases where the job has elements with strong potential for cumulative trauma, the licensed therapist for the continued health of the worker may modify the job. The provision of modification will require approval of the physician of record and the supervisor.

(H) Application Process

The employee should have a certified claim. The employee will fill out the First Report of Injury Form.

Once the BWC claim has been allowed, the MCO will assign a case manager to the case. A letter from the case manager explaining the TWP will be sent to the employee. The letter will be followed up by a phone call.

The case manager will send a checklist to the physician of record to determine the employee's restrictions. The physician of record's response will determine the eligibility for TWP. When the physician responds, the MCO will immediately notify the BWC Rehab Center for initiation of the transitional work process. The Rehab Center will perform the job analysis and usher in the transitional work program for the injured worker.

The on-site therapist will begin the process of creating a transitional work job description, and coordinating the TWP.

Transitional work will be individualized for each employee, based on injury, job, and restrictions.

(I) Eligibility Statement

Should an employee be deemed eligible and feasible for the TWP and refuse to participate in the program, Marion Public Health will pursue all available avenues to terminate continued payments by the BWC based on non-compliance.

(J) Persons Responsible for Determining the Individual's TWP

1. The employee will be responsible for the following: maintaining regular, consistent attendance during the program. During the TWP, vacations and other non-emergency days off must be

minimized to facilitate the success of the program. The employee must perform only those work tasks identified by the therapist as part of the TWP, while observing safe work practices.

2. Immediate supervisor of the injured employee will be responsible for observing that the worker is utilizing safe work practices and is performing only those tasks allowed in the TWP. The immediate supervisor will meet briefly with the on-site therapist on a weekly basis to identify potential obstacles and successes of the program.
3. Physician of Record will be responsible for identifying restrictions for work and indicating whether the employee can realistically expect to return to the original job.
4. Case manager will receive approval and restrictions from the physician of record and write a plan that incorporates all of the elements necessary to implement and ensure success of the TWP in collaboration with the on-site therapist. The case managers will also coordinate the communication between parties involved in the TWP>
5. The on-site therapist will assist in coordination of the communication between parties involved in the TWP. The on-site therapist will perform job analyses, make recommendations, and identify tasks which will be utilized in the TWP. The on-site therapist will determine an appropriate progression of tasks and communicate weekly progressions to the employer, physician of record, and case manager. The on-site therapist will determine the need for manipulations and additional strengthening tasks for the injured worker and incorporates appropriate exercises into the TWP. The on-site therapist will develop a home program appropriate for the injured worker and utilize to expedite recovery and pain management.
6. MCO will expedite the referral for rehab and assign an appropriate case manager.



**Weather Closure**

- (A) Employees are expected to be aware of the weather and its potential to impact their service as employees of Marion Public Health. This level of awareness should include knowledge of when a Level 3 Emergency is declared in Marion, i.e. all roadways in Marion are closed to non-emergency personnel.
- (B) If a Level 3 Weather Emergency is declared for Marion County, all Divisions of Marion Public Health will close and remain closed only for the duration of the Level 3 Weather Emergency declaration. Division Directors will inform their staff as soon as possible when a level 3 emergency is declared. Once the Level 3 Weather Emergency is lifted all scheduled employees will be expected to report to work at their regular schedules. Division Directors will inform their staff as soon as possible when the level 3 emergency is lifted. This policy will remain in effect unless a Public Health Emergency is declared that requires the response from Marion Public Health employees. Only in the event of a public health emergency would Marion Public Health employees be expected on the roads. During any period of a level 3 Emergency, employees are expected to remain aware of the situation and to be available in the event a public health emergency arises. To that end, employees will be considered "on the clock" and will be expected to begin their return to work within 30 minutes of being contacted. As such, employees will be paid as if they worked their regular schedule. Employees who have been approved for vacation, sick, or any other leave prior to the level 3 Weather Emergency and who are considered on leave during that emergency may not exchange that paid leave. They are considered to be on vacation, sick leave, etc. **If the Level 3 Weather Emergency was called in the morning and is not lifted by noon, the agency may remain closed the entire day.**
- (C) In the event an employee is in another county at the time during which a Level 3 Weather Emergency is declared in that county but not for Marion County, that employee may request and may be granted the opportunity to take either personal time or vacation time as their balance of such time permits.
- (D) Employees who are tardy, leave work early, or fail to report for work on days when the offices are not officially closed due to weather or other emergency conditions shall be required to notify the Administrator or their immediate supervisor and will not receive compensation for the duration of the unexcused absence. Upon the approval of the Administrator, the absence may be charged to the employee's available vacation, personal, or compensatory time.
- (E) Inclement weather is not a valid reason for the use of sick leave.
- (F) Employees not scheduled to work due to a personal day, scheduled vacation, or other approved leave of absence will not be affected by the emergency closing.

(G) The Administrator or designated person will make announcements of any Health Department closings/delay as soon as possible. Contact will be made with staff via their supervisor. Announcements will be made over WMRN.

(H) Pursuant to Attorney General Opinion 86-023, the Sheriff of a county may declare a snow emergency and temporarily close county and township roads. Ohio sheriffs have adopted guidelines for the purpose of issuing such declarations. The policy is:

Level 1: Roadways are hazardous with blowing and drifting snow. Roads are also icy. Drive very cautiously.

Level 2: Roadways are hazardous with blowing and drifting snow. Only those who feel it is necessary to drive should be out on the roadways. Contact your employer to see if you should report to work.

Level 3: All roadways are closed to non-emergency personnel. No one should be out during these conditions unless it is absolutely necessary to travel. All employees should contact their employers to see if they should report to work. Those traveling on the roadways may subject themselves to arrest.

(I) The Health Commissioner has the authority to close the agency if he/she believes it is necessary to protect the health and safety of the employees and/or the public. The Health Commissioner may delegate that decision making authority to a member of the senior leadership team in his/her absence.

**Civic Duty Leave**

**(A) Jury Duty.**

Employees will be excused from regularly scheduled work for jury duty. If an employee's jury duty is concluded prior to the completion of the employee's regularly scheduled workday, he must return to work for the remainder of the workday. Marion Public Health will compensate an employee who is called to, and reports for, panel and/or jury duty, at the employee's straight-time hourly rate for the hours he/she was scheduled on that day. The employee must give Marion Public Health prior notice of jury duty, and pay his jury duty fee to Marion Public Health, in order to receive his/her regular pay.

**(B) Work Related Proceedings.**

Employees who are required by Marion Public Health to appear in court or other proceeding on behalf of Marion Public Health, will be paid at their appropriate rate of pay for hours actually worked. Employees must obtain prior approval from their supervisor before appearing in court or administrative proceedings on behalf of the agency. Employees who receive a subpoena for work-related matters and have a concern regarding that subpoena should seek assistance from their supervisor, who may then contact the Prosecuting Attorney's Office.

**(C) Personal Matters.**

Employees who are required to appear in court on personal matters, or on matters unrelated to their employment with Marion Public Health, must seek an approved vacation leave, personal time, or unpaid leave of absence.

**Unpaid Leave**

Employees may request an unpaid leave of absence for professional, educational, or other personal reasons. The Health Commissioner has sole discretion to grant or deny the leave. A personal leave of absence may be granted for one day to six months for any reason the Health Commissioner deems appropriate. Upon completion of approved unpaid leave, the employee will be returned to his/her former position or to a similar position within the same classification.

While on leave without pay status, an employee shall not accumulate paid leave or holiday pay. An employee on a non-FMLA unpaid leave of absence will be given COBRA notification regarding his/her health insurance benefits.

The agency may revoke an unpaid leave of absence for business reasons by providing written notice to the employee one week in advance of the expected new return date. An employee on an unpaid leave of absence who is determined to be using the leave for purposes other than for which the leave was granted may be ordered to return to work immediately.

**Military Leave**

Military leave is governed by O.R.C. Chapters 5903, 5906 and 5923 and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

**(A) Paid Military Leave.**

Marion Public Health employees who are members of the Ohio organized militia or members of other reserve components of the armed forces, including the Ohio National Guard, are entitled to military leave. Employees requesting military leave must submit a written request to the Health Commissioner as soon as they become aware of such orders. Employees must provide the published order or a written statement from the appropriate military authority with the request for leave.

Pursuant to O.R.C. § 5923.05, employees are authorized up to twenty-two (22) eight (8)- hour working days or one hundred seventy-six (176) hours within a year. During this period, employees are entitled to receive their regular pay in addition to compensation from military pay. Any employee required to be serving military duty in excess of twenty-two (22) days or 176 hours in a year due to an executive order issued by the President of the United States or an act of Congress or by the Governor in accordance with law shall be entitled to a leave of absence. During this leave of absence, employees are entitled to be paid a monthly amount equal to the lesser of (1) the difference between the employee's gross monthly wage and his/her gross monthly uniformed pay and allowances received for the month, or (2) five hundred dollars (\$500). No employee is entitled to receive this benefit if the amount of gross military pay and benefits exceed the employee's gross wages from the County for that period.

Employees who are on military leave in excess of twenty-two (22) days or one hundred seventy-six (176) hours in a year, may use their accrued vacation leave, personal leave or compensatory time while on military leave. Employees who elect this option shall accrue vacation leave and sick leave while on such paid leave.

For military leave up to twenty-two (22) days or one hundred seventy-six (176) hours in a calendar year, employees shall continue to be entitled to health insurance benefits as if they are working. These benefits shall continue beyond this period if the employee is on military leave and elects to utilize paid leave. Employees who exceed the twenty-two (22) days or one hundred seventy-six (176) hours and do not elect to utilize paid leave are not entitled to the health insurance benefits on the same basis as if they are working. In these circumstances, employees will be provided notice of their rights to continue this coverage at their cost in accordance with applicable law.

**Compensation**

- (A) The Health Commissioner will present changes to the compensation plan to the Board of Health. Salaries are based on budget constraints and the following criteria:
  - 1. Position, responsibilities, duties, difficulty of work, amount of supervision, and compensation levels for comparable positions
  - 2. Education, training, experience, and skill as required for the position
  - 3. Professional achievement certification
  - 4. Demonstrated proficiency in the position, based upon periodic evaluation, and quality of work
  - 5. Cost of living
- (B) Employees are expected to document time worked and time on approved leave status for payroll purposes in a manner prescribed by the Director of Policy and Planning.
- (C) Supervisors and employees should submit notice of any changes, which affect employee payroll, to the Director of Policy and Planning. Employees should also direct any questions regarding their pay to the Director of Policy and Planning.

**Payroll Deductions**

Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans or as requested by the employee. These deductions are itemized on the employee's pay statement which accompanies his or her biweekly paycheck. Deductions include:

- A. PERS: All employees must contribute to the Public Employees Retirement System rather than Social Security. The Board then pays its portion of PERS.
- B. Income Taxes: Federal, state, and city governments, and some school districts may require that income taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished by the Treasury Department and the Ohio Department of Taxation and may vary according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Health Commissioner or designee of any dependency change whenever such change occurs.
- C. Medicare Health Insurance: A deduction will be required from each employee who is hired after April 1, 1986. The employee's pay-in will be contributed to Medicare along with the Employer's share.
- D. Miscellaneous Deductions: Examples include garnishments, deferred compensation, health insurance, and other approved deductions.

**Reimbursement**

**(A) Reimbursement for Purchased Goods and Contracted Services**

No reimbursement to staff shall be made for purchased supplies or for contracted services without prior approval by the Director of Policy and Planning or the Health Commissioner. Exceptions in the event of an emergency may be granted by the Health Commissioner, must be rare, consequential, and material to the operations of the Health Department.

**(B) Travel Reimbursement**

If an employee must attend a work-based seminar or conference, the employee must receive approval by his or her supervisor and by the Health Commissioner on the appropriate form. This form is then submitted to the Administrator for encumbering of travel funds. Unless a conference organizer accepts a purchase order issued through appropriate department procedures, all department conference attendees must pay for conference registration in advance from their personal funds. Reimbursement for such conference registration, as well as accompanying and approved meals, mileage, and parking costs, will occur after submission of a travel reimbursement form with appropriate receipts, including photocopies of personal check or other payment instrument used for registration and proof of attendance.

**(C) All other mileage reimbursement must be submitted by the employee to their supervisor on the appropriate form.**

1. For grant funded mileage reimbursements, the rate will be determined by the grant
2. For non-grant funded mileage reimbursement, the rate will be the same as the Federal reimbursement rate.
3. If a Health Department vehicle is available for use, there will be no reimbursement for personal vehicle mileage.
4. If it is of mutual best interest to the employee and Marion Public Health to use a personal vehicle because of the origin and terminus of travel relative to one's residence, personal vehicle use mileage may be reimbursed with prior approval at the established rate for the total miles minus the usual mileage of the routine work commute between personal residence and the workplace.

**(D) Agency employees must substantiate travel expenses with original, itemized receipts, such as restaurant, hotel, parking and toll receipts. Original, itemized receipts are required for all travel expenses, even when the agency credit card is used. The receipt must include items purchased, method of payment, and date of service. Receipts that do not include this information will be rejected for payment and the employee will be responsible for the expenses, even when they agency credit card was used. Alcohol and tobacco purchases will never be reimbursed.**

**(E) Ohio Revised Code prohibits county reimbursements to personal credit card owners who will also benefit from the reward system from the approved purchases. These rewards could be in the form of frequent flyer miles, free gifts, point systems, cash rebates, etc. Employees using a personal credit card must use a card with no personal reward system involved.**



(F) The Board of Health has granted blanket approval for reimbursable mileage for use of personal vehicle within approved grant budgets. (Board of Health Resolution #2015-063)

**Health and Life Insurance**

**(A) Health Insurance**

1. The Marion Public Health Department offers a comprehensive health care benefit package to its employees. To be eligible for the health care benefits per county policy, employees must be full-time as defined in the health care benefits section. If an employee chooses to enroll, he/she must enroll himself and his dependents in health care benefits within the employee's effective date of enrollment eligibility. The employee's effective date for eligibility is thirty (30) days from employment, while the employee's probation period is one year from employment.

In order to allow employees to purchase certain health care benefits with pretax dollars from their paychecks, Marion County has entered into an Internal Revenue Service Code Section 125 Plan (cafeteria or flexible benefits plan). Changes in benefits covered under IRS Section 125 may only be conducted during the annual open enrollment or within thirty-one (31) days of an employee incurring a major life event (e.g., marriage, divorce, birth, or adoption of a child, etc.).

For new employees who are otherwise eligible to enroll under the group health plan, coverage will begin after thirty (30) days of employment.

Any new employee of Marion Public Health whose benefits are determined by the Board of Health under the Marion County benefits plan shall be eligible to receive dental, vision, life insurance and any other forms of group coverage available through the County, the first day of the month following their sixtieth (60th) day of employment, or two (2) full calendar months of employment.

For existing employees incurring a major life event, coverage will begin at 12:00 a.m. on the next day following the date of the major life event. For employees making changes during the annual open enrollment, coverage will begin at 12:00 a.m. on January 1 of the appropriate year.

The Board of Health currently pays 87% of the health insurance premium for **Single and Employee & Child (ren)**. **There is an Open enrollment event every Fall for all insurance coverage and benefits**. If any employee terminates his or her employment with Marion Public Health during and calendar month, that employee shall not be able to receive paid health insurance coverage, dental, vision, life insurance or any other form of group coverage beginning the first day of the month following the calendar month that he or she resigns or is terminated. This shall not affect an employee's right to pay for and receive coverage in accordance with the federal law commonly known as COBRA. This policy does not concern employees who are retiring. Employees retiring shall receive coverage until the first full month of retirement.

2. Any employee covered by health insurance may be eligible for continuation of said coverage upon termination under the COBRA federal law of 1986. All premiums are the responsibility of the terminated employee.
3. COBRA coverage must be elected within thirty (30) days of separation from the Health Department. COBRA determines the coverage eligibility.

#### (B) Life Insurance

Marion Public Health provides a \$10,000 life insurance for all eligible employees. The insurance is term life and accidental death and dismemberment. As stated with all insurances, life insurance is subject to change each year. Employees should attend open enrollment meetings each year to be informed of any changes.

#### (C) Dental Insurance

Marion Public Health contracts with a provider to allow employees who are eligible for medical insurance to have coverage. However, employees do not have to take medical insurance in order to take dental insurance.

Marion Public Health pays the premium contribution for employees who are eligible for and who take dental insurance. Any employee who wishes to cover his/her spouse and/or children must pay the difference between a single premium and double and family premiums.

As with all health care services, dental coverage is subject to change each year.

#### (D) VisionPlus Vision Coverage

Marion Public Health offers a vision plan through VisionPlus. Like health insurance coverage, this plan is only offered to full-time Marion Public Health employees. This vision plan is voluntary and is paid solely by employee contribution. The rates and specific benefit information for this vision coverage will be given to employees during open enrollment each year or may be obtained from your department or the Marion County Personnel Office.

**Other Benefits**

**(A) Deferred Compensation**

Marion Public Health, through the county, offers its employees deferred compensation plans. In deferred compensation, employees invest part of their income (prior to taxes) into a deferred compensation plan. The money is invested into mutual funds, bond funds, stock funds, and/or other income funds to earn higher yields than savings accounts. The employee's investment and interest earning are tax deferred until the employee begins withdrawing funds from the investment. Should you have any questions, please contact the Marion County Personnel Department.

**(B) Credit Union**

Marion Public Health employees are eligible to join the Marion Community Credit Union under a select sponsor program. The Marion Community Credit Union offers a wide range of services, including checking, VISA, and savings.

**(C) Ohio Tuition Trust Authority**

Marion County has contracted with Ohio Tuition Trust Authority to allow employees to purchase up to four hundred (400) tuition credits to be used to pay for state tuition and fees for employees' eligible dependents at public colleges, technical colleges, and community colleges. Tuition credits can also be purchased for tuition and fees for any private or out-of-state colleges as well, although full coverage of tuition and fees will not apply. These tuition credits can be purchased through a coupon system or by automatically deducting the purchase of credits through the employee's paycheck or checking and savings accounts.

**(D) Miscellaneous Programs**

1. Marion Public Health offers its employees the opportunity to participate in various supplemental insurance coverages that are offered through the American Family Life Assurance Company (AFLAC), an independent benefit company.
2. The county also offers American Life Investment Corporation (AHL) which has much of the same coverages as stated above.

NOTE: The employee will be responsible for making arrangements to meet with representatives from either of the above.

3. Health Insurance Incentive Plan: The Board of Health has approved this plan in order to assist in cutting the cost of providing health insurance benefits to the employees. All full time

employees are required to be covered either under the Health Department health insurance plan or under another health insurance plan. To be eligible for the Incentive Plan, a full time employee would be covered under another health insurance plan. Written documentation of such coverage will be required. Full time employees will be reimbursed a sum to be determined each year by the Board of Health. The current rate can be found in the Board Resolution book. The Administrator will prepare reimbursement during one pay period of each month if the participating employee was covered by another plan during the entire previous month. This plan is available to current employees and all new employees once health insurance eligibility requirements are met. The Administrator has the appropriate forms to complete and sign.

**Worker's Compensation**

- (A) State law provides that all employees are covered by Workers' Compensation for injuries that arise out of or in the course of employment.
- (B) All injuries which arise out of or in the course of employment shall be reported and compensated for under this Workers' Compensation section.
- (C) Injury Reports  
When an employee is injured during the course of employment, the employee shall report the injury to his/her immediate supervisor immediately. The employee's supervisor shall provide the employee with an employee's report of injury form. If the injury is to an employee's back, an employee's report of back injury shall also be provided to the employee. The form(s) shall be completed regardless of the apparent seriousness of the injury and whether or not medical attention is required. Such forms shall be completed by the employee and forwarded to the Administrator within twenty-four (24) hours of the injury.
- (D) Application for Payment of Medical Benefits Only  
When an employee's injury requires any type of medical attention, the supervisor shall, in addition to the injury report(s) described above, provide the injured employee with a "Workers' Compensation Information Card."
- (E) Application for Payment of Compensation and Medical Benefits  
When, in addition to medical attention, an employee's injury results in an employee's absence from work for seven (7) days or more, the employee may complete an "Application for Payment of Compensation and Medical Benefits," if such employee desires compensation for lost wages. This form shall be given to the employee's supervisor, who shall forward same to the department's Administrator for completion.
- (F) Serious Injury  
In the event of a serious injury, the injured employee's supervisor shall notify the Administrator immediately so that an investigation can be initiated.
- (G) Return to Work  
The Employer must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing to their Employer their estimated date of return.
- (H) Documentation

Any documents received from the injured employee, the employee's physician, the hospital, or the state regarding Workers' Compensation claims must be immediately forwarded to the Administrator.

(I) Wages on Injury Date

Employees who are injured during the course of employment and who must leave work before completing their work period shall be paid at their regular rate for the balance of time left in their scheduled work day.

(J) Repurchase of Used Sick Leave

An employee injured during the course of employment, who makes application for Workers' Compensation payments, may elect to use accrued sick leave in accordance with Department policy prior to receiving payments from Workers' Compensation. Employees shall sign an agreement directing all Workers' Compensation payments to the Employer as reimbursement for such payments and shall have a proportionate amount of their sick leave recredited upon receipt of the Workers' Compensation payments by the Department. Additional vacation and sick leave are not earned while an employee is on Workers' Compensation.

(K) Simultaneous Payments

Employees are prohibited from receiving payment for sick leave (but may receive other paid leave) while simultaneously receiving payment from Workers' Compensation.

(L) Accommodation of Disabled Employee

When confronted with an employee claiming a disability under the Workers' Compensation system, who is disabled as defined in the ADA, the Employer will consider making a reasonable accommodation that would allow the employee to continue performing the essential functions of the employee's position.

**Conferences, Professional and Community Organizations**

- (A) Employees are encouraged to stay informed of technical advances, rules or program changes, and to increase their skills related to their position. In this regard, time may be allowed for professional development. The Health Commissioner, Administrator, and immediate supervisor of the employee will review requests to attend conferences, meetings, and seminars, and are responsible for determining the need, reasonableness, and benefit prior to granting a request. The supervisor will be responsible for assuring adequate coverage during the employee's absence and that adequate funding is available prior to approval.

Travel time outside of normal working hours for conferences/meetings requested by the employee will not be compensated without prior approval of the Health Commissioner. Mileage, transportation, and conference expenses may be reimbursed based on budget constraints.

- (B) Personnel may become personally involved in community organizations and activities which relate to public health. The Health Commissioner and immediate supervisor will review requests to participate in such activities during normal working hours and will determine the reasonableness and benefit to grant such a request.



**Investigation**

Marion Public Health has the right to investigate all alleged disciplinary violations. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented, and advised by an attorney. For all employees, the failure to respond, to respond truthfully, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during the pendency of the investigation.

Classified employees may be placed on a paid administrative leave of absence pending an investigation. A classified employee who has been charged with a violation of law that is punishable as a felony may be placed on unpaid administrative leave, for a period not to exceed two months, pending an investigation. However, a classified employee who is placed on unpaid leave and is later exonerated of a felony must be reimbursed for lost pay, plus interest, and lost benefits. Unclassified employees may be placed on paid or unpaid leave pending an investigation.

Staff is responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of Marion Public Health Policies and Procedures to the Administrator and Health Commissioner. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts.

**Disciplinary Principles**

The Marion Public Health Department Board of Health and the Health Commissioner believe a clearly written discipline policy will serve to promote fairness and equality in the workplace, and will minimize potential misunderstandings among employees in disciplinary matters. Further, the Board and Health Commissioner believe certain basic principles, set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job behavior. These disciplinary principles apply to classified employees only, and unclassified employees are not subject to the provisions herein.

- (A) Employees shall be advised of expected job behavior, the types of conduct that the Health Department has determined to be unacceptable, and the penalties for such unacceptable behavior.
- (B) Immediate attention shall be given to policy infractions.
- (C) Discipline shall be applied uniformly and consistently throughout Marion Public Health, and any deviation from standard procedures must be well justified and documented.
- (D) Each offense shall be dealt with as objectively as possible.
- (E) Discipline shall be progressive as outlined in this manual.
- (F) An employee's immediate supervisor and/or the Health Commissioner shall be responsible for administering discipline.

**Progressive Discipline**

- (A) Marion Public Health shall follow an established system of progressive discipline when correcting job behavior, for all classified employees. Unclassified employees are not subject to the provisions of this policy.
- (B) Marion Public Health has adopted this discipline policy as guideline for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the statutory rights of the Employer as set forth in the Ohio Revised Code.
- (C) This discipline policy provides standard penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all inclusive, but serve merely as a guide.
- (D) The standard penalties provided in this policy do not preclude the application of a more or less severe penalty for a given infraction when specific circumstances exist. In those cases where the penalty deviates from the recommended standard penalty, the reasons for such deviation should be noted in writing by the Health Commissioner and/or the Board.
- (E) The Board of Health and the Health Commissioner may issue a fine or working suspension under certain circumstances, for example, to discipline an FLSA-exempt employee without jeopardizing the employee's exempt status, or to impose discipline when Marion Public Health is understaffed.
- (F) The purpose of disciplinary action is to correct misconduct and encourage improved performance or behavior, except where the employee is removed. To that end, an employee may request, and the Employer may agree, to remove a disciplinary action from an employee's general personnel file after two (2) years when the employee has shown marked improvement. The record of discipline will be kept in a separate "dead" file for at least three (3) years or for the period of time designated in the agency's public record retention schedule, whichever is longer. The Employer is required by the Ohio Civil Rights Commission to maintain such records.
- (G) Prior to discipline, a pre-disciplinary conference must be held if it involves a classified employee.
- (H) Suspensions or fines of more than three (3) days' pay, reductions, or removals of classified employees must be filed with Department of Administrative Services (DAS) on an Order of Removal, Suspension, or Reduction ADM 4055 form in accordance with R.C. section 124.34.
- (I) Reduction in classification or pay, suspension, fine, or removal of an unclassified employee does not require a DAS form and may be executed at the discretion of the Board and Health Commissioner. A written notice shall be provided to the employee. While a pre-disciplinary conference is not legally required for unclassified employees, it is recommended that the Health Commissioner and/or Board meet with the employee to provide the employee with an opportunity

to respond regarding the alleged infraction, prior to reducing, suspending, fining, or removing the employee from public service.

- (J) The Board of Health and Health Commissioner may place an employee on administrative leave with pay, but only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. (See also 5.09) The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation such leave might extend until the Board and Health Commissioner complete the pre-disciplinary process, investigates the alleged infraction, and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee's normal rate of pay.

**Pre-Disciplinary Conference**

- (A) Whenever the Health Commissioner determines that a classified employee may be disciplined for cause (including all suspensions, fines, reductions, or terminations), a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct.
- (B) Pre-disciplinary conferences will be conducted by the Health Commissioner or designee.
- (C) At the conference the Health Commissioner or designee will provide to the employee a written outline of the charges which may be the basis for disciplinary action.
- (D) At the conference the employee must answer all questions truthfully. If it is proven in a subsequent hearing that the employee's responses to questions were not truthful, such dishonesty may result in disciplinary action. Employees refusing to answer direct questions may be subject to additional disciplinary action for insubordination.
- (E) At the conference the employee may speak on his/her own behalf in order to explain whether or not the alleged misconduct occurred.
- (F) The Health Commissioner will decide what discipline, if any, is appropriate.
- (G) Employees will be informed of their right to legal counsel at this conference.

**Disciplinary Action**

- (A) O.R.C. Section 124.34 sets out the forms of misconduct which are the legal basis for reduction, suspension, or removal of a classified employee. Those forms of misconduct are:
1. Neglect of duty;
  2. Incompetency;
  3. Inefficiency;
  4. Dishonesty;
  5. Drunkenness;
  6. Immoral conduct;
  7. Insubordination;
  8. Discourteous treatment of the public;
  9. Any other failure of good behavior;
  10. Any other acts of misfeasance, malfeasance, and nonfeasance; and
  11. Conviction of a felony.
- (B) The offenses set forth in Groups I, II, and III below are non-inclusive examples of the above forms of misconduct which the State Personnel Board of Review (SPBR) has historically judged to warrant the penalties established for that group.
- (C) In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary impact against the organization unless such acts are compounded over time.
- (D) Group II Offenses may be defined as those infractions which are of a more serious nature than the Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a serious and longer lasting impact against the organization than the Group I Offenses.
- (E) Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature, and/or which cause a critical disruption to the organization in terms of decreased productivity, efficiency, and/or morale. Group III Offenses, if left undisciplined by proper authority, may have a long-lasting and serious adverse impact on the organization.
- (F) This discipline policy is a general guideline only. The following examples of specific offenses are not all inclusive, and are not intended to be binding on the Employer.

**GROUP I OFFENSES**

First Offense: Instruction and Cautioning (Verbal Warning)

Second Offense: Written Reprimand

Third Offense: A working suspension of one (1) to three (3) days; a fine not to exceed three (3) days' pay; or a one (1) to three (3) day suspension without pay; (\*five (5) days for administrative, supervisory, or professional employees exempt from overtime)

Fourth Offense: Five (5) to fifteen (15) day working suspension or suspension without pay; or a fine up to five (5) days' pay

Fifth Offense: Up to and including termination

Following are examples of Group I Offenses. Following each offense in parentheses are the applicable O.R.C. Section 124.34 misconduct types.

1. Failure to properly and completely sign in or out (inefficiency, neglect of duty, or failure of good behavior);
2. Failure to properly "report off" work for any absence or failure to timely notify the proper party of absence (neglect of duty, failure of good behavior, or nonfeasance);
3. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping (inefficiency, neglect of duty, or failure of good behavior);
4. Failure to observe official safety rules (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
5. Inattention to the needs of the public (discourteous treatment of public or failure of good behavior);
6. Distracting the attention of others, unnecessary shouting, use of profane or other inappropriate language, or otherwise causing disruptions on the job (inefficiency, neglect of duty, or failure of good behavior);
7. Malicious mischief, horseplay, wrestling, or other potentially harmful conduct (inefficiency, immoral conduct, discourteous treatment of public, or failure of good behavior);
8. Interfering with the work performance of subordinates or other employees (inefficiency, neglect of duty, or failure of good behavior);
9. Failure to cooperate with other employees (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
10. Neglect of, or careless failure to observe, Employer rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
11. Excessive garnishments (failure of good behavior or nonfeasance);
12. Use or possession of another employee's working equipment or property without approval (dishonesty or failure of good behavior);
13. Unauthorized use of the Employer's telephone for other than business purposes (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
14. Obliging the Employer for any minor expense, service, or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance);
15. Neglect of, or careless failure to care for, Employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
16. Disregarding job duties by neglect of work (e.g., reading for pleasure, playing cards, viewing TV, etc.) during work hours (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);

17. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.)
18. Neglect of, or careless failure to, prepare required reports or documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
19. Failure of a supervisor to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies, and procedures of the Employer (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).

## **GROUP II OFFENSES**

**First Offense:** A working suspension of one (1) to three (3) days; a fine not to exceed three (3) days' pay; or a one (1) to three (3) days suspension without pay; (\*five (5) days for administrative, supervisory, or professional employees)

**Second Offense:** Five (5) to fifteen (15) day working suspension or suspension without pay; or a fine up to five (5) days' pay

**Third Offense:** Up to and including termination

Following are examples of Group II Offenses. Following each offense in parentheses are the applicable O.R.C. Section 124.34 misconduct types.

1. Sleeping during work hours (inefficiency, neglect of duty, failure of good behavior, or misfeasance);
2. Reporting to work or working while unfit for duty (incompetence, or failure of good behavior);
3. Failure to report for overtime work, without proper excuse, after being scheduled to work in accordance with overtime policy (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
4. Leaving a post of continuous operations prior to being relieved by employee of incoming shift (neglect of duty or failure of good behavior);
5. Willful refusal to sign in or out when required (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
6. Performing private work on Employer time (inefficiency, neglect of duty, failure of good behavior, or misfeasance);
7. Neglect or careless failure to observe official safety rules, or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
8. Failure to report accidents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
9. Discourteous treatment of the public (discourteous treatment of public, or failure of good behavior);
10. Threatening, intimidating, or coercing subordinates or other employees (inefficiency, neglect of duty, or failure of good behavior);
11. Use of abusive or offensive language toward subordinates or other employees (immoral conduct, insubordination, failure of good behavior, or malfeasance);



12. The making or publishing of false, vicious, or malicious statements concerning other employees, the Employer or its operations (dishonesty, failure of good behavior, or malfeasance);
13. Solicitation or distribution on Employer property in violation of the solicitation and distribution policy (inefficiency, neglect of duty, failure of good behavior, or misfeasance);
14. Willful disregard of the Employer's rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, misfeasance, malfeasance, or nonfeasance);
15. Negligent failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions (inefficiency, neglect of duty, failure of good behavior, or misfeasance);
16. Neglect or carelessness in the use of Employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
17. Obliging the Employer for a major expense, service, or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance);
18. Unauthorized use of Employer property or equipment, including the unauthorized reproduction of this manual (inefficiency, neglect of duty, failure of good behavior, or misfeasance);
19. Failure to report equipment damage (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
20. Refusing to provide testimony in court, during a public hearing (SPBR, SERB, etc.), or any other official hearing, investigation, or proceeding involving the Employer (insubordination, failure of good behavior, or nonfeasance);
21. Refusing to provide testimony or information concerning any investigation (insubordination, failure of good behavior, or nonfeasance);
22. Possession or storage of alcoholic beverages on the Employer's premises (neglect of duty, drunkenness, failure of good behavior, or malfeasance);
23. Unauthorized presence on the Employer's property (failure of good behavior or misfeasance);
24. Habitual neglect of timely completion of required reports or documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance);
25. Willful failure to timely complete required reports and documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).

### **GROUP III OFFENSES**

**First Offense:** Up to and including termination

Following are examples of Group III Offenses. Following each offense in parentheses are the applicable O.R.C. Section 124.34 misconduct types.

1. Instigating, leading, or participating in any walkout, strike, sit-down, stand-in, sympathy strike, call-in, slowdown, refusal to return to work at the scheduled time for a scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the Employer's premises (neglect of duty, failure of good behavior, or misfeasance);
2. Refusal, without legitimate reason, to work during emergency situations or conditions (insubordination, neglect of duty, failure of good behavior, or nonfeasance);

3. Signing or altering other employees' time records, altering one's own time records, or having one's time records signed or altered by another, without authorization (dishonesty, failure of good behavior, or malfeasance);
4. Knowingly concealing a communicable disease (e.g., TB, etc.) which may endanger others (neglect of duty, failure of good behavior, misfeasance, or malfeasance);
5. Carrying or possessing firearms, explosives, or weapons on Employer property at any time in violation of law (failure of good behavior or malfeasance);
6. Willfully withholding information which threatens the safety and security of the Employer, its operations, or employees (dishonesty, failure of good behavior, misfeasance, or malfeasance);
7. Willfully demeaning, verbally abusing, and/or humiliating another person (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance);
8. Committing an act of discrimination, sexual harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, or disability (immoral conduct, neglect of duty, failure of good behavior, or malfeasance);
9. Fighting with, or attempting to injure, other employees (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance);
10. Insubordination by refusing to perform assigned work or to comply with the written or verbal instructions of a supervisor (insubordination, neglect of duty, failure of good behavior, or nonfeasance);
11. Providing false testimony, statements, or information in any official Employer, court, or administrative investigation, hearing, or proceeding (dishonesty, failure of good behavior, malfeasance, or neglect of duty);
12. Providing false information, making a false statement, committing a fraudulent act, or withholding pertinent information in the employment application process (dishonesty, failure of good behavior, misfeasance, or malfeasance);
13. Gambling at work and during working hours and/or visiting gambling sites on electronic communication devices such as mobile phones, computers and tablets supplied by Marion Public Health (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance). (The company may allow exceptions to this prohibition for office or department-sanctioned pools, raffles, or Marion Public Health sponsored events supporting a charitable or fundraising cause.);
14. Stealing or similar conduct, including destroying, damaging, concealing, or converting any property of the Employer or of other employees (dishonesty, failure of good behavior, or malfeasance);
15. Dishonesty or dishonest action. Examples of "dishonesty" or "dishonest actions" are: theft, pilfering, making false statements to secure an excused absence or justify an absence or tardiness. These are examples only and do not limit the terms dishonesty and dishonest action (dishonesty or malfeasance);
16. Engaging in political activity as prohibited by O.R.C. Section 124.57 and as provided in the political activity section of this manual (failure of good behavior, malfeasance);
17. Wanton or willful neglect in the performance of assigned duties (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance);

18. The unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of alcohol or a controlled substance which takes place in whole or in part in the workplace and/or a violation of the reporting requirements of the Employer's Drug Free Workplace Policy (drunkenness, immoral conduct, neglect of duty, failure of good behavior, or malfeasance);
19. Driving a motor vehicle on duty or Employer business without a valid, applicable operator's license (dishonesty, failure of good behavior, malfeasance, or neglect of duty);
20. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position (dishonesty, failure of good behavior, malfeasance, or neglect of duty);
21. Conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position (dishonesty, failure of good behavior, or malfeasance);
22. Intentional misuse of Employer or other public funds (dishonesty, neglect of duty, failure of good behavior, or malfeasance);
23. Willful neglect or intentional misuse, abuse, or destruction of the property, equipment, or tools of the Employer or another employee (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance);
24. Soliciting or accepting a gift, gratuity, bribe, or reward for the private use of the employee; or otherwise using one's position, identification, name, photograph, or title for personal gain; or otherwise violating the Employer's Code of Conduct or Ohio's ethics laws for public employees (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance);
25. Engaging in off-duty employment activities which the Employer has determined to be an interest or time conflict (inefficiency, neglect of duty, failure of good behavior, or misfeasance);
26. Making false claims or misrepresentations in an attempt to obtain any benefit (dishonesty, failure of good behavior, neglect of duty, or malfeasance);
27. Misuse or removal of documents or information of a confidential nature or revealing such information without prior and appropriate authorization (dishonesty, neglect of duty, failure of good behavior, or malfeasance);
28. Misuse, removal, or destruction of Employer records without prior authorization. (dishonesty, neglect of duty, failure of good behavior, or malfeasance);
29. Discriminatory harassment;
30. Conviction of certain felonies.

(G) Multiple policy infractions should be dealt with by following the progressive discipline procedure set forth below:

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

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

1. If, as a first offense, an employee commits Group I, Offense #1, "failure to properly and completely sign in or out," the employee would normally receive instruction and cautioning. If within twenty-four (24) months this employee commits an unrelated offense, Group II, Offense #18, "unauthorized use of Employer property or equipment...", the employee would receive a one (1) to three (3) day suspension without pay. If, however, the second offense had been related to the first offense, such as Group II, Offense #5, "willful refusal to sign in or out when required," the employee would receive a five (5) to fifteen (15) day suspension without pay.
2. If, as a first offense, an employee commits Group III, Offense #2, "refusal without legitimate reason, to work during emergency situations or conditions," the employee would be disciplined up to termination. If the employee is not terminated, for whatever reason, and if within twenty-four (24) months the employee commits an unrelated offense, Group II, Offense #6, "performing private work on Employer time," the employee would receive a one (1) to three (3) day suspension. If, however, the second offense had been related to the first offense, such as Group II, Offense #3, "failure to report for overtime work, without proper excuse, after being scheduled to work in accordance with overtime policy," the employee would be subject to termination.

**Appeals of Personnel Actions**

- (A) Personnel action such as dismissals, suspensions, fines, demotions, and layoffs may be appealed by an affected employee through the in-house grievance procedure outlined in Policy #2017-7-007. If desired, personnel actions, excluding a suspension of three (3) days or lesser disciplinary actions, may be appealed by an affected employee to the State Personnel Board of Review (SPBR).
- (B) Appeals from removal, demotion, fines, or suspension of more than three (3) days, must be filed within ten (10) days after the employee is served the disciplinary order. Appeals from layoffs must be made within ten (10) days after receipt of the layoff notice or the date of displacement.
- (C) The SPBR maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard the SPBR may affirm, disaffirm, or modify personnel decisions made by the Department of Health or the Director of Administrative Services.
- (D) External interim, temporary, intermittent, and other employees serving in the unclassified service have no appeal rights to the SPBR. Probationary employees likewise may not appeal to the SPBR.

Disciplinary action based on conviction of a “felony” within the meaning of R.C. 124.34 may not be appealed to the SPBR.

**Grievance**

A grievance is defined as any matter that an employee believes adversely affects his/her employment or position in an unfair or unfavorable manner, and for which an appeal is not available to the State Personnel Board of Review. Employees will be given a full and fair hearing on any grievance and shall be unimpeded and free from restraint, interference, or reprisal in filing grievances. The filing of a grievance in good faith by an employee shall not reflect upon the employee's standing.

**Step 1.**

Employees and their supervisors are expected to discuss situations that might lead to grievances. If an employee believes he/she has a grievance, he/she shall discuss this grievance with his/her supervisor within five (5) days of the incident or the situation giving rise to the grievance. The employee must state during this discussion that he/she has a grievance and must describe this grievance as fully as possible. If a satisfactory solution cannot be found in this matter within five (5) working days following such a discussion, a written grievance may be filed as outlined in Steps 2, 3, and 4.

**Step 2.**

If the employee is dissatisfied with the results of Step 1, he/she shall prepare a written statement of a grievance and submit this statement to his/her immediate supervisor. Submission of this statement shall be made within five (5) working days from the date of the notification of the supervisor's decision in Step 1. The employee may have the assistance of fellow employees or any outside assistance of his/her choice in the preparation of this written statement. (The cost or fee of a representative, if any, shall be borne by the employee.) The supervisor shall prepare a written decision on the grievance and return this with the original grievance form to the employee within five (5) working days from the date of submission.

**Step 3.**

Within five (5) working days of receipt of the immediate supervisor's decision, the employee, if still dissatisfied, may submit the original grievance to the Health Commissioner. The Health Commissioner will render a written decision on the grievance within fifteen (15) working days from its submission. An informal hearing may be scheduled between the parties to the dispute as part of the Health Commissioner's decision-making process.

**Step 4.**

If the Health Commissioner's decision is unsatisfactory to the employee, he/she may wish to have the grievance reviewed by the Board of Health. The employee will notify the Health Commissioner in writing of his/her wish to have the Board of Health review his/her grievance. If the employee wishes to make such an appeal, he/she must request to be included on the agenda via the Health Commissioner at least five (5) working days prior to the next regular Board of Health meeting. The decision of the Board of Health is final.

**Institutional Review Board (IRB) Utilization**

- (A) An IRB is an appropriately constituted group that has been formally designated to review and monitor research involving human subjects. An IRB has the authority to approve, require modifications in (to secure approval), or disapprove research. This group review serves an important role in the protection of the rights and welfare of human research subjects.
- (B) Marion Public Health will follow guidelines from Ohio Department of Health for what is considered to be research involving human subjects.
- (C) Marion Public Health utilizes the Ohio Department of Health's IRB for research involving human subjects that is administered by, or funded by, Marion Public Health. In the event that Marion Public Health is involved in research involving human subjects through a partnership with a university, information will be submitted to both the university's IRB and Ohio Department of Health's IRB for approval.
- (D) Any Marion Public Health employee who engages in research involving human subjects is expected to complete CITI training prior to the start of the research project. Training certificates are maintained by the Administrator.

**Policy# 2018-9-001**

**Marion Public Health State Mandated Programs Policy**

(A) This Policy will henceforth set the standard that Marion Public Health engages in all State of Ohio mandated programs set forth in the Ohio Administrative Code and Ohio Revised Code. The following is a list, not all inclusive, of state mandated programs that Marion Public Health performs with their associated reference code.

<b>Mandated Programs</b>	<b>Reference Code</b>
Private Water	Ohio Revised Code 3701.344
Sewage	Ohio Revised Code 3718.02
Food-Retail Food Establishments	Ohio Revised Code 3717.27
Food-Food Service Operations	Ohio Revised Code 3717.47
Pools	Ohio Revised Code 3749.06
Schools	Ohio Revised Code 3707.26
Campgrounds	Ohio Revised Code 3729.05
Tattoos	Ohio Revised Code 3730.04
Public Health Nuisances	Ohio Revised Code 3707.01
Rabies Quarantine	Ohio Revised Code 955.26
Vital Statistics	Ohio Revised Code 3705.05
Communicable Disease Control	Ohio Administrative Code 3701-3.01-.04
Tuberculosis	Ohio Administrative Code 3701-15.01-.04
Lead Screening and Assessment	Ohio Administrative Code 3701-30.01-.13
Newborn Screening	Ohio Administrative Code 37021-55.01-20
Children with Medical Handicaps (BCMh)	Ohio Administrative Code 3701-43-01