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Team Handbook

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Introduction

Welcome to the Ohio Department of Development (Development)! You have joined a team that serves its customers with excellence and pride with the goal of improving the economic climate and the quality of life for all Ohioans.

Nothing contained in the Team Handbook may be construed as creating an employment contract, a promise of future employment or benefits, or any other binding agreement. Development may revise the Team Handbook from time to time and each employee has the responsibility to keep up to date on the current policies. Nothing in the Team Handbook is intended to modify any applicable provisions of a collective bargaining agreement.

Please see the Department of Administrative Services website for current benefits information.

If you have any questions about the policies in the Team Handbook, please contact Human Resources.

1.0 General Policies

1.1 Equal Employment Opportunity

Development is committed to building a high quality, diverse staff through equal employment opportunity practices. Development shall operate all human resource management policies and practices for applicants and employees without regard to race, sex, color, national origin, religion, age, veteran's status, military status, political affiliation, sexual orientation, genetics or disability in accordance with State and Federal laws. Discrimination against any individual based upon protected status is prohibited. (For the purpose of this policy, "disability" is defined in accordance with the Americans with Disabilities Act and "genetics" in accordance with Title II of the Genetic Information Non-Discrimination Act.)

Affirmative Action Plan

Development also implements an Affirmative Action Plan (AAP) to ensure that all forms of discrimination are removed from the employment process. The AAP is available for review online or in Human Resources.

Authority & Reference

Civil Rights Act of 1964, Title VII

ADA

GINA (Genetic Information Non-Discrimination Act)

ORC Chapter 4112

Executive Order 2011-05K

1.2 No Discrimination, No Harassment

Development is committed to creating and maintaining a work environment free from discrimination and harassment of applicants, customers and employees based on any protected status.

“Discrimination” is defined as any policy, practice or action that treats an individual differently based on a protected status for purposes of hiring, promotion, discipline, work assignments, compensation, termination or other terms or conditions of employment.

“Harassment” is defined as any unwelcome or unwanted verbal or non-verbal conduct based on the individual’s protected status that denigrates or shows hostility or aversion toward an individual, and that has the purpose or effect of creating an intimidating, hostile or offensive employment environment; or has the purpose or effect of unreasonably interfering with an individual's employment performance. Harassment includes “sexual harassment,” which includes any unwelcome or unwanted sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when any one of the following criteria is met:

- Submission to such conduct is made either explicitly or implicitly a term or condition of the individual’s employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile or offensive work environment.

Complaint Procedures

All employees of Development are responsible for maintaining a workplace free of harassment and discrimination. Any person may file a harassment or discrimination complaint regarding incidents experienced personally or observed in the workplace. Do not assume that Development is aware of a problem. It is the responsibility of all employees to bring forward complaints so that Development can help resolve them.

Any employee or applicant who believes that he or she has been subject to harassment should advise the individual that the action is not welcome and must stop. The aggrieved individual may then report such incident(s) to a supervisor, the EEO Officer or Human Resources.

Any supervisor who receives a report of discrimination or harassment must immediately report such complaint to the EEO Officer. Confidentiality shall be maintained to the extent consistent with adequate investigation, appropriate corrective action and legal requirements. Development shall conduct a thorough investigation of the complaint as promptly as possible. The results of the investigation and recommendation for any corrective action, as appropriate, will be provided to the Director of Human Resources, who shall make a final determination.

Discrimination and harassment will not be tolerated. Such conduct is subject to discipline, up to and including termination. Supervisors are advised that they may be subject to personal liability for acts of discrimination and harassment and may be responsible to provide their own legal defense.

Retaliation against an individual who reports a good faith complaint or who participates in the investigation of a complaint is prohibited.

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Authority & Reference

ORC Chapter 4112

OAC 123:1-49-02

Civil Rights Act of 1964, Title VII

1.3 Americans with Disabilities Act

Development is committed to complying with applicable provisions of the Americans with Disabilities Act (ADA). Development shall not discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Development shall provide reasonable accommodations to a qualified individual with a disability who has made Development aware of the disability, provided that such accommodation does not constitute an undue hardship on Development. For the purpose of this policy, "disability" is defined in accordance with the ADA.

Complaints of harassment or discrimination on the basis of disability shall be handled pursuant to the No Harassment, No Discrimination Policy.

Requesting an Accommodation

An employee with a disability who believes he or she needs a reasonable accommodation to perform the essential functions of their job should contact Human Resources. Promptly after Human Resources receives an accommodation request, the employee, the employee's supervisor and a member of Human Resources will meet to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that Development might make to help overcome those limitations. Additional information may be requested from the employee's physician or other sources and additional discussions may be needed to make a determination on the accommodation request.

The Director of Human Resources will determine the feasibility of the requested accommodation(s) considering various factors as permitted by the ADA. Human Resources will inform the employee of its decision on the accommodation request. The ADA does not require Development to make the best possible accommodation, the employee's preferred accommodation, to reallocate essential job functions or to provide personal use items (e.g., eyeglasses, hearing aids, etc.).

Prior to establishing a reasonable accommodation that may adversely affect rights established under a union contract, Development will discuss the matter with a union representative.

Authority & Reference

Americans with Disabilities Act
ORC Chapter 4112

1.4 Ethics, Conflicts of Interest and Outside Work

Ethics

It is the obligation of all State employees to comply with the ethics laws of the State of Ohio, including the Governor's executive orders, on ethics related matters. The Ohio Ethics Commission promotes ethics in public service to strengthen the public's confidence that government business is conducted with impartiality and integrity. Ethics laws recognize that many public officials and employees are in a position to make or influence decisions that directly affect their personal interests. The following types of conduct are prohibited or restricted by Ohio's Ethics Laws:

- **Misuse of Official Position.** Employees may not use or authorize the use of their public positions to benefit themselves or others in circumstances that create a conflict of interest or where the employee's objectivity would be impaired.
- **Revolving Door Restriction.** A current or former State employee is prohibited from representing anyone before any public agency, including his/her former employer, on any matter in which he/she personally participated in an official capacity.
- **Sale of Goods and Services and Representation of Clients before Public Agencies.** A public employee is prohibited from receiving compensation, other than from his/her own public agency, for services rendered in a matter before any agency of the State.
- **Confidential Information.** The Ethics Laws prohibit current and former public employees from disclosing or using any information appropriately designated by law as confidential.
- **License or Rate-Making Proceedings.** A public employee is restricted from participating in license or rate-making proceedings that would affect the licenses or rates of any business if he/she or members of his/her immediate family own more than five percent of that business.
- **Public Contracts and Public Investments.** A public employee is prohibited from having a financial or fiduciary interest in a public contract.
- **Soliciting or Receiving Improper Compensation.** A public employee is prohibited from receiving compensation, in addition to that paid by the public agency, for performing official duties.

Please see the Ohio Ethics Commission website and the Development Ethics webpage for further details, limitations, exceptions, training, penalties and other information.

All Development employees shall participate in an ethics education session for at least one hour every other year. Development employees who file financial disclosure statements shall participate in annual ethics education sessions if required by the Office of the Governor.

Outside Work

Development employees are expected to devote their work activities primarily to functions of the agency. They may, however, engage in outside work activities provided that such activities do not detract from the performance of their duties and responsibilities to the agency and/or create conflict of interest with their assigned Development responsibilities. A conflict of interest exists if financial interests or other opportunities for personal benefit may exert a substantial and improper influence upon an employee's professional judgment in exercising any Development duty or responsibility. "Outside Work" means any work not performed as a Development employee, whether or not compensated. Outside Work does not include participation in union activities.

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An employee shall not perform any Outside Work, solicit on work time or distribute any materials during work time or at any time in work areas. "Solicitation" is defined as oral persuasion to secure an individual's agreement to join or support an endeavor or to purchase products or services, including cosmetics, jewelry, cookies, candy, etc. "Distribution" is defined as the dissemination, posting of flyers, brochures, e-mail or other written materials promoting products, services, or an organization or cause.

"Work areas" include those areas of Development where employees are expected to perform their job duties, but do not include break rooms, restrooms or other common non-work areas.

"Work time" includes the time when Development employees are expected to perform their job duties, but does not include lunch, breaks or before/after the work shift.

Certain exceptions to this policy are allowed pursuant to the Governor's Policy on Charitable and Fundraising Activities, effective October, 2007.

Authority & Reference

ORC Chapter 102

OAC Chapter 102

Governor's Policy on Charitable and Fundraising Activities, effective October, 2007.

1.5 Nepotism

Development hiring and supervisory practices shall be conducted in a manner that enhances public confidence in government and prevents situations which give the appearance of partiality, preferential treatment, improper influence or a conflict of interest.

Definitions

For purposes of this policy, the following definitions apply:

- “Public official or employee” means any person who is elected or appointed to an office, or is an employee of any public agency under the jurisdiction and control of the Governor or his appointees. Public employee includes part-time interns, paid student help, temporary, intermittent and seasonal employees.
- “Closely related by blood or marriage” is defined to include, but is not limited to spouse, children (whether dependent or independent), parents, grandparents, siblings, aunts, uncles, in-laws, step-children, step-parents, step-grandparents, step-siblings, step-aunts, step-uncles, and other persons related by blood or marriage who reside in the same household.
- “Significant relationship” includes people living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.
- “Business associates” are defined as parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.
- “Supervision” means the direct ability or power to effectively recommend the hire, transfer, suspension, layoff, recall, promotion, termination, assignment, reward, discipline or settlement of disciplinary grievances *or* appeals of other public employee, including the authority of a board or committee to order personnel actions affecting the job.

Policy

All employees are prohibited from authorizing or using the authority or influence of their position to secure the authorization of employment or benefit (including a promotion or preferential treatment) for a person closely related by blood, marriage or other significant relationship including business association. This includes, but is not limited to the following circumstances:

1. No public official or employee serving as a department director, assistant director, deputy director or any person of equivalent rank shall have in the employ of that person’s department any person closely related by blood, marriage or other significant relationship including business association.
2. No public official or employee shall supervise any person closely related by blood, marriage or other significant relationship including business association.
3. No employee in the human resources department shall process any personnel actions or use the authority or influence of that employee’s position to secure the employment of a person closely related by blood, marriage or other significant relationship, including business association. No employee in the human resources department shall review or be involved in the disciplinary actions of a person closely related by blood, marriage or other significant relationship, including business association.

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Exceptions to this policy shall be narrowly construed and determined by the Director of Human Resources.

The Director of Human Resources, or designee, shall be responsible for requesting nepotism information and accurately documenting any information received by the applicant/transferring employee.

Authority & Reference

OAC 123:1-45-01

ORC 124.09

1.6 Political Activities

Different laws and rules apply to the permissibility of various election-related activities of classified versus unclassified employees. To avoid any suggestion that governmental resources are being improperly used to assist candidates for public office, both classified and unclassified employees must avoid engaging in election-related activity on State time, on State property or using State equipment (including conference rooms, computers, printers, office supplies, e-mail systems, telephone, copiers, fax machines, vehicles, or any other State property or equipment). Additionally, State employees may not engage in any election-related activities that interfere with or pose a conflict of interest with respect to their State duties and responsibilities. Employees are cautioned to avoid even the suggestion of impropriety by considering the appearance of any conduct given the surrounding circumstances, even if that conduct is permissible under the law.

Classified Employees

By law, classified employees in active pay status have several restrictions regarding their engagement in partisan political activities.

Examples of Permitted Election-Related Activities for Classified Employees on Non-Work Time:

- Registration and voting
- Making voluntary contributions to political candidates or organizations
- Attending political rallies
- Wearing political buttons or badges
- Signing nominating petitions in support of individuals
- Expressing opinions orally or in writing
- Displaying political materials at home or in their own personal vehicle
- Circulating non-partisan petitions or petitions relating to issues
- Running for office for which the candidates are not selected by political parties
- Serving as an official election judge (poll worker) in accordance with the applicable pool worker leave policy

Examples of Prohibited Election-Related Activities for Classified Employees at Any Time:

- Candidacy for public office in a partisan election
- Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party
- Filing of petitions meeting statutory requirements for partisan candidacy to elective office
- Circulation of official nominating petitions for any candidate participating in a partisan election
- Service in an elected or appointed office in any partisan political organization
- Acceptance of a political party-sponsored appointment to any office normally filled by partisan election
- Campaigning by writing for publications, by distributing political materials or by writing or making speeches on behalf of a candidate for partisan elective office, which such activities are directed toward party success
- Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate

- Solicitation of the sale or actual sale of political party tickets
- Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues
- Providing assistance to any political candidate, political party or other partisan political organization with organizational and recruitment activities, which such activities are directed toward party success
- Service as witness or challenger for any party or partisan committee
- Participation in political caucuses of a partisan nature
- Participation in a political action committee that supports partisan activity

The Director may institute an investigation when there is reason to believe a classified employee has engaged in prohibited election-related and/or partisan activity. Such actions, if proven, may amount to a violation of Ohio law and could result in discipline of the employee up to and including termination.

Unclassified Employees

Unclassified employees may, on their own time, engage in election-related and partisan activities, unless otherwise specifically precluded by federal or State law. Unclassified employees may not solicit classified employees for the financial benefit of a political party or a candidate for public office.

Unclassified employees who choose to run for office must follow the following guidelines:

- Employees must leave State service prior to taking any official action in support of a candidacy (e.g., creating a candidate committee, soliciting campaign contributions, etc.) for the General Assembly.
- Employees who are candidates for significant elected positions (e.g. mayor, council member of a larger metropolitan area, office with a county-wide or broader jurisdiction) may be required to leave State service prior to taking any official action in support of such a candidacy. Employees may run for local school boards, city councils in smaller jurisdictions and similar positions as long as no substantial conflict exists, as determined by the Director of Development.
- If an employee runs for an office with duties that conflict with the employee's governmental duties, the employee may be informed that assuming that office, if elected, will necessitate termination of State employment. In some circumstances, activities undertaken as a candidate may, themselves, pose a conflict with an employee's current job duties and appropriate steps should be taken to avoid such conflicts.

Notice

Prior to initiating any formal actions to run for an elected office, an employee must provide notice of his or her intent to run to the Development Chief Legal Counsel. The Development Chief Legal Counsel shall consult with the Director of Development to determine whether an apparent or potential conflict of interest exists between the employee's job duties and the duties of the elected office or any activities likely to take place during the employee's candidacy. This analysis shall include a determination of whether the employee is required to leave State service prior to taking any official action in support of such a candidacy, whether a leave of absence to accommodate campaign activity is feasible and/or warranted.

Use of Vacation and Other Leave for Campaign Activity

An employee wishing to take time off from work to assist in permissible campaign activity may do so if the employee has obtained standard permission to be absent from work. Because an employee may use vacation or other similar leave for any purpose, such an employee may engage in any permissible campaign activity while on any such approved leave. An employee wishing to take an extended leave to work on a campaign may request unpaid leave, up to six months. Unpaid leave may be granted by the Director of Development and will be denied if such leave would pose operational problems to Development.

Use of State Time, Property and Equipment

Employees who do participate in allowed election-related activities may not engage in those activities while on State time, on State property or using State equipment.

Exception: there are certain, very limited, exceptional circumstances where it is permissible for a State employee to engage in communication regarding election activity during the course of the standard business day:

- Such communication may be permissible if, because of the nature of an employee's position and/or the nature of a matter being handled by the employee, it is not practically feasible to separate the employee's State-related work from such communication. Such communications should be highly limited in time and scope, keeping in mind the principle that such communications are permissible only to the extent they are necessary to avoid the inefficiencies in the operation of State government that would flow from a more stark separation of governmental and election-related communications.
- State employees should always inform third parties that it is best if they are not contacted on State time or on State equipment about political matters. Moreover, it is always best to refer political inquiries to appropriate non-State employees for comment, such as a campaign office or campaign volunteer. If the employee wishes to receive further contact on the matter, he or she should provide a personal phone number and/or e-mail address.
- Ballot Issues: Employees may, without violating this policy, use State time and equipment to provide objective information relating to ballot issues that may affect the State and its departments. Employees may publicly indicate their support for or opposition to ballot issues that directly impact their State duties or responsibilities. The determination of when it is appropriate for an employee to articulate an administration or agency position regarding a ballot issue resides within the discretion of the Director of Development.

Solicitation by or Acceptance of Political Contributions by Elected Officers

For elected individuals who have appointing authority over Development, no current State elected officer, campaign committee of such an officer, employee of the State elected officer's office or any other person or entity shall solicit or accept a contribution from any Development employee.

For candidates for elected office where that office would have appointing authority or control over Development, no candidate for a State elective office, campaign committee of such a candidate, employee of the candidate's office if the candidate is a State elected officer, or any other person or entity shall solicit or accept a contribution to a candidate for a State elective office or to such a candidate's campaign committee, from any Development employee.

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Poll Worker Service

Classified or unclassified employees who wish to work on Election Day as a poll worker (also known as an election judge) may do so in accordance with the Poll Worker Leave policy.

When in Doubt, Ask!

Employees with questions regarding the propriety of a particular activity should address them to the Development Chief Legal Counsel.

Authority & Reference

ORC 124.57

OAC 123: 1-46-02

1.7 Illegal Activity and/or Wrongdoing

It is the policy of Development to comply with the procedures set forth by the Office of the Governor concerning suspected illegal activity and/or wrongdoing by any State employee or official. In the event any Development employee becomes aware of suspected illegal activity, the employee immediately must notify the Development Chief Legal Counsel and initiate or cooperate with an investigation. When an *immediate* law enforcement response is necessary to protect life, physical safety, or property or to preserve evidence of illegal activity, first notify the State Highway Patrol, or for a regional office, local law enforcement authorities.

Definitions

- “Department” as used in this policy shall include all divisions and offices of Development.
- “Illegal Activity” as used in this policy includes, but is not limited to fraud, theft, assault and other violations of local, State and/or federal law, including violations of State ethics laws, committed or in the process of being committed, by a State employee on any property owned or leased by the State or during the course of executing official duties.
- “Wrongdoing” as used in this policy includes a serious act or omission, committed by a State employee on any property owned or leased by the State or during the course of executing official duties. Wrongdoing is conduct that is not in accordance with standards of proper governmental conduct and that tends to subvert the process of government, including but not limited to gross violations of Development policies, procedures or executive orders, acts of mismanagement, serious abuses of time, and other serious misconduct. For purposes of this reporting procedure, wrongdoing does not include illegal or suspected illegal activity. Likewise, wrongdoing does not include activity that is most appropriately handled through Human Resources.

Employee Serious Wrongdoing Procedure

1. Whenever any employee becomes aware of wrongdoing by another employee, that employee shall immediately notify the Director of Development, the Director of Human Resources or the Development Chief Legal Counsel. The notification may be either oral or written. Employees who report conduct that they believe is illegal or unethical should have a reasonable factual basis for believing that improper activities have occurred and they should provide as much specific information as possible to allow for proper assessment of the nature, extent and urgency of the matter.
2. When Development becomes aware of suspected wrongdoing by any employee, the Office of the Inspector General should be contacted as soon as possible. A copy of the written notification shall be sent to the Chief Legal Counsel to the Governor and the Director of the Ohio Department of Public Safety.

Criminal/Illegal Activity

Emergency Procedures

If criminal activity has been committed or is about to be committed and an immediate law enforcement response is necessary to protect life, human safety or property, the Ohio State Highway Patrol should be

notified immediately. Employees may utilize local 911 law enforcement responders without being exposed to disciplinary actions. Employees at offices not under the jurisdiction of the Ohio State Highway Patrol, including regional offices, should notify local law enforcement.

Non-Emergency Procedures

1. Any State employee that becomes aware of suspected non-emergency illegal activity shall immediately notify the Director or the Development Chief Legal Counsel.
2. When the Director or Chief Legal Counsel is notified or becomes aware of suspected or alleged criminal/illegal activity by any employee, the Director or the Development Chief Legal Counsel shall notify the Chief Legal Counsel to the Governor and the Director of the Ohio Department of Public Safety as soon as possible in writing.
3. Because a criminal investigation may be necessary, Development will not conduct an administrative investigation until specifically notified by the Director or Development Chief Legal Counsel that the criminal investigation has been completed. Administrative inquiries must give way to criminal investigations and no one suspected of illegal activity should be approached, disciplined or placed on administrative leave without appropriate direction.
4. Investigations being conducted by Development will be assigned immediately and conducted in a timely manner.
5. Non-interview investigatory information regarding illegal activity will be shared with criminal investigators. Employees may be questioned administratively regarding information gained in a criminal investigation and responses may be used to take administrative action.

Criminal/ Illegal Activity on Development Properties

All criminal/illegal activity uncovered occurring on Development-owned lands and facilities will be investigated. Individuals should contact the State Highway Patrol for investigation. In cases where an immediate response is required, employees should dial 911 for the closest enforcement responder. For non-emergency law enforcement response the State Highway Patrol will be contacted. If the State Highway Patrol cannot be contacted or is not available the Director of Human Resources or designee will be contacted for guidance and direction.

Record Keeping

The Development Director shall keep a record of the cases reported to the Inspector General and Governor's Chief Legal Counsel. To the fullest extent possible, this record should include an updated status of the investigation. The Director shall notify the Director of Public Safety and the Chief Legal Counsel to the Governor when the criminal/illegal activity investigation is completed. All records pertaining to an active criminal investigation are confidential law enforcement investigatory records pursuant to ORC 149.43(A)(1)(h).

Alternate Reporting Procedures

1. Individuals reporting illegal activity may remain anonymous. Any reporting employee may also contact the Inspector General and file a written complaint or file a complaint using the Inspector General's anonymous hotline at (800) 686-1525 in the case of wrongdoing or non-emergency

criminal/ illegal activity. Development will comply with the whistleblower statutes Ohio Revised Code 124.341 and Ohio Revised Code 4113.52. Employees who report conduct they believe is criminal or unethical must have a reasonable factual basis for believing that these activities have occurred.

2. If the Governor or any member of his immediate staff, a Department Director and/or Chief Legal Counsel, is suspected of illegal activity or wrongdoing, the Inspector General should be contacted directly. The Inspector General will then initiate the appropriate investigation.
3. The normal procedure for notification to the Chief Legal Counsel to the Governor or the Director of the Ohio Department of Public Safety is suspended in the cases covered by this section.

No Retaliation

Development is required by Ohio law to comply with whistleblower protections. Retaliation against an individual who reports a good faith complaint or who participates in the investigation of a complaint is prohibited.

Authority & Reference

ORC 124.341

ORC 4113.52

1.8 Public Records

Development recognizes that access to public information enables citizens to be better informed about the operation of State agencies which, in turn, leads to better government and better public policy. Development has adopted this policy to facilitate its compliance with the public records law. Development procedures for organizing and maintaining its records and responding to public record requests shall be consistent with this policy.

Organization and Maintenance of Development Records

Agency Record Officer. The Development Director shall designate an Agency Record Officer who shall have the authority and responsibilities of agency record officers as set forth in Ohio Administrative Code Chapter 149:1-1. The Agency Record Officer shall also act as a resource for Record Coordinators regarding organization and maintenance of Development records and shall review and approve retention schedules proposed by Record Coordinators.

Organization and Maintenance. Each division or office of Development will be responsible for the organization and maintenance of its respective records so as to enable the efficient operations of the division or office, respectively, and to make public records readily available for inspection and copying when requested in accordance with the public record law. Each division or office of Development will designate at least one Record Coordinator and one back-up Record Coordinator. A division director may determine that the responsibility of the Record Coordinator should be allocated among various offices within the division. In that case, the division director may assign a Record Coordinator and a back-up Record Coordinator for each office within the division.

Record Coordinators. Each Record Coordinator, assisted by the back-up Record Coordinator, will have the following responsibilities with respect to the records of his/her respective division or office:

- Creating retention schedules and reviewing existing retention schedules periodically, but in no event less than once each year, to verify that the existing schedules are appropriate for the nature of the records to be kept by the division or office, as the case may be;
- Ensuring that records are maintained in accordance with applicable retention schedules;
- Sending records to offsite storage in accordance with applicable retention schedules;
- Requesting destruction or archival review of records as the applicable review date occurs; and
- Assisting with the compilation of records in response to public record requests as further described in this policy.

Public Record Requests

Development may receive public records requests in any form, written or verbal, and by any delivery method including by telephone, e-mail, fax, mail or in person. Consistent with Ohio's public record law, Development will not require any person who expresses a request for public records to submit the request in a particular form or to a specific Development employee.

Form of the Request. As a general rule, Development may not require a person making a public record request to:

- Make the request in writing;
- Identify himself or herself; or

- Explain the reason for the request.

In some cases, however, such information could enhance Development's ability to identify, locate, and/or deliver public records responsive to the request.

If any Development employee receives a public record request and determines in his/her reasonable judgment that additional information would enhance Development's ability to identify, locate and/or deliver responsive records, the employee may ask the requestor to: (i) put the request in writing, (ii) provide his/her name and address, and/or (iii) explain the purpose of the request or intended use of the information provided that the employee also tells the requestor that a written request is not mandatory and that the requestor may decline to reveal his or her identity, address and the intended use of the records.

Clarity and Specificity of the Request. By law, and as a practical matter, public record requests must be sufficiently specific and clear so as to allow Development to identify responsive records. In the event any person makes a public record request that is ambiguous or overly broad, or states a public record request in such a way that Development cannot reasonably identify what public records are being requested, Development may respond by denying the public record request as stated and giving the requestor an opportunity to clarify the public record request. The Legal Office, in consultation with the division or office most likely to have responsive records, will determine whether or not a public record request is sufficiently clear and specific. If the requestor declines to clarify his/her request so as to make it sufficiently clear and specific, Development may issue a final response denying the public record request and providing the legal basis for the denial.

Organization of Department Records. In some cases, a public record request may seek records that cannot be readily identified and retrieved from Development's record storage systems. In those cases, Development will inform the requestor of the manner in which potentially responsive records are maintained and accessed in the ordinary course of Development business. Development may deny the public record request as initially stated, but will give the requestor an opportunity to restate the public record request in a manner that takes account of Development's organization and maintenance of its records. The Legal Office, in consultation with the division or office most likely to have responsive records, will determine whether or not responsive records can be identified and retrieved from Development records storage systems.

Responses to Public Record Requests

Responses to public record requests must be provided promptly, and responsive records must be made available for inspection during regular business hours within a reasonable amount of time. A requestor may choose to have copies of public records made instead of, or in addition to, reviewing records at Development. When requested, copies of public records must be made available within a reasonable amount of time. Accordingly, Development will respond to public record requests as follows:

Notice to Legal Office. All public record requests will be referred promptly, but in no event more than three (3) working days, to the Legal Office. The Legal Office will assist in organizing the response to all public record requests. Development offices that receive regular, routine requests for public records may arrange with the Legal Office a procedure for responding to such requests that does not require individual reporting of routine requests.

Identification of Record Custodians. The Legal Office, in consultation with the division or office most likely to have records responsive to a public record request, will identify the likely record custodian(s). If records responsive to a public record request are in the possession or control of more than one record

custodian in any division or office, the director or manager of the respective division or office will designate an individual to coordinate the identification and collection of responsive records for such division or office.

Identification and Compilation of Responsive Records. Record custodians will respond to public records requests promptly and within a reasonable time in light of the operational needs of Development. Each record custodian will undertake to identify all records potentially responsive to the public record request, compile responsive records and deliver them to the individual designated for collection of responsive records.

Review for Exempt Information. All potentially responsive public records must be sent to the Legal Office for review prior to release to a requestor. The Legal Office review will be for the purpose of determining if responsive records include information exempt from disclosure and taking appropriate steps to redact such information from public records before they are released.

Format of the Response. Development shall permit the requestor to choose to have the public record duplicated on paper, in the same format in which Development keeps the record, or in other format in which Development determines that it reasonably can be duplicated as an integral part of the normal operations. When the requestor makes a choice of format for the delivery of records, Development shall provide a copy of it in accordance with that choice, if feasible. If the requestor does not specify the format or the response, the Legal Office shall determine the appropriate format. Responses to public record requests may be delivered to the requestor by the Legal Office or by another division or office of Development as determined by the Legal Office.

Responses to be Completed within a Reasonable Time. Responses to public record requests will be completed in a reasonable time taking into account the scope of the request, the ease or difficulty of identifying, compiling and reviewing potentially responsive records, the location of potentially responsive records, and the operational needs of Development.

Internal Tracking. The Legal Office will monitor the status of responses to public record requests. Periodically, the Legal Office will report to the Director, the Chief of Staff and the Director of Communications and Marketing about the status of pending public record requests and recently completed responses.

If a Development office has arranged with the Legal Office a procedure for the office to respond to regular, routine requests for public records that does not include review of individual responses by the Legal Office, the office processing such routine requests will monitor the status of responses to such public record requests. The Development office will report periodically to the Legal Office about public record requests received and the status of the responses.

General Information about Public Records Requests

Records about a Requestor.

- **Personnel Files.** The section “Responses to Public Records Requests” in this policy shall not apply to a request by a Development employee for a copy of records from his or her own personnel file. All such requests by employees for information from personnel files will be made to the Director of Human Resources or designee. The Director of Human Resources will establish a procedure for responding to such requests.
- **Applications for Assistance.** Any individual or entity that applies for financial assistance from Development may request a copy of his, her or its application and any related documents and

reports submitted to Development by such person in connection with financial assistance provided from Development with which the application or report is filed. Upon verification that the person requesting the information is the individual applicant or authorized representative of the entity applicant, the office responsible for such application, documents or report, as the case may be, may provide the requested record directly to the requestor, and the section “Responses to Public Records Requests” in this policy will not apply to such response. If the office is unable to verify that the requestor is the individual applicant or authorized representative of an entity applicant, then such request shall be handled as a normal public records request.

Statutory Exemptions from Public Disclosure. Ohio law specifically prohibits disclosure of certain records, including, for example, some information obtained from private individuals and companies that receive financial assistance from Development. The Legal Office, with the assistance of record custodians, will identify information exempt from disclosure and take appropriate steps to redact exempt information from records before they are released to the requestor.

Public Record Requests Limits. Development will limit the number of records requested by a person that Development will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. The definition of “commercial” shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

Denial of a Public Record Request. If a public record request is ultimately denied, in whole or in part, Development must provide an explanation for the denial, including legal authority. Therefore, no public record request may be denied without the prior review and approval of the Legal Office.

Costs. To offset the out-of-pocket costs incurred by Development to respond to public record requests, Development will seek payment for such expenses to the extent permitted by law, which may include copy costs, postage or other costs. Development may require payment of such expenses in advance to the extent permitted by law. If Development’s out-of-pocket expense is less than \$1.00 for any response, the costs will be waived for such response.

Definitions

- “Public Record(s).” Public record has the meaning set forth in Ohio Revised Code section 149.43. Generally, any record kept by a public office is a “public record” unless one of several statutory exemptions applies.
- “Public Record Request.” Any request received by any employee of Development seeking public records of Development.
- “Record.” “Record” or “records” has the meaning set forth in Ohio Revised Code section 149.011 which, for convenience of reference, is as follows: “Record” includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the State or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.”
- “Record Custodian.” Any employee of Development who may have possession or control of a public record responsive to a public record request. With respect to records of Development

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stored off-site or in the possession of a third-party, the “record custodian” is the Development employee responsible for placing the record in off-site storage or the possession of the third-party.

Authority & Reference

ORC 149.43

OAC Chapter 149:1-1

2.0 Employment

2.1 Appointment Types

State positions are divided into the classified and unclassified service and may include a variety of different appointment types.

Classified Civil Service

“Classified service” means the competitive classified civil service of the State.

“Certified employee” means a classified employee who has been appointed to a position from a certification eligible list or by operation of the Ohio Revised Code or Ohio Administrative Code.

Unclassified Service

Unclassified service includes all offices and positions which are exempt from all examinations and which provide no right under Ohio Revised Code Chapter 124 to continued employment. Appointment to a position in the unclassified service is made at the discretion of the appointing authority and the incumbent employee may be removed, suspended or reduced from the position at the pleasure of the appointing authority.

Appointment Types

Within both the Classified and Unclassified Service, the following appointment types may be used:

- **Fixed Term.** These employees have been appointed or elected to serve for a period fixed by law. *Fixed term salaried* employees receive a fixed salary set by law. *Fixed term per diem* employees receive compensation on a daily basis for attending meetings and/or conducting official business on behalf of the agency.
- **Interim.** These employees work for an indefinite period of time that is fixed by the length of absence of an employee due to sickness, disability, or approved leave of absence. *Interim external* employees are interim employees appointed from temporary, seasonal and intermittent positions, while *interim internal* employees are employees appointed from permanent, established term regular, and established term irregular positions.
- **Intermittent.** These employees work an irregular and unpredictable schedule which is determined by the fluctuating demands of the work. Typically, these employees work fewer than 1,000 hours per year.
- **Permanent.** These employees hold a position that requires a regular schedule of twenty-six consecutive bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods that is not limited to a specific season or duration.
- **Project Employees.** These employees are hired in connection with a special project having a limited term funding source, such as a federal grant.
- **Seasonal.** These employees work a certain regular season or period of each year performing some work or activity limited to that season or period of the year.
- **Temporary.** These employees hold their positions for a limited period of time, which is fixed by the appointing authority for a period not to exceed six months.

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Authority & Reference

ORC 124.01

OAC 123:1-47-01

2.2 Probationary Period

A “probationary period” is the period of time either at the beginning of an original appointment or the immediately following a promotion that constitutes a trial or testing period for the employee and during which the employee may be terminated in the same fashion as an unclassified employee.

Unclassified Employees

Unclassified employees serve at the pleasure of the Director of Development and have no tenure rights. Therefore, no probationary period is assessed to this employment status. Continuous service or removal from service takes place at the discretion of the Director of Development.

OCSEA

The probationary period shall be one hundred twenty (120) days for pay grades 1 to 7 and 23 to 28 and one hundred eighty (180) days for pay grades 8 to 12 and 29 to 36.

Probationary Extension

The probationary period may be extended, upon the written approval by the employee, the supervisor, and, if applicable, the union representative and the labor relations representative. Extending the probationary period will delay any step increase that may have otherwise occurred. For OCSEA and SEIU 1199 employees, refer to the applicable union contract for the probationary period extension procedure.

Resignation During Probation

Employees who leave State service before completing their initial probationary periods cannot be reinstated from that separation. Such employees may return to State service, but must be hired as a new appointment.

Authority & Reference

OAC Chapter 123:1-19

2.3 Longevity Supplement

Administrative Staff and Exempt Employees

Exempt employees paid according to Schedule E-2 and employees classified as Administrative Staff shall not receive a longevity supplement.

Classified Exempt and OCSEA Employees

Beginning on the first day of the pay period within which an employee completes five (5) years of total State service, the employee will receive an automatic salary adjustment equivalent to one-half percent (.5%), multiplied by the number of years of service up to a total of twenty (20) years, multiplied by the first step of the pay rate of the employee's classification. Time spent on authorized leave of absence shall be counted for this purpose. This amount will be added to the step rate of pay.

Longevity adjustments are based solely on length of service and the base rate of the employee's current position.

For OCSEA employees, only service with State agencies, i.e. agencies whose employees are paid by the Auditor of State, will be counted for the purpose of determining the rate of accrual for new employees. Additionally, longevity adjustments are based solely on length of service, excluding any service time earned between July 1, 2003 and June 30, 2005.

1199 Employees

Refer to contract.

Authority & Reference

ORC 124.181(E)

2.4 Prior Service

Employees who have prior service with another State agency, a political subdivision of the State or the Ohio National Guard may have the service time transferred for the calculation of vacation accrual and longevity supplement. OCSEA employees may have some exceptions to this general rule. Time spent concurrently with the Ohio National Guard and a State agency or political subdivision shall not count double. In order to obtain credit for prior service, employees must furnish Human Resources with documentation from their previous employer indicating dates of service, amount of service credit and unused sick leave balances. The new rate shall take effect starting the pay period immediately following the pay period that includes the date that the Department of Administrative Services processes and approves the request to transfer service time.

Employees who have retired in accordance with the provisions of any retirement plan offered by the State and who are employed by the State or any political subdivision of the State on or after June 24, 1987, shall not have their prior service with the State or political subdivision of the State counted for the purpose of computing vacation leave.

Prior Service – Sick Leave Transfer

Employees who have prior service with political subdivisions of the State may have any unused sick leave balance which was accrued within the past ten years transferred for use by the employee during State service. Such sick leave shall not, however, be converted to pay at year's end or upon separation from State service.

Authority & Reference

ORC 9.44

2.5 Employee Policies, Forms and Communications

Employees are required to review the Development Team Handbook and abide by the policies and operating standards provided. Development reserves the right to revise the Team Handbook from time to time. Employees are responsible for keeping up to date on all current policies.

All employees are required to complete and sign all pre-employment and new hire forms (e.g., application, tax forms, direct deposit, I-9 employment verification) as appropriate, as well as all other forms that may be required throughout the employment relationship (e.g., evaluations, discipline).

All employees are required to engage in honest and respectful communications with customers, the public, co-workers, supervisors and all others.

Authority & Reference

None

2.6 Performance Evaluations

Development adheres to an all-employee annual evaluation system, although employees are subject to being evaluated on their performance at any time during their employment.

Timing of Performance Evaluations

Union Employees: During probation, each union employee will receive an evaluation at the mid-point of their probationary period and a final evaluation at the end of the probationary period. After probation has been completed, an annual performance review will occur in the month of the employee's anniversary date of the end of the probation period.

Exempt Employees: All non-union (exempt) employees, both classified and unclassified, may receive an evaluation at a time determined by the Director of Development or designee.

Performance Evaluation Process

1. The employee shall complete a self-evaluation.
2. The employee's supervisor then completes the evaluation form.
3. The supervisor's manager shall review and either propose edits to the evaluation or approve the evaluation.
4. Once the evaluation has been approved by the supervisor's manager, the supervisor should discuss the evaluation with the employee. The employee shall sign the evaluation to indicate that he or she has received a copy of the completed form. The employee's signature merely acknowledges that the employee has received a copy of the evaluation; it does not indicate agreement with the evaluation's contents. Refusal of the employee to sign the evaluation form shall constitute waiver of the employee's right to an appeal of the performance evaluation.

Appeal Process

Exempt employees may appeal their performance evaluation following the steps listed below:

1. The employee has seven (7) business days from the date the employee signed the evaluation to submit a written notice to the Director of Human Resources for a performance evaluation appeal.
2. Human Resources will contact the initial rater or immediate supervisor to set-up a Step One meeting to review and discuss the performance evaluation of the employee. A meeting will be held within seven (7) business days of notification of an appeal. The initial rater or immediate supervisor will issue a response within seven (7) business days after the meeting.
3. The employee has seven (7) business days from the supervisor's Step One response to file a written notice with the Director of Human Resources appealing the Step One response.
4. The Director of Human Resources or designee may schedule a Step Two meeting with the employee and the initial rater or immediate supervisor within seven (7) business days of notification of an appeal. The Director of Human Resources or designee will issue a written response within seven (7) business days after the meeting. This response will be the final response of Development.

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Union employees should refer to their union contract for appeal procedures.

Authority & Reference
OAC Chapter 123:1-29

2.7 Internal Investigations and Searches

Development is committed to careful and thorough investigation of workplace complaints. From time to time, Development may conduct internal investigations pertaining to security, auditing or other work-related matters. Employees are required to be honest and cooperate fully with and assist in these investigations if requested to do so. Due to the sensitive nature of the process, all investigations will be conducted in a manner that protects the privacy of all involved to the greatest extent possible. In order to maintain the integrity of an investigation, employees are asked to refrain from discussing the investigation with other employees.

There is no guarantee of personal privacy while on State property. Whenever necessary, in Development's discretion, work areas (e.g., desks, file cabinets, etc.) may be subject to search without notice. Development generally will try to obtain an employee's consent before conducting a search of personal belongings (e.g., brief cases, handbags, etc.), but may not always be able to do so. Employees are required to cooperate with searches.

Authority & Reference

None

2.8 Discipline

It is the policy of Development and the State of Ohio that all employees shall demonstrate honesty, good behavior and efficient and friendly services to our customers. Any violation of this public trust mandates a just and equitable response by management. It is the policy of Development that no employee shall be disciplined except for just cause. It is the employee's responsibility to comply with all Development policies, rules, standards of behavior, supervisory orders and to maintain good work performance.

The Disciplinary Action Guidelines are not meant to be all-inclusive of violations that may occur. In addition, some violations may warrant more severe disciplinary action than indicated. Each situation will be reviewed on its own merits. The degree and seriousness of the offense will determine which of the alternative measures will be taken.

It is the policy of Development to follow the principles of progressive discipline and to take disciplinary action that is commensurate with the offense. Factors that Development may consider when applying the appropriate corrective action include the employee's past work history and disciplinary record, the severity of the offense, and any mitigating factors or aggravating factors. While every effort will be used to ensure consistency in the application of discipline, Development is not required to administer the exact level of disciplinary action identified in the Guidelines the same way in each and every instance. Each instance of a violation of the Guidelines turns on its own facts and distinguishing variables.

When a suspension is warranted, the union contract states that a minor suspension is a one (1) day suspension, a medium suspension is a two (2) to four (4) day suspension, and a major suspension is a five (5) day suspension. No suspension greater than five (5) days shall be issued. All records relating to oral and/or written reprimands will cease to have any force and effect and will be removed from an employee's personnel file twelve (12) months after the date of the oral and/or written reprimand, provided there has been no other discipline imposed during that twelve (12) month period. Records of suspensions or other disciplinary action will be removed from an employee's file after twenty-four (24) months, provided there has been no other discipline imposed during that twenty-four (24) month period.

Violations

When the disciplinary action to be taken involves a suspension or removal of an employee covered by a union contract, a pre-disciplinary meeting will be held in accordance with the requirements of the relevant union contract and the requirements of civil service law. Union employees will be accorded union representation in accordance with the appropriate union contract, upon request.

In all disciplinary actions, after an investigation and pre-disciplinary meeting, the Pre-Disciplinary Meeting Officer will submit his/her findings to the Director of Development with a recommendation as to whether just cause exists to impose disciplinary action. The Director of Development will make the final decision as to the level of disciplinary action to be imposed. In cases where a criminal investigation may occur, the pre-disciplinary meeting may be delayed until after disposition of the criminal charge. An employee may be placed on administrative leave or reassigned while an investigation is being conducted.

Disciplinary Action Guidelines

	Violation	1st	2nd	3rd	4th
1	Dishonesty				
a.	Theft of State property or property of coworkers or the public.	Suspension/ Removal	Removal		
b.	Falsifying any document: e.g., State of Ohio Civil Service Application, in-house application or resume.	Removal			
c.	Falsifying or providing a fraudulent or altered document: e.g., Payroll time entries, attendance, physician's statement/medical document, travel reimbursement forms or other documents/ electronic submissions used in course of daily work.	Written Reprimand/ Removal	Suspension/ Removal	Removal	
d.	Knowingly filing a false complaint or accusation or making false statements in an investigation.	Written Reprimand/ Suspension	Suspension	Removal	Removal
e.	Use of official position for personal gain.	Suspension/ Removal	Removal		
2	Drugs/Alcohol				
a.	Reporting to work under the influence of or consuming while on duty, alcoholic beverages, controlled substances or prescription drugs not taken as prescribed.	Removal			
b.	While on duty, possession, distributing and/or selling of alcohol or controlled substances.	Removal			
c.	Failure or refusal to submit to or pass drug testing.	Removal			
d.	Conviction of federal or State criminal drug statute based on conduct that occurred at the workplace or location where employee was working.	Removal			

	Violation	1st	2nd	3rd	4th
3	Failure of Good Behavior				
a.	Acts of discrimination or harassment on the basis of any protected category and false accusations of the same.	Written Reprimand/ Suspension	Suspension/ Removal	Removal	
b.	Using obscene, abusive or insulting language towards another employee, a supervisor or the general public.	Written Reprimand/ Suspension	Suspension/ Removal	Removal	
c.	Immoral or indecent conduct.	Written Reprimand/ Suspension	Suspension/ Removal	Removal	
d.	Any action that could compromise or impair the ability of the employee to effectively carry out his/her duties as an employee of Development, or compromise the mission of Development.	Written Reprimand/ Suspension	Suspension	Suspension/ Removal	Removal
e.	Failure of good behavior (e.g. rude, obnoxious, unprofessional behavior towards colleagues, customers or members of the public).	Written Reprimand/ Suspension	Suspension	Suspension/ Removal	Removal
f.	Felony Conviction.	Removal			
4	Insubordination				
a.	Disobedience of a direct order by a superior; open defiance of authority.	Suspension	Removal		
b.	Failure to carry out assignment - Major Violation.	Suspension	Suspension	Removal	
c.	Failure to carry out assignment - Minor Violation.	Oral/Written Reprimand	Written Reprimand/ Suspension	Suspension/ Removal	Removal
d.	Failure to follow directives, policies or procedures, law, regulations or other authority.	Written Reprimand/ Suspension	Suspension	Removal	
e.	Interfering with, failing to fully cooperate in, or not being fully honest in an investigation or inquiry.	Written Reprimand/ Suspension	Suspension	Removal	

	Violation	1st	2nd	3rd	4th
5	Neglect of Duty				
a.	Major – Endangers life, safety, or causes financial loss for Development or its programs.	Suspension/ Removal	Removal		
b.	Minor – (e.g. poor/substandard work performance, not completing work in a timely fashion, etc.).	Oral/Written Reprimand	Written Reprimand/ Suspension	Suspension/ Removal	Removal
c.	Sleeping on duty.	Written Reprimand/ Suspension	Suspension/ Removal	Removal	
d.	Failure to obtain or maintain any certification or license that is required to perform the duties of the position or to meet the minimum qualifications of the position.	Removal			
6	Other Violations				
a.	Engaging in political activities prohibited in Ohio Revised Code Section 124.57.	Written Reprimand/ Suspension	Removal		
b.	Violation of Ohio Revised Code Section 124.34.	Determination based on severity of offense.			
c.	Violation of Ohio Ethics Laws.	Determination based on severity of offense.			
d.	Any other violation of any Development policies, procedures or directives not otherwise specified in this discipline grid.	Determination based on severity of offense.			
7	State Property				
a.	Unauthorized disclosure of confidential/sensitive or trade secret information.	Suspension/ Removal	Suspension/ Removal	Removal	

	Violation	1st	2nd	3rd	4th
b.	Destruction, damage, or misuse of State property or property of co-workers or the public.	Written reprimand/ removal*	Suspension/ Removal*	Removal*	
c.	Misuse of State equipment or property for personal use.	Written Reprimand/ Suspension	Suspension	Suspension/ Removal	Removal
d.	Misuse of federal or State funds.	Suspension/ Removal	Suspension/ Removal	Removal	
e.	Unauthorized or misuse of a State vehicle.	Suspension/ Removal	Suspension/ Removal	Removal	
f.	Damage to State vehicle as a result of failure to operate vehicle in a safe manner.	Suspension	Suspension/ Removal	Suspension/ Removal	Removal
g.	Failure to report traffic related accidents or infractions while using a State vehicle.	Oral/Written Reprimand	Written Reprimand/ Suspension	Suspension/ Removal	Removal
<p>*Damage or destruction of State equipment may be disciplined as indicated on the discipline grid and/or any of the following actions may occur: an employee may be required to repay the cost of the equipment or repair of the equipment, have their vacation leave accruals prospectively taken to satisfy the debt, have the equipment charged as income via a 1099-MISC, or may be subject to criminal prosecution.</p>					
8 Time & Attendance					
a.	Failure to follow call-in procedure.	Oral/Written Reprimand	Written Reprimand/ Suspension	Suspension	Removal
b.	Working outside of scheduled hours without pre-approval	Oral/Written Reprimand	Written Reprimand/ Suspension	Suspension	Removal
c.	Leaving the work area without permission of a supervisor, including leaving work early.	Oral/Written Reprimand	Written Reprimand/ Suspension	Suspension/ Removal	Removal
d.	Tardiness (Up to 30 minutes).	Oral/Written Reprimand	Written Reprimand/ Suspension	Suspension	Removal
e.	Absent without Leave: 31 minutes to 1 day.	Oral Reprimand/ Suspension	Suspension	Suspension/ Removal	Removal

	Violation	1st	2nd	3rd	4th
f.	Absent without Leave: 1-2 days.	Suspension	Suspension	Removal	
g.	Job Abandonment: 3 consecutive days or more absent from work without proper notification.	Removal			
h.	Pattern of abuse for absences (e.g., before &/or after holidays, before &/or after weekends, or regular days off, after pay days, any one specific day, absence following overtime worked, half days, continued pattern of maintaining zero or near zero leave balance, excessive absenteeism, excessive unscheduled absences).	Oral Reprimand/ Suspension	Written Reprimand/ Suspension	Suspension	Removal
i.	Misuse or abuse of leave (e.g., use of leave for that which it was not intended or provided, including FMLA or disability).	Written Reprimand/ Suspension	Suspension/ Removal	Removal	
j.	Failure to comply with physician's verification requirements	Written Reprimand	Written Reprimand/ Suspension	Suspension	Removal
k.	Any other violations of the Time, Compensation or Leaves of Absences Chapter of the Development Team Handbook	Oral Reprimand/ Suspension	Written Reprimand/ Suspension	Suspension	Removal
9	Workplace Violence and Workplace Safety				
a.	Intimidating, coercing, bullying or threatening an employee, supervisor or the general public.	Written Reprimand/ Suspension	Suspension/ Removal	Removal	
b.	Striking a fellow employee or supervisor.	Suspension/ Removal	Removal		
c.	Possession of a weapon on Development property or in a State vehicle.	Removal			
d.	Failure to report unsafe working conditions or hazardous equipment.	Written Reprimand/ Suspension	Suspension	Suspension/ Removal	Removal

	Violation	1st	2nd	3rd	4th
e.	Failure to report a health and safety violation or accident.	Written Reprimand/ Suspension	Suspension	Removal	

If an employee is terminated for any of the offenses listed in this policy, the employee is deemed to have voluntarily terminated his/her job and forfeits any workers' compensation rights.

Authority & Reference

ORC 124.34

2.9 Terminating Employment

Termination from employment, whether voluntary or involuntary, must be handled in a responsible manner by all individuals involved.

A voluntary termination is initiated by an employee through resignation, retirement, positive drug test or job abandonment. When possible, employees are expected to provide advance written notice of their voluntary termination.

An involuntary termination is initiated by Development and may include, but not be limited to, unclassified removal, misconduct, unsatisfactory job performance or layoff.

On rare occasions, Development has the discretion to accept a resignation in lieu of termination. Under certain circumstances where such a resignation is allowed, Development is required to accurately record the resignation in the electronic payroll system with the following codes:

- Resigned – not in good standing. This code shall be used for resignations in lieu of discipline or to settle grievances or appeals for offenses such as absenteeism, tardiness, insubordination, failure to meet/maintain minimum qualification, inefficiency or neglect of duty.
- Resigned – not recommended for rehire. This code shall be used for resignations in lieu of discipline or to settle grievances for appeals when an egregious offense of a criminal or quasi-criminal nature is known or suspected.
- When an employee has been convicted of theft in office, he or she is permanently barred from holding any public office or employment in Ohio. A block will be placed on the employee's record to prevent any future hiring action.

Meeting with Payroll

Upon notice of separation, Payroll will provide the employee with the available options regarding health, dental, vision, life insurance, sick leave payment, and retirement contributions. Information on these options can be found on the Department of Administrative Services website, Benefits section. Arrangements will also be made concerning disposition of the employee's final check and verification of the employee's future mailing address.

Last Day of Employment

Employees are required to return any ID cards, office keys, credit cards, phone cards, State vehicle keys, and all other property of the State in their possession to their managers or Human Resource before 5:00 p.m. on the last day of employment. It is also the departing employee's responsibility to notify their supervisor and/or the Facilities and Information Technology Offices of the location of all equipment or other Development property prior to separation.

Authority & Reference

ORC 124.11

ORC 124.32

ORC 2921.41

OAC 123-1-45-01

2.10 References

References should be solicited and provided with fairness and consistency. All employment information, whether being solicited or provided, should be channeled through Human Resources. This procedure applies to providing information about current or former employees and to gathering information about applicants.

Current or Former Employees

Requests for employment references about current or former employees should be forwarded to Human Resources or the Deputy Director of the appropriate division.

When contacted for an employment reference, Human Resources typically will provide only routine information, such as job title(s) and dates of employment. When a supervisor is contacted for an employment reference for a current or former employee for whom he/she wishes to provide a more detailed reference, the supervisor shall provide Human Resources or his/her Deputy Director with additional appropriate information to be conveyed to the requestor, and Human Resources will provide appropriate information to the requestor.

Applicants

Employment reference information on all final applicants will be sought prior to any offers of employment. Appropriate references include current or former supervisors, colleagues or other work-related individuals. Non-work related references, such as friends or neighbors, will not be contacted. Human Resources will conduct all reference checks. Exceptions to this policy shall be made only for good cause with the prior approval of the Director of Human Resources.

Recommendation Letters

Due to the misuse, broad misinterpretation of and lack of consistency of reference letters, Development may not solicit, accept or consider a reference letter from an applicant. For the same reasons, reference letters for current or former employees are not allowed.

Authority & Reference

None

3.0 Time, Compensation and Leaves of Absence

3.1 Hours, Time-Keeping and Payroll

It is Development's policy and practice to accurately compensate employees and to do so in compliance with all applicable State and federal laws. To ensure that employees are paid properly for all time worked and that no improper deductions are made, employees must record correctly all work time and review their pay stubs promptly to identify and report all errors.

Work Week

The standard work week for full-time employees shall be forty (40) hours, exclusive of the time allotted for meal periods, consisting of five (5) consecutive work days followed by two (2) consecutive days off. The work week shall commence at 12:01 am Sunday of each calendar week and shall end at 12:00 midnight the following Saturday.

Core Business Hours

The core business hours for Development are 8:00 am to 5:00 pm, Monday through Friday. All areas of Development must ensure they are adequately staffed to perform all internal and external customer functions during these hours.

Standard Work Schedule

As determined by their supervisors, employees may have a set start time between the hours of 7:00 am and 9:00 am and a set end time that shall accommodate the employee's work hours plus a lunch period. Employee start, lunch and end times shall be filed with Human Resources. Unless authorized in advance, overtime eligible employees should not work outside their standard schedule, including beginning work early or working after their normal end time.

Break and Meal Periods

As determined by their supervisors, employees shall have an unpaid meal break of either thirty (30) or sixty (60) minutes scheduled near the middle of their shift, or as specified by union contract. A lunch period may be extended to 90 minutes only when utilizing the Health & Wellness Period. Employees shall not perform any work during their meal periods.

Employees may take a paid break of up to fifteen (15) minutes at mid-morning and another at mid-afternoon, on a schedule as determined by their supervisor.

Recording of All Hours Worked

All employees are required to maintain a record of the hours worked each day in the automated payroll system(s). The hours recorded in the systems must accurately reflect all regular and overtime (if appropriate) hours worked, including the time of day the employee begins and ends work, times for each meal break, as well as any absences. Supervisors are required to verify the accuracy of all

employee time entries, as well as to complete timesheets for those employees who are absent at the end of the pay period, in accordance with the payroll processing schedule.

It is a serious violation of Development's policy for any employee to falsify a time record or for any employee or supervisor to instruct another employee to falsely report hours worked.

Employees should not work any hours outside of the scheduled work day unless a supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless authorized to do so and that time is recorded in the time records.

Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work performed but not reported on time records.

Payroll Deductions

Development is required by law to make certain deductions from employee's gross earnings including, but not limited to, State, federal and local taxes and contributions to OPERS. Additional deductions may include: health, dental or life insurance premiums, other benefit programs which require payments by participants, parking, child support, union dues, wage garnishments, or other authorized items.

Overtime-Exempt Employees

Overtime-exempt employees are not eligible for overtime pursuant to the Fair Labor Standards Act. Pursuant to State law, Development employees are required to account for all time during their work week. Deductions to exempt employees' pay may only be made pursuant to Development policy (including but not limited to vacation, sick leave or disability leave, or FMLA absences), during the first or last week of employment for a partial week worked, for disciplinary reasons (see Discipline Policy), or for partial or full day absences where the employee has no leave to cover the time off, took time off without permission, or was approved to take leave without pay.

In any work week in which work was performed, the overtime-exempt employee's pay will not be reduced for absences for jury duty or other similar time away from work pursuant to Development policy or any other deductions prohibited by State or federal law.

Active Pay Status

Active pay status is defined as conditions under which an employee is eligible to receive pay including, but not limited to, vacation, sick leave, bereavement leave, administrative leave, compensatory time, holidays and personal leave time. For the purposes of determining hours worked for calculating overtime or compensatory time eligibility, active pay status does not include sick leave or any leave used in lieu of sick leave.

Mandatory Direct Deposit and Pay Period Schedule

All employees are required to establish and maintain authorization for their pay to be direct deposited into a financial institution of their choice or onto an approved debit card. All employees are paid on bi-weekly basis.

Recovery of Improperly Paid Compensation or Benefits

The Director of Human Resources shall initiate all necessary steps to recover any compensation, leave or other benefits paid in error or paid as a result of fraud. The Director may make any needed adjustments to ensure the proper payment of benefits. An employee who knowingly engages in fraud may be subject to discipline. When necessary, the Director shall request the attorney general to take appropriate action to recover improperly paid compensation or benefits.

Review Your Direct Deposit and Pay Stub

Development makes every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, Development promptly will make any correction that is necessary. Employees are encouraged to review their direct deposit amount and pay stub each pay period to make sure it is correct. If an employee believes a mistake has occurred with his or her pay, the employee should use the reporting procedure outlined below.

To Report Violations, Communicate Concerns, or Obtain More Information

If an employee has any questions about time recording, pay or deductions or if an employee believes that wages have been subject to any improper deductions or pay does not accurately reflect all hours worked, please report the concerns to Human Resources immediately. Human Resources shall investigate the complaint and, if an error is found to have been made, Development will reimburse the employee as expeditiously as possible. The resolution of the situation will be documented. Following the identification of a problem, Development will make good faith efforts to comply with all legal requirements in the future.

Development will not allow any form of retaliation against employees who report complaints under this policy or who cooperate in the investigation of such reports.

Authority & Reference

Fair Labor Standards Act

ORC 124.18

OAC 123:1-35-05

OAC 123:1-43-01 through -02

OAC 123:1-45-01

OAC 123-1-47-01

3.2 Alternate Work Schedules

Once an office or division has ensured that it is adequately staffed from 8:00 am to 5:00 pm, it may offer employees an alternative work schedule that offers flexibility in the scheduling of hours worked. The decision to offer a flexible work schedule during non-customer service hours is at the discretion of the division. Management retains the right to determine when alternative work schedules are practical and to adjust the number of employees approved for such schedules as appropriate. Service to the public and administrative support services within the agency will be of controlling importance.

If a division elects to offer employees such flexibility, the following two options are available: flextime and compressed workweek. Regardless of the selected option, the employee's work schedule must be approved in advance by the employee's supervisor and should be kept on file with Human Resources. Similarly, changes in schedules for union staff will be governed by the applicable union contract. Issues such as notice requirements and whether or not seniority is a factor in changing an employee's schedule must be considered in order to avoid a grievance.

An alternative work schedule is a benefit, not a right, and may be cancelled or modified at Development's discretion to meet agency needs. When Development is particularly busy or a number of employees are absent due to vacations or holidays, alternative work schedules may be suspended, modified or cancelled.

Flextime

An employee may "flex" his or her work schedule by obtaining authorization to do any of the following:

- To work, *on any given day*, his or her typical number of hours at times that differ from the employee's normal work hours. For example, an employee who normally works from 8 am to 5 pm might be authorized, on a certain day, to work from 7 am to 4 pm instead.
- To work, *on a regular basis*, his or her typical number of hours each day at times that differ from the set core business hours. For example, an employee who normally works from 8 am to 5 pm might obtain permission to have a permanent work schedule from 7 am to 4 pm instead.
- To work, *during any given week*, fewer (or no) hours on one day that week, with the missed hours made up on one or more other days that week. For example, an employee might be authorized, for that week, to work ten hours on each of four days or might be authorized to work 9 hours on four days and four hours on one other day that week.

Compressed Workweek

Employees may work full-time hours in less than the traditional 5-day workweek by increasing the daily hours worked. Divisions may use a compressed workweek schedule only when a specific business necessity warrants such a schedule. For example, a compressed workweek schedule may be appropriate if a specific payroll process requires an employee to work long hours Monday-Thursday, but does not require the employee to work as many hours while the system uploads the data on Friday. The use of a compressed workweek schedule as a performance reward or for recruitment and retention purposes does not constitute a "specific business necessity" and should not be approved. Personal circumstances should not be a factor in the decision to utilize a compressed workweek schedule. Any compressed work week schedule request must demonstrate how a specific, identified business necessity is advanced by the schedule and must be approved by the Director of Human Resources.

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Teleworking

Development employees are prohibited from teleworking. Teleworking means working from a remote location instead of the employee's assigned work location during the employee's standard working hours. Teleworking does not include work performed while on approved travel.

Authority & Reference

Fair Labor Standards Act

ORC 124.18

3.3 Attendance

Development employees must be prompt and reliable in their attendance behaviors. Where employees know or believe that they will need to come in late, leave early or otherwise have time away from work, such arrangements must be made in advance with their supervisor.

Scheduled Absences

Employees shall request leave from their supervisor by the end of the previous business day and receive prior approval to be absent from work. This will be considered a scheduled absence that should not result in disciplinary action if the employee returns as planned. All employees who have obtained approval of their leave requests are to record the leave usage on the automated payroll system within 24 hours after returning to work. All employees are strongly encouraged to pre-schedule absences from work.

Call In Procedure for Unscheduled Absences

Where employees are not able to schedule time off or flex time in advance, employees shall call in to their immediate supervisor or designee no later than one-half hour after the start of the work day to notify Development of the unscheduled absence. Failure to call in shall cause the employee to be considered tardy or to be placed in an unauthorized absence status for that day, with possible denial of pay. If the absence may qualify for FMLA or workers' compensation, the employee is required to notify Human Resources in addition to their supervisor.

Tardiness

To maintain efficiency and productivity, employees must arrive promptly and be at their work stations at the beginning of their scheduled start time. Scheduled breaks and lunch periods should not extend beyond the allotted times. Employees arriving up to thirty (30) minutes after their scheduled start time or after scheduled breaks and lunch will be considered tardy. (For time in excess of thirty (30) minutes, see Absence, below.)

- Overtime exempt employees must make up any time tardy on the day of the incident, obtain permission to flex their time, or submit an appropriate leave request. The supervisor has the discretion to institute disciplinary action, if appropriate.
- Overtime eligible employees may be allowed, at the discretion of the supervisor, to submit an appropriate leave request to account for the time late, but the incident will still be considered tardy.

Absence

Development reserves the right to limit the number of employees scheduled to be off work at any one time, including employees on leave. The supervisor's approval of a leave request does not necessarily indicate an excused absence, but merely authorizes the payment of leave for time taken. If an attendance related problem develops, leave requests (whether approved or disapproved) can be used

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as documentation to support disciplinary allegations. An employee who is away from work 31 minutes or more at any time (outside of approved breaks or lunch) will be considered absent without leave.

Job Abandonment

Employees who are absent three (3) or more consecutive days without notification shall be deemed to have abandoned their job.

Reference & Authority

ORC 124.18

3.4 Overtime Eligible Employees: Overtime and Compensatory Time

Overtime compensation can be earned by overtime eligible employees only for work hours which are immediately necessary to the operation of their office. No overtime will be authorized for office work or other work which could have been completed during a standard 40 hour week. This policy is not intended to modify any provisions contained in an applicable union contract.

Accrual

An overtime eligible employee who is authorized by a supervisor to be in an active pay status for more than 40 hours in any calendar week shall be entitled to either overtime compensation or compensatory time. All hours worked over 40 in a work week must be approved in advance by the employee's supervisor. Employees who work overtime without approval (where prior approval is possible) shall be compensated for the time worked but shall be subject to disciplinary action.

Payout of Overtime

An employee entitled to overtime compensation shall be entitled to compensation for such time over 40 hours at one and one-half times the employee's base rate of pay.

Use of Compensatory Time

An employee entitled to overtime compensation may elect to accrue compensatory time in lieu of overtime pay for such time worked over 40 hours on a time and one-half basis. An employee may accrue compensatory time to a maximum of 240 hours. Any hours of compensatory time accrued in excess of the maximum amount shall be paid to the employee as overtime compensation.

Use of compensatory time requires prior approval by a supervisor and must be taken at a mutually convenient time.

Compensatory time balances will be maintained in the automated payroll system. A report of compensatory time balances shall be maintained and reported on the employee's pay stubs. All compensatory time must be used before an employee is granted a leave of absence without pay, except as otherwise permitted under State or federal law.

If the employee has not used the compensatory time within 365 days after it is earned, if the employee transfers to another agency of the State, or if a change in the employee's status exempts the employee from the payment of overtime compensation, then the accrued compensatory time shall be paid out. Upon termination of employment, any overtime eligible employee with accrued, but unused compensatory time shall be paid for that time at the rate that is the greater of the employee's final regular rate of pay or the employee's average regular rate of pay during the last three years of employment with the State.

Authority & Reference

Fair Labor Standards Act

ORC 124.18

OAC 123:1-43-01 through -02

3.5 Overtime Exempt Employees: Compensatory Time

This policy applies only to employees who are exempt from collective bargaining and are overtime exempt pursuant to section 124.18 of the Revised Code and the Fair Labor Standards Act. Compensatory time can be earned by employees only for work hours which are immediately necessary to the operation of the office.

Accrual

An overtime exempt employee who is required by an administrative supervisor to be in an active pay status for more than 40 hours in any calendar week may accrue compensatory time. (If an employee is working a flexible hour schedule or compressed work week, please see the Alternative Work Schedules Policy for additional information.) All hours worked over 40 in a work week must be approved in advance by the employee's supervisor. Compensatory time accrues on an hour-for-hour basis and may be accrued only in one hour increments.

Use of Compensatory Time

Use of compensatory time requires prior approval by a supervisor and must be taken at a mutually convenient time. Compensatory time may be used in intervals of one-tenth of one hour.

The maximum amount of compensatory time that an employee may accrue is 120 hours. Any compensatory time accrued must be used within 365 days after accrual. Compensatory time balances will be maintained in OAKS and on the employee's pay stub.

Cash payment for accrued compensatory time is not permitted. Employees may not convert compensatory time to any other form of leave. All compensatory time balances will be forfeited upon termination of employment. Compensatory time may not be used to extend an employee's date of resignation or date of retirement. No compensatory time accrued in another State department or agency will be transferable.

Authority & Reference

ORC 124.18

OAC 123:1-43-01 through -02

DAS HR-D-08 (effective 9/2009)

Exempt Parity Provisions Summary, DAS, July, 2009

3.6 Compensation for Employee Travel and Training; Frequent Flier Miles

Employee Travel and Training

“Work Time” for Travel

“Work time” is generally compensable time. The principles which apply in determining whether time spent in travel is “work time” depend upon the kind of travel. Work time includes time spent in travel (except normal meal and commute time) during their normal working hours on their regularly scheduled days, as well as the normal working hours on non-working days, such as Saturday, Sunday and holidays. (For example, if an employee’s normal schedule is 8 am to 5 pm Monday through Friday and if the employee travels and has work time during 8 am to 5 pm on a Saturday or Sunday, the weekend travel and work time would be compensable time.)

Travel time as a *passenger* on an airplane, train, boat, bus or automobile outside of regular working hours where no work is performed is not considered work time and is not compensable. If an employee drives a car (and there are no feasible methods of travel where the employee could be a passenger), that travel is compensable as work time, regardless of whether the travel was after regularly scheduled work hours.

Any actual work the employee does while traveling outside of regular working hours is compensable work time.

Commute Time and Mileage

For all Development employees, travel to and from the employee’s home to the primary office location (the employee’s “commute”) is not work time and is not compensable. When an employee travels to/from the employee’s home directly to an offsite event or location, the employee must subtract the mileage and time that normally would have been the employee’s commute from any work time or mileage reported.

Policy for Overtime Eligible Employees

Conference, Training and Meetings

An overtime eligible employee attending a conference, meeting or training is working and is entitled to overtime compensation for any time spent in excess of 40 hours in a calendar week attending such programs provided attendance is required by Development, or the employee believes that non-attendance will prejudice working conditions or employment standing. Generally, time spent in training and meetings is not compensable only when all of the following are met:

1. Attendance is outside the employee’s regular working hours;
2. Attendance is voluntary;
3. The employee does not perform productive work to benefit Development while attending; and
4. The training or meeting is not directly related to the employee’s job.

Special Situations

If an employee, on his or her own initiative, attends school, college or training after hours, the time is not hours worked even if the courses are job related. Time spent attending lectures, training sessions and courses in instruction is not hours worked when an employer has established for the benefit of the employee a program that permits voluntary attendance outside normal working hours (e.g., tuition reimbursement programs).

Policy for Overtime Exempt Employees

Overtime exempt employees are not subject to overtime provisions of the Fair Labor Standards Act. Such employees need not be paid overtime, but are generally granted compensatory time in accordance with applicable Development policy.

Lectures, Meetings and Training Programs

Overtime exempt employees are often not required to attend training, but frequently request permission to voluntarily attend lectures, seminars, meetings, training programs and similar activities. Attendance under these circumstances need not be counted as work time and such employees would not automatically accrue compensatory time for time spent attending and traveling to such programs.

Frequent Flier Miles

The Ohio Ethics Commission issued Advisory Opinion 91-010, which prohibits the personal use of any frequent flier miles earned during travel on official State business.

The personal use of frequent flier miles or other promotional benefits earned while traveling on official State business is strictly prohibited. All frequent flier miles and other promotional benefits should be used for the purpose of conducting subsequent official State business by the recipient of the frequent flier miles. The recipient of frequent flier miles may redeem accrued frequent flier benefits for travel on official State business by the recipient or, when possible, for travel on official State business by another State official or employee.

Reservations should be placed with a competitively priced carrier for the contemplated State travel without regard to the availability of a frequent flier program. The State official or employee may apply for and accrue frequent flier miles with that carrier if a frequent flier program is offered by the carrier and enrollment is warranted due to sufficient travel. Recipients of frequent flier miles are responsible for notifying Development about their enrollment in a frequent flier program. Enrollment in a frequent flier program may be contingent upon sufficient travel to justify the enrollment. As a general rule, the State official or State employee should consider enrollment in a frequent flier program only if the individual expects to travel three or more times per year by means of a commercial air carrier. Frequent flier benefits may not be used to upgrade travel accommodations or to upgrade hotel accommodations.

Each recipient of frequent flier miles is responsible for maintaining records that clearly segregate frequent flier miles earned while on official State business from frequent flier miles earned through personal travel with each respective carrier. Such records should contain sufficient detail to clearly segregate the accrual of both types of frequent flier benefits. The receipt of frequent flier miles should be reported in established intervals as determined by the Development Finance Office Travel Rules.

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Since frequent flier miles cannot generally be transferred to the State agency, all frequent flier miles that were earned while traveling on official State business should be surrendered or forfeited upon termination of employment with the State of Ohio. The frequent flier miles may be surrendered by notifying the respective carrier in writing upon the termination of employment with the State of Ohio.

Authority & Reference

29 CFR §785.27-41

ORC 124.18

ORC 125.02

See OBM Travel Regulations and Development Budget and Finance Office Travel Rules for travel arrangement procedures.

3.7 Lactation Breaks for Nursing Mothers

The Fair Labor Standards Act (FLSA) requires that employers provide a “reasonable break time” for a nursing mother to express breast milk for up to one year after a child’s birth. The FLSA also requires that the employer provide “a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.”

Reasonable Break Time

When an expectant mother notifies Human Resources of the pregnancy, Human Resources shall provide information to both the pregnant employee and her supervisor:

- Development shall have a flexible approach to scheduling breaks to accommodate changes in the nursing mother’s need to express breast milk.
- Development may provide paid break times of limited duration in a similar break fashion as breaks for other employees. Nursing mothers are encouraged to use these times, as well as their unpaid lunch break, for expressing breast milk, as appropriate.
- If lactation breaks require more time than a normal break or lunch schedule would allow, Development may allow nursing mothers to use available options such as flexible work schedules or using some form of accrued leave (i.e., vacation, personal, or compensatory time) for their reasonable break time.
- If a nursing mother chooses not to flex her schedule and has no form of accrued, paid leave available, her supervisor should allow the nursing mother to take unpaid leave time each time the nursing mother has the need to express breast milk. However, nursing mothers should be informed that unpaid leave shall not be counted as hours worked and may impact other employment benefits, such as vacation accrual and retirement contributions.

Eligibility and Use

After identifying herself as a nursing mother who has a need to express breast milk throughout the work day, a nursing mother shall provide her supervisor or Human Resources with the date of the child’s birth, the approximate times during the workday when the nursing mother anticipates needing to express breast milk, and the method by which the nursing mother prefers to account for the time. The nursing mother should keep Development apprised of any needs for schedule changes for the purposes of expressing breast milk throughout the time period she remains a nursing mother.

Lactation Area

A lactation area will be designated at or near work locations with nursing mothers. Lactation areas may be the nursing mother’s work area, an empty or unused office or a lounge area (not a restroom), provided that the designated location meets privacy requirements.

A lactation area should include the following:

- Be equipped with an electrical outlet;
- Be in reasonable proximity to the nursing mother’s work area;

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- Be in close proximity to a clean sink;
- Have comfortable seating and a table or flat surface to hold the breast pump; and
- Have a “DO NOT DISTURB” sign available when the room is in use as a lactation area.

Lactation areas need to be available whenever a nursing mother has a need to express breast milk, but not need to be set aside exclusively as a lactation area.

Any questions about reasonable break times, lactation areas, or eligibility should be referred to Human Resources.

Authority & Reference

Fair Labor Standards Act, 29 U.S.C. 207(r)

Ohio Revised Code 124.09

3.8 Holidays

Permanent employees are eligible to receive the following paid holidays:

- New Year's Day - First day in January
- Martin Luther King, Jr.'s Birthday - Third Monday in January
- President's Day - Third Monday in February
- Memorial Day - Last Monday in May
- Independence Day - Fourth day of July
- Labor Day - First Monday in September
- Columbus Day - Second Monday in October
- Veteran's Day - Eleventh day in November
- Thanksgiving Day - Fourth Thursday in November
- Christmas Day - Twenty-fifth day of December
- Any other day proclaimed by the Governor of the State of Ohio or the President of the United States

A holiday falling on a Sunday will be observed on the following Monday. A holiday falling on a Saturday will be observed on the preceding Friday. Consult the yearly payroll calendar for confirmation of observed holidays in that year.

With proper notice, employees may be granted leave to observe religious holidays not on the above list. The time off must be charged to vacation, compensatory time, or personal leave.

Employees on vacation or scheduled sick leave during a holiday will not be charged vacation or sick leave for the holiday.

When an overtime-eligible employee is required by the employee's supervisor to work on the day observed as a holiday, the employee shall be entitled, at the employee's option, to pay for such time worked at one and one-half times the employee's regular rate of pay in addition to the employee's regular pay or to be granted compensatory time off at time and one-half. Payment at such rate shall be excluded in the calculation of hours in active pay status.

Part-time exempt employees, part-time and non-permanent SEIU members, and part-time and non-permanent OCSEA members shall not receive holiday pay during both fiscal year 2010 and fiscal year 2011. After fiscal year 2011, each part-time employee shall receive four hours of holiday pay regardless of the employee's work shift and work schedule.

Authority & Reference

ORC 124.18

ORC 124.19

ORC 124.392

3.9 Vacation, Sick and Personal Leaves

This policy is to provide general guidelines for the accrual, request and use of the various leaves of absence and to provide more specific information on Personal Leave, Vacation, and Sick Leave. Nothing in this policy is intended to change or modify any collective bargaining agreement. It is the intention of Development to allow individual supervisors to exercise maximum discretion in deciding if leave is appropriate, and if it should be approved or denied. Therefore, with consideration of contractual and legal requirements, individual supervisors may exercise case-by-case review of leave requests based on operational needs. The following requirements, however, apply agency-wide to any leave request:

- Employees are responsible for knowing their leave balances.
- Newly-accrued sick leave, vacation leave, and personal leave are not available for use until they appear on the employee's earnings statement and the compensation described in the earnings statement is available to the employee.
- No leave will be granted without the employee completing a Request for Leave using the automated payroll system.
- A supervisor must authorize the scheduled Request for Leave before the leave is used. Employees should not assume that the authorization of the request constitutes approval of the leave.
- A supervisor must approve all leave requests in the electronic payroll system in order to be properly processed for payroll.
- Prior to the need for leave, as explained on the following pages, all employees are to complete and submit a request for leave on the automated payroll system. If conditions preclude submission of this request prior to the usage of the requested leave, the request shall be submitted within 24 hours upon the employee's return from leave.
- Leave time cannot be used to extend an employee's separation date.

Any questions regarding leave usage should be directed to the employee's supervisor or Human Resources.

Leave Accrual Rates

Leave accrual is determined by contractual language and legal requirements. The following chart is intended to inform employees of the accrual rates for years of service for full-time employees.

Employee Type	Vacation Time				Personal Leave*	Sick Leave
	Years of Service	Per Pay Period	Annual Accrual	Maximum Accrual		
Exempt	0 - 3	3.1 hrs	80 hrs	240 hrs	32 hours lump sum with the paycheck that includes December 1 st . Maximum accrual of 40 hours.	3.1 hours per pay period.
	4 - 8	4.6 hrs	120 hrs	360 hrs		
	9 - 14	6.2 hrs	160 hrs	480 hrs		
	14 - 18	6.9 hrs	180 hrs	540 hrs		
	19 - 23	7.7 hrs	200 hrs	600 hrs		
	24 +	9.2 hrs	240 hrs	720 hrs		
OCSEA	0 - 3	3.1 hrs	80 hrs	240 hrs	8 hours per calendar quarter. Maximum accrual of 40 hours.	3.1 hours per pay period.
	4 - 8	4.6 hrs	120 hrs	360 hrs		
	9 - 14	6.2 hrs	160 hrs	480 hrs		
	14 - 18	6.9 hrs	180 hrs	540 hrs		
	19 - 23	7.7 hrs	200 hrs	600 hrs		
	24 +	9.2 hrs	240 hrs	720 hrs		
SEIU 1199	0 - 3	3.1 hrs	80 hrs	320 hrs	10 hours per calendar quarter. Maximum accrual of 60 hours.	2.77 hours per pay period.
	4 - 8	4.6 hrs	120 hrs	480 hrs		
	9 - 14	6.2 hrs	160 hrs	640 hrs		
	14 - 18	6.9 hrs	180 hrs	720 hrs		
	19 - 23	7.7 hrs	200 hrs	800 hrs		
	24 +	9.2 hrs	240 hrs	960 hrs		

Additional Vacation and Sick Leave Accrual Provisions

Permanent employees who are in active pay status for less than eighty hours in a pay period shall earn vacation and sick leave on a prorated basis. The ratio between the hours worked and the leave earned by employees shall be the same as the ratio between the hours worked and the leave hours earned by a full-time permanent employee with the same amount of service as provided for in this section.

Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of the maximum accrual. Any excess leave shall be eliminated from the employees' leave balance.

*Additional Personal Leave Provisions

No personal leave grants shall be made in December 2010. Personal leave grants shall resume in December 2011.

Leave Request/ Approval Thresholds

Where practicable, all leave should be requested and approved prior to the use of such leave. It is expected that variation will exist from office to office, but generally, operational needs should guide any determination of the reasonableness of a leave request. Below is a description of the guidelines for leave approval found in the law and union contracts. It is not intended to be a substitute for reviewing those documents but to be a starting point for supervisors and employees in making decisions.

Employee Type	Vacation Leave	Personal Leave	Sick Leave
Exempt	Must be requested in advance and be mutually agreed upon with the supervisor.	Should be requested in advance and may be granted upon giving reasonable notice.	Will not be unreasonably denied.
OCSEA	Must be mutually agreed upon with the supervisor; will not be denied unless it works a hardship on the agency.	Except in emergency, if request is made before 48 hours of the need, leave shall be granted; otherwise the request shall not be unreasonably denied.	Will not be unreasonably denied.
SEIU 1199	Must be requested in advance and be mutually agreed upon with the supervisor; shall not be unreasonably denied.	Except in emergency, if request is made before 24 hours of the need, leave shall be granted; otherwise, the request shall not be unreasonably denied.	Will not be unreasonably denied.

Acceptable Use of Sick Leave

Sick leave may be used by the employee only for the following reasons:

1. Illness, injury, or pregnancy-related condition 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, including medical, psychological, dental, or optical examination, of an employee or member of the employee’s immediate family by an appropriate licensed practitioner where the employee’s presence is reasonably necessary.
4. Death of a member of the employee’s immediate family. Such usage shall be limited to a reasonably necessary time beyond any bereavement leave benefit, not to exceed five days.
5. Illness, injury, or pregnancy-related condition 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. Donation of leave to a co-worker in accordance with a leave donation program.

For exempt employees, “immediate family” means an employee’s spouse, significant other, parents, children, grandparents, siblings, grandchildren, brother- in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis). For union employees, please see the definitions of immediate family provided in the union contract. A “significant other” is defined as an individual who stands in place of a spouse and who resides with the employee.

Development may require an employee to furnish a satisfactory written, signed statement from a licensed practitioner stating the nature of the condition and the individual treated to verify the use of sick leave.

Leave Usage Rates

When leave is used, the percentage rate of pay for each hour of leave used is indicated below.

Employee Type	Vacation Leave	Personal Leave	Sick Leave
Exempt	Can be used in one-tenth hour (6 minutes) increments. Paid at 100%	Can be used in one-tenth hour (6 minutes) increments. Paid at 100%	Can be used in one-tenth hour (6 minutes) increments. In the accrual period the hours used are paid at the following rates: Hours Rate 1-40 100% 40.1 - 80 70%* 80.1+ 100%
OCSEA	Can be used in one-tenth hour (6 minutes) increments. Paid at 100%	Can be used in one-tenth hour (6 minutes) increments. Paid at 100%	Can be used in one-tenth hour (6 minutes) increments. Paid at the following rates: Hours Rate 1-40 100% 40.1 - 80 70%* 80.1+ 100%
SEIU 1199	Can be used in one-tenth hour (6 minutes) increments. Paid at 100%	Can be used in one-tenth hour (6 minutes) increments. Paid at 100%	Can be used in one-tenth hour (6 minutes) increments. In the accrual period the hours used are paid at the following rates: Hours Rate 1-36 100% 36.1 - 72 70%* 72+ 100%

* Any sick leave used during 40.01 to 80 hours (exempt and OCSEA) or 36.1 to 72 hours (SEIU) for time spent hospitalized overnight by the employee, employee’s spouse or child residing with the employee or for those hours of sick leave used before or after the hospital stay that are contiguous to the hospital stay, will be paid at 100%. The employee must submit verification of the hospital stay to Human Resources on the “Physician or Health Care Provider Certification for Overnight Hospitalization” (ADM 4262) on the first day the employee returns to work following the absence. Sick leave requested at least thirty (30) days in advance for prescheduled medical appointments may be supplemented at the employee’s request to 100% of pay with available sick leave balances, provided that a physician’s statement is submitted on the first day the employee returns to work following the absence.

For exempt employees and OCSEA members, after employees have used all of their accrued sick leave, they may, at Development’s discretion, use accrued vacation, compensatory time or personal days or may be granted leave without pay. For SEIU members, after employees have used all of their accrued sick leave, Development may authorize a leave of absence without pay or recommend disability leave benefits.

Sick Leave used to supplement approved disability leave, workers’ compensation claim or childbirth/adoption leave shall be paid at 100% of the employee’s rate of pay. (Note: the disability leave waiting period is not part of the approved disability leave period.)

Employees may use accrued vacation leave at the completion of their union probationary period (120 days) or, for exempt employees, after six months of State employment.

Development may establish minimum staffing levels for an office or division, which could restrict the number of concurrent leave requests that may be granted.

Leave Conversion Rates

Once each usage year employees may convert to cash portions of their accrued balances of personal and sick leave. For the purposes of this policy, a usage year is defined as the 26 pay periods beginning with the pay period that includes December 1 each calendar year. Payment of leave converted is at the regular rate of pay and occurs in the pay period that includes December 1. Conversion rates for sick leave are proportional to the leave used during the usage year as indicated below. The number of sick leave hours available to be converted is equal to the number accrued less any hours used during the usage year.

Employee Type	Personal Leave Usage Year Conversion*	Sick Leave Usage Year Conversion	
Exempt	Balances can be converted at 100% of regular rate of pay each December. Any leave accrued in excess of the 40 hour maximum will convert automatically.	<u>Hours</u>	<u>Rate</u>
		80	80%
		72 – 79.9	75%
		64 – 71.9	70%
		56 – 63.9	65%
		48 – 55.9	60%
OCSEA	Balances can be converted at 100% of regular rate of pay each December. Throughout the year, hours exceeding the 40 hour maximum will convert automatically.	<u>Hours</u>	<u>Rate</u>
		80	80%
		72 – 79.9	75%
		64 – 71.9	70%
		56 – 63.9	65%
		48 – 55.9	60%
SEIU 1199	Balances can be converted at 100% of regular rate of pay each December. Any leave accrued in excess of the 60 hour maximum will convert automatically.	<u>Hours</u>	<u>Rate</u>
		72	75%
		64 – 71.9	70%
		56 – 63.9	65%
		48 – 55.9	60%
		47.9 and less	55%

*Personal leave conversion or payment for maximum personal leave accrual shall be frozen until July 2011.

Leave Handling for Transfer from One State Agency to Another

Upon transfer from one State agency to another, employees shall retain the unused balances of vacation, personal and sick leaves.

Leave Payout Upon Separation

- Vacation: an employee with accrued but unused vacation is entitled to compensation at the employee’s current rate of pay for all accrued but unused vacation leave. For OCSEA and SEIU

employees, the employee must have at least six months of service for the payout of any accrued vacation.

- Personal Leave: the employee is entitled to compensation at the employee's current rate of pay for any remaining personal leave balance.
- Sick Leave: For OCSEA and SEIU, with a minimum of five years of service, sick leave is convertible at 50% of current regular rate of pay or 55% if the separation is a retirement separation. For exempt employees with a minimum of one year of service, sick leave is convertible at 50% of current regular rate of pay or 55% if the separation is a retirement separation.

Authority & Reference

ORC 124.134

ORC 124.382

ORC 124.386

3.10 Disability Leave

Eligibility

Any full-time permanent employee with a disabling illness, injury or condition that will last more than fourteen (14) consecutive days and who has completed one (1) year of continuous State service immediately prior to the date of the disability may be eligible for disability benefits.

Part-time permanent employees who have worked fifteen hundred (1500) or more hours within the twelve (12) months preceding disability shall be entitled to disability benefits based on the average regular weekly earnings for weeks worked during that twelve (12) month period.

There is a lifetime maximum of 2080 hours for disability leave.

Disability leave benefits are not payable for any disability caused by or resulting from:

- Any injury or illness received in the course of and arising out of any employment covered by any workers' compensation, federal compensation plan, or during any period in which the employee is receiving occupational injury leave or lost time wages from the Bureau of Workers' Compensation;
- Attempted suicide or self-inflicted injury with the intent to do bodily harm unless there is a medical history of treatment for a psychiatric illness, in which case the Director reserves the right to review the claim for consideration of a benefit award;
- Any act of war, declared or undeclared, whether or not the employee is in the armed forces; except in the case of an employee who is a veteran of the United States armed forces, disability benefits will not be denied because the employee contracted the illness or received the injury in the course of or as a result of military service and the illness or injury is or may be covered by a compensation plan administered by the United States Department of Veterans' Affairs;
- Participating in a riot or insurrection;
- Drug addiction or alcoholism; however, alcohol or other drug addiction diagnoses may be covered if the employee is receiving ongoing treatment and it is determined that such treatment program prevents the employee from working as documented by the treatment provider; or
- Any injury received in the act of committing a felony.

Disability leave benefits may be held in abeyance if an employee submits an application for disability leave benefits after either the employee has received notice of an investigation for possible disciplinary action or where an investigation regarding the employee is actively underway.

Filing an Application and Documentation

The employee, a member of the employee's family, or a representative of the employee, may file an application for disability leave benefits with Development within twenty days of the last day the employee worked. It shall be the employee's responsibility to provide written documentation to substantiate the cause, nature, and extent of the disabling illness, injury, or condition for which the employee is requesting disability leave benefits. A medical examination report shall be required prior to the granting of disability leave benefits and the employee shall be responsible for the cost of obtaining such report.

Obligation to Consult a Licensed Practitioner

An employee is obligated to consult a State licensed practitioner to receive necessary medical care prior to receiving disability benefits. In the case of an alcohol or drug addiction diagnoses, an employee shall consult the State's alcohol or other drug addiction program, the State of Ohio Employee Assistance Program, or another certified alcohol and other drug addiction treatment professional to confirm that the employee's condition prevents the employee from performing the duties of the employee's position, a similar position, or other duties under a transitional work program. In the case of a mental health diagnosis, an employee shall consult with a licensed mental health provider to confirm that the employee's condition prevents the employee from performing the duties of the employee's position, a similar position, or other duties under a transitional work program. In all cases, an employee is obligated to follow prescribed treatment for the disabling condition to receive disability benefits.

Payment of Benefits and Service Credit

Disability leave benefits shall be paid at sixty seven per cent (67%) of the employee's base rate of pay up to a lifetime maximum of twelve months. For purposes of determining disability leave benefits, an employee's base rate of pay shall be determined as of the date the employee becomes disabled. Disability leave benefits shall be paid at this rate throughout the disability claim.

An employee receiving disability leave benefits may supplement the disability leave benefits by utilizing accumulated sick leave, personal leave, vacation leave balances and/or compensatory time. Such supplementation shall have an effective date as of the date the employee requests the supplementation.

An employee receiving disability leave benefits shall continue to accrue service credit for purposes of determination of vacation benefits, annual step increases, longevity and retirement benefits. Vacation leave benefits shall not accrue while an employee is receiving disability leave benefits. The period of time the employee is receiving disability leave benefits does not count towards the completion of a probationary period.

Recovery Period

An eligible employee shall receive disability leave benefits only if the employee is medically incapable of performing the duties of their position up to the standard recovery period as defined in the Department of Administrative Services' recovery period guidelines.

If the employee does not return to work following the standard recovery period, and submits additional information, the employee's claim will be reviewed to determine if the employee is capable of either performing the duties of the employee's position or performing duties of a similar position or work activities under a transitional work program.

Notification of Requirement to File for Disability Retirement Benefits

An employee eligible to apply for disability retirement benefits shall be notified by the Director of Administrative Services or designee in writing of the requirement to file for disability retirement benefits in order to receive continued disability leave benefits. Upon notification, the employee shall submit an

application to a State employees' retirement system, comply with all retirement system requirements, and submit all information required by the retirement system for disability retirement benefits.

Duration of Eligibility

An employee remains eligible for disability leave benefits until it is determined that the employee is no longer disabled, the effective date of retirement from a State employees' retirement system, or the employee has utilized a lifetime maximum of twelve months of paid disability leave. The length of a disability shall be calculated and prorated on a daily basis when the employee is participating in a transitional work program.

Additionally, an employee's benefits will be terminated if the employee:

- Is removed from State service;
- Engages in any occupation for wage or profit;
- Engages in any act of fraud or misrepresentation involving the disability claim;
- Does not consult a State licensed practitioner for necessary medical care;
- Does not notify the appointing authority of a change of address;
- Is convicted of the commission of a felony; or
- Does not comply in a timely manner with a State employees' retirement system requirements.

Return to Work

If it is determined that the employee is capable of performing the duties of a similar position or other duties under a transitional work program, then Development may provide such work for the employee. The employee may provide a physician's statement indicating the number of hours he/she can work and any restrictions placed on his/her activities. An employee will continue to receive disability leave benefits for the hours the employee is unable to return to work while the employee participates in an authorized transitional work program. If Development is unable to provide the employee with a transitional work program, the employee may receive disability leave benefits until the employee is capable of performing the duties of the employee's position or until Development is able to provide the employee with a transitional work program, whichever is earlier. An employee returning to work following disability leave may be required to obtain a physician's written determination stating that the employee is permitted to return to work. After the Director of Administrative Services and the employee's physician determine that the employee is no longer disabled, the appointing authority will reinstate the employee to a full-time basis.

Appeal of Denial of Disability Benefits

If a request for disability leave benefits is denied, the employee shall be informed of the denial of the claim by the Director of Administrative Services in writing. Appeal rights and procedures from the denial shall be included in the denial letter.

Interaction with Union Contracts

This policy is not intended to modify any applicable provision of a union contract.

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Authority & Reference

ORC 124.385

OAC Chapter 123:1-33

3.11 Disability Separation

Voluntary Disability Separation

An employee who is unable to perform the essential job duties of his or her position due to a disabling illness, injury or condition may request a voluntary disability separation. A voluntary disability separation occurs when an employee does not dispute his or her inability to perform the essential job duties of the position due to a disabling illness, injury or condition.

Development may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination. If the examination supports the employee's request, Development shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, Development shall not approve the employee's request for voluntary disability separation.

Involuntary Disability Separation

An employee who is unable to perform the essential job duties of the position due to a disabling illness, injury or condition may be involuntarily disability separated. An involuntary disability separation occurs when Development has received substantial credible medical evidence of the employee's disability and determines that the employee is incapable of performing the essential job duties of the employee's assigned position due to the disabling illness, injury or condition.

Development shall request that an employee submit to a medical or psychological examination prior to the involuntary disability separating the employee unless:

1. The employee is hospitalized at the time such action is taken;
2. The employee has exhausted his or her disability leave benefits; or
3. Substantial credible medical evidence already exists that documents the employee's inability to perform the essential job duties.

Development shall institute a hearing prior to involuntarily disability separating an employee. The employee shall be provided written notice at least seventy-two hours in advance of the hearing. If the employee does not waive the right to the hearing, then at the hearing the employee has the right to examine Development's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.

If the employee is determined to be able to perform the essential functions of the job, then the involuntary separation procedures shall end and the employee shall continue working. If the employee is determined not to be able to perform the essential functions of the job, then Development shall issue an involuntary separation order.

Reinstatement

Following a minimum three month waiting period, an employee who is granted a disability separation may apply in writing to be reinstated to his or her position for up to two years from the date that the employee is no longer in active work status due to a disabling illness, injury or condition. The employee must also take a physical examination by a State-approved physician. The employee must pay the cost of the examination. Failure to take an examination will result in the denial of the request to return to work.

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Disability Retirement

If the employee becomes permanently disabled and is ineligible for disability leave benefits or has exhausted his/her disability leave benefits, the employee may apply for disability retirement benefits through the Ohio Public Employees Retirement System (OPERS). The employee must have at least five years of contributing service. More information on disability retirement may be obtained from Human Resources or by calling OPERS at 800-222-7377.

Authority & Reference

OAC Chapter 123:1-30

3.12 Family and Medical Leave

Employee Eligibility

Employees are eligible if they meet both of the following criteria:

- 1) They have been employed by the State for at least twelve months and,
- 2) They have actually worked (i.e., in "active work status") at least 1,250 hours during the past twelve months.

Previous employment with the State in which the employee was paid directly by warrant of the Director of Budget and Management shall count toward meeting the twelve-month employment requirement.

"Active work status" includes overtime hours worked and is defined as "the conditions under which an employee is actually in a work status and is eligible to receive pay, but does not include vacation pay, sick leave, bereavement leave, compensatory time, holidays, personal leave, and disability leave." (OAC 123:1-47-01 (A)(3)).

For purposes of determining FMLA eligibility, the Uniformed Services Employment and Reemployment Rights Act (USERRA) requires that a person reemployed under its provisions be given credit for any time he or she would have been employed *but for* military service. Each month served performing military service counts as a month actively employed by the employer. The employee's pre-service work schedule can generally be used to determine the number of hours that would have been worked during the period of military service.

Eligible employees are entitled to the full amount of FMLA leave even if their spouse has already exhausted leave for a qualifying event.

Agencies must notify employees in writing of their eligibility or non-eligibility status within five business days after the first time an employee requests leave for a particular qualifying reason in a rolling 12-month period or within five days after an employer receives knowledge that the reason for an employee's leave may be FMLA-qualifying. This notice only indicates whether the employee is eligible for FMLA leave and is not determinative as to whether the employee's leave qualifies for FMLA.

Basic Leave Entitlement

The Family and Medical Leave Act (FMLA) allows an eligible State employee to take up to twelve workweeks of leave per rolling twelve-month period for the following qualifying events:

- Incapacity due to pregnancy, prenatal medical care or child birth;
- Caring for the employee's child after birth, or placement for adoption or foster care;
- Caring for the employee's spouse, child, or parent with a serious health condition; or
- The serious health condition of the employee that makes the employee unable to perform the employee's job.

Qualifying Exigency Leave Entitlements

Eligible employees with a spouse, child, or parent on federal active duty or called to federal active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week

leave entitlement to address certain qualifying exigencies. Qualifying exigencies include activities related to short-notice deployment, attending military events, arranging for alternative childcare or attending school activities, addressing financial and legal arrangements, attending counseling sessions, attending post-deployment reintegration briefings, and spending time with a covered military member who is on rest and recuperation leave.

Military Caregiver Leave Entitlements

Employees may also be eligible to take up to 26 weeks of leave to care for a covered service member during a single 12-month period.

“Covered service member” refers to an employee’s spouse, child, parent or next of kin, who is a current member of the Armed Forces, including a member of the National Guard or Reserves, who incurred a serious injury or illness in the line of active duty that renders the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or in on the temporary retired list.

“Next of kin” has the same definition as set forth in 29 CFR 825.127(b)(3).

The 26 weeks of leave is to be applied on a per-covered-service member, per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any “single 12-month period.”

The “single 12-month period” begins on the first day the employee takes leave to care for the covered service member and ends 12 months after that date. An employee who is entitled to take leave due to a different FMLA-qualifying reason make take leave during the same single 12-month period in which leave is taken to care for a covered service member, but the total leave taken for any purpose during the single 12-month period may not exceed 26 workweeks overall.

Requests for FMLA Leave

If the need for leave is foreseeable, employee requests must be submitted in writing at least thirty days prior to taking leave. If the need for leave is unforeseeable, employee requests must be made as soon as practicable and must comply with the Development’s normal call-in procedures.

Leave taken for the birth or placement of a child must be taken within one year of the date of birth or placement of the child.

Employees must submit requests on the standard leave request form. Employees who know the requested leave is for an FMLA-qualifying event may specify that the leave is requested pursuant to the FMLA.

Certifications

If Development does not have enough information to determine whether the employee’s leave is taken for FMLA-qualifying reason, the agency may require the employee to submit a complete and sufficient certification on one of the following forms, depending on the nature and condition of the leave requests:

- Certification of Health Care Provider for Employee's Serious Health Condition
- Certification of Health Care Provider for Family Member's Serious Health Condition
- Certification of Qualifying Exigency for Military Family Leave
- Certification for Serious Injury or Illness of Covered Service member for Military Family Leave
- Equivalent documentation in the case of an adoption/foster care.

The Development may contact the employee's health care provider for the purpose of clarification and authentication of the medical certification after the agency has given the employee an opportunity to cure any deficiencies. To make such contact, the Development shall use a health care provider, a human resources professional, a leave administrator or a management official. The employee's direct supervisor may not contact the employee's health care provider. Additionally, the requirements of the Health Insurance Portability and Accountability Act (HIPAA) must be satisfied when individually-identifiable health information of an employee is shared with an employer by a HIPAA-covered health care provider.

For leave taken because of an employee's own serious health condition or the serious health condition of a family member, the Development may require a second opinion from a second health care provider designated by and paid for by the agency. If the first and second opinions conflict, the Development may require the employee to submit to a third examination at the agency's expense by a health care provider chosen jointly by the employee and the agency. In choosing the third health care provider, both the employee and the agency must be reasonable and act in good faith. The opinion of the third health care provider is final and binding.

Development may require an employee to provide recertification of an employee or family member's serious health condition at any time if:

- The employee requests an extension of leave;
- Circumstances described by the previous certification have changed significantly (e.g., the duration of the illness, the nature of the illness, complications); or
- Leave taken by the employee is inconsistent with the circumstances described in the employee's certification.

Absent such circumstances, if the medical certification indicates that the minimum duration of the condition is more than 30 days, the agency must wait until that minimum duration expires before requesting a recertification. However, in all cases, an employer may request a recertification of a medical condition every six months in connection with an absence by the employee.

Second and third opinions are not permitted on an employer's request for recertifications. Second and third opinions and recertifications are not permitted for leave taken because of a qualifying exigency or for leave taken to care for a covered service member.

Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered member lasts beyond a single leave year, the agency may require the employee to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the provisions for authentication and clarification, including second and third opinions.

Designation Notice

Within five business days after receiving enough information to determine whether the leave is taken for a FMLA-qualifying reason (e.g., after receiving a complete and sufficient certification), the Development must notify the employee whether the leave will be designated and will be counted as FMLA leave. Only one notice of designation is required for each FMLA-qualifying reason per applicable 12-month period.

If the agency determines that the leave will not be designated as FMLA-qualifying, the agency must notify the employee of that determination.

The agency must notify the employee of the amount of leave counted against the employee's FMLA entitlement. If the amount of leave needed is not known, then the agency must provide notice of the amount of leave counted against the employee's FMLA leave entitlement upon the request by the employee, but no more often than once in a 30-day period and only if leave was taken in that period.

Use of FMLA Leave

Employees may take intermittent leave when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

In reviewing an employee's request for intermittent leave, Human Resources shall determine whether or not an acceptable leave schedule can be arranged and may consider a temporary transfer to an alternative, comparable position.

Leave must be taken in increments of no less than 1/10 hour. If it is physically impossible for an employee using intermittent leave to commence or end work mid-way through a shift, the entire period that the employee is absent may be designated as FMLA leave and be counted against the employee's FMLA entitlement.

Holidays that occur during a full week of FMLA leave will count against the employee's FMLA entitlement. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and is expected to work during the holiday.

If an employee would normally be required to work overtime, but is unable to do so because of a FMLA-qualifying reason that limits the employee's ability to work overtime, the overtime hours which the employee would have been required to work may be counted against the employee's FMLA entitlement.

Development may grant employees intermittent leave for the birth or placement of a child, based upon business operations. Intermittent leave for the birth or placement of a child shall be upon approval of the employee's supervisor and Human Resources.

An employee on FMLA leave shall not hold outside employment while on FMLA leave without the prior written approval from Human Resources.

Interaction with Other Leave Programs

Employees shall exhaust all accrued sick, vacation, and personal leave balances, as appropriate, prior to going on unpaid leave. Exempt employees also are required to exhaust all compensatory time balances prior to going on unpaid leave. The paid leave used will count concurrently as FMLA leave.

When FMLA leave is used concurrently with Disability Leave, Workers' Compensation, or Adoption/Childbirth Leave, the leave policies for those programs shall override the requirement of this policy for employees to exhaust all of their accrued leave.

Employees requesting Workers' Compensation, Occupational Injury Leave, or Disability Leave who are also eligible for FMLA leave shall have up to twelve weeks of the non-working portion of the approved benefit period, including any required waiting period, count concurrently as FMLA leave. Development may also grant FMLA leave to employees while their request is being reviewed. The granting of FMLA leave shall have no bearing on the approval or disapproval of employees' requests. Employees requesting Adoption/Childbirth leave benefits who are also eligible for FMLA leave shall have the entire non-working portion of Adoption/Childbirth leave, including the required waiting period, count concurrently as FMLA leave. An employee who is not eligible for FMLA leave (e.g., the employee has not been employed for 12 months, has not been in active work status for 1,250 hours during the previous twelve months or has already used his or her twelve workweeks of FMLA leave) shall retain his or her right to Adoption/Childbirth leave upon meeting the Adoption/Childbirth leave eligibility requirements.

Employee Benefits

Agencies are required to continue paying the employer's portion of health insurance premiums during approved FMLA leave.

Employees are required to continue paying the employees' portion of health insurance premiums. Information on how health insurance premiums are to be paid while on FMLA leave may be obtained from Human Resources.

Employees on an unpaid leave of absence for FMLA shall be given a thirty-day grace period from the due date of their health insurance premium. Employees who fail to pay their portion of the health insurance premium within this grace period may, with fifteen days notice from Human Resources, be removed from their respective health insurance plan.

If an 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.

Development may seek reimbursement for any health insurance premiums paid on behalf of the employee if the employee fails to return to work from FMLA leave, unless the reason for the employee failing to return to work is due to the continuation or recurrence of the serious health condition or is otherwise beyond the employee's control as defined in the FMLA.

Employees who are reinstated will not lose any service credit and FMLA leave will be treated as continuous service for the purpose of calculating any benefits that are based on length of service.

Reinstatement

Employees are entitled to reinstatement to the same or similar position upon return from leave.

If the same job is not available, Human Resources will determine in which similar position the employee should be placed, making sure that the position has equivalent pay, benefits and conditions of employment.

Before they are reinstated, employees who take leave due to their own serious health condition may be required to provide certification from a health care provider that they are able to perform the essential functions of their position.

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Recordkeeping

Development will maintain records of leave balances and FMLA leave usage. Medical records accompanying FMLA requests will be kept separate from personnel files in a confidential manner.

Questions or requests for assistance should be addressed to Human Resources.

Authority & Reference

Family and Medical Leave Act (FMLA)

3.13 Transitional Work Program (TWP)

Development's Transitional Work Program (TWP) allows employees who suffer from a temporary work limitation due to an accident, injury or illness to return to work while completing their recovery. The TWP will assist eligible employees in returning to work as quickly as possible, thus reducing the financial burden and emotional impact on the employee and the overall costs associated with workers' compensation, disability leave and other forms of leave.

Eligibility

All employees who have a temporary (not expected to exceed 90 days) period of job duty limitations will be eligible for TWP provided they:

1. Have an injury, illness, accident or reoccurrence of a pre-existing condition,
2. Have work restrictions approved by their physician of record, and
3. Have the potential to return to their original position performing all of the essential job functions following recovery.

TWP participation is mandatory unless the employee's physician excludes the employee from participation.

TWP Terms and Conditions

To determine eligibility for a TWP, the employee shall provide to Human Resources a physician's statement indicating the number of hours the employee could work and any restrictions placed on the employee's work activities. If an employee is eligible to participate in a TWP, the employee, the employee's supervisor, a representative from the employee's union (if applicable) and a representative from Human Resources will enter into a transitional work agreement. The agreement will outline any modified schedule and/or modified duties for the period of the TWP, insure that the TWP is within the physician's work restrictions and consistent with the operational needs of the office. The individuals participating in creating the TWP (except for Human Resources) shall only receive information directly relating to any work limitations specified by the employee's physician; other confidential medical information will not be provided.

A TWP agreement may be made in up to 30 day increments. The duration of each TWP is based on the medical need of the individual up to a maximum duration of 90 days. A continuation of an ongoing TWP will require ongoing documentation of medical necessity. TWPs shall be reviewed by Human Resources on an as-needed basis.

A TWP may be terminated due to a lack of medical necessity, a lack of progress or a change in the employee's condition. The employee shall be reinstated to his or her position on a full-time, normal work duty basis with a release from the employee's physician. If it appears that the employee will never be able to return to regular full time duties, the TWP will terminate. Development will not protest the reinstatement of benefits for terminated programs except as provided in Article 34.05 of the OCSEA collective bargaining agreement or Article 16.04 of the SEIU 1199 collective bargaining agreement.

Throughout the TWP, the employee will be expected to follow all of Development's policies, work rules and safe work practices and procedures. If an employee needs to attend physical therapy or physician's

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appointments, the employee must attempt to schedule those appointments during non-working hours or use available leave balances.

Hours of Work and Rate of Pay

During the TWP, employees will be required to work a minimum of 20 hours per week and a minimum of 4 hours per day. The temporary work assignment will be designed to meet the operational need of the employee's office. The employee may be assigned to his or her original job with modified duties or to an unrelated job, provided the duties remain within the limitations established by the physician of record and correspond with office needs.

Employees participating in a TWP will be paid at their normal rate of pay and will be in active pay status. Participating employees will not be eligible to earn overtime during their participation in the program.

If an employee is working less than a full time schedule during the TWP, any non-worked hours will be counted towards the employee's FMLA entitlement. The employee will continue to receive disability leave or workers' compensation benefits, as applicable, for the hours that the employee is unable to work.

Authority & Reference

OAC 123:1-33-07

3.14 Parental Leave

Parental leave is intended to provide an opportunity for State employees to take up to a maximum of six (6) weeks of continuous leave to provide parental care immediately following the birth or adoption of a minor child.

Eligibility

All permanent employees who work an average of thirty or more hours per week are eligible for parental leave. In the case of a birth, the employee must be the biological parent. In the case of an adoption, the employee must be the legal guardian of, and reside in the same household with, the newly adopted child to be eligible.

Effective Date and Triggering Event

Eligibility for taking parental leave shall begin on the date of the birth of an employee's child or on the day on which custody is taken by the employee for adoption placement. If an employee adopts multiple children, the event shall be considered a single qualifying event, and will not serve to increase the length of leave for the employee or the amount of adoption expenses received in lieu of receiving paid leave, so long as the children are adopted within six weeks of each other.

Employees who desire to use such leave are encouraged to apply in writing within two (2) working days following the birth or adoption of a child. Such application shall be made using the standard Request for Leave form (ADM 4258).

Leave and Benefit Amount

To qualify for parental leave, an employee must complete a 14-day waiting period, which commences on the date of the birth of an employee's child or the placement of an adopted child into the employee's custody. An employee may work at the discretion of Development and/or may take unpaid leave, or may use any form of accrued paid leave or compensatory time for which the employee is qualified, or any combination thereof, during the 14-day waiting period. The 14-day waiting period under this section shall satisfy the waiting period for disability leave benefits for employees who qualify for additional leave due to disability, provided the employee does not work during the two week waiting period. The remaining four weeks of parental leave shall be paid at 70% of the employee's regular rate of pay.

For part-time employees, the average regular hours worked (including holidays and use of paid leave) over the preceding three-month period shall be used to determine eligibility and benefits under this section, provided that such benefits shall not exceed forty (40) hours per week. If the employee has not worked a three-month period, the average number of hours for which the employee has been scheduled per week will be used to determine eligibility and benefits.

For the duration of parental leave, employees are eligible to receive all employer-paid benefits and accrue all forms of leave at their regular accrual rates as if they were in active pay status and regardless of whether they are receiving payment at 70% or supplementing to 100% of their regular rate of pay. Development is required to continue paying the employer's portion of health insurance premiums during approved parental leave.

Employees may elect to take \$2,000.00 for adoption expenses in lieu of taking time off for parental leave.

Holidays

Employees shall not be eligible to receive holiday pay while on parental leave. Holidays shall be counted as one day of parental leave and be paid as parental leave, except that during the waiting period if an employee was in active pay status the day before a holiday, the employee will be eligible to receive holiday pay as normal. Employees who work during a holiday shall be entitled to pay as provided pursuant to the appropriate union contract, law or administrative rule.

Use of Other Leave

Employees may utilize sick, vacation, personal leaves and/or compensatory time to receive pay during the 14-day waiting period and to supplement the 70% wages for the remaining four weeks or any portion thereof. Employees may supplement their wages up to a combined total of 100% of their regular bi-weekly rate of pay.

Employees using parental leave who meet the eligibility requirements of the Family and Medical Leave Act (FMLA) shall have the entire non-working period of parental leave counted toward the employee's 12 workweek FMLA entitlement. In cases where the employee elects to use compensatory time in order to be paid during the 14-day waiting period or to supplement the 70% wages, the compensatory time used shall be counted toward the employee's 12 workweek FMLA leave entitlement.

In accordance with the FMLA policy, when FMLA leave is used concurrently with parental leave, the leave policy for parental leave shall override the FMLA requirement that employees exhaust all of their accrued leave prior to going on unpaid leave. Pursuant to Ohio Revised Code 124.136(C), the decision to use sick, vacation, personal and/or compensatory time to receive pay during the 14-day waiting period is solely at the employee's discretion, and Development may not force an employee to exhaust such leave during this time frame prior to going on unpaid leave.

Working During Parental Leave Period

Development may allow employees to work a reduced schedule during any portion of the six week period, subject to the needs of the agency. Employees who are permitted to work a reduced schedule during such period shall establish a schedule that is acceptable to Development. Only the time spent in non-work status during the period of parental leave may be applied as FMLA leave.

Credit for Hours Worked or Supplemented

Employees who work or supplement their pay during the latter four weeks of leave, as described above, shall have their pay for hours worked or supplemented so calculated that working or supplementing thirty percent of their normally scheduled work hours during the pay period shall result in a bi-weekly pay amount equal to their regular bi-weekly pay. Employees who work more than thirty percent of their regularly scheduled hours shall forfeit paid parental leave on an hour for hour basis for all excess hours.

Duration

Under no circumstances shall parental leave extend beyond six weeks from the date of birth or adoption of a child. Parental leave shall not be used to extend the layoff date of employees or to extend a period of employment for established term regular or irregular employees.

Payment

Employees on parental leave shall receive leave pay as described above over the four week period through the regular payroll process until 160 hours of parental leave time, or 160 hours of parental leave combined with hours worked, has been exhausted or the appropriate pro-rated number of hours for part-time employees has been exhausted.

Overtime

No portion of parental leave is to be included in calculating overtime.

Coordination with Disability Leave

An employee who gives birth may elect to utilize either parental leave or disability leave for the six weeks following the date of birth.

Employees who are receiving disability leave benefits prior to becoming eligible for parental leave shall continue to receive disability leave benefits for the duration of the disabling condition or may elect to utilize parental leave for the four weeks following the birth of the child without being required to serve an additional waiting period. If the employee continues to qualify for disability leave benefits immediately following the expiration of the parental leave, the employee may receive disability leave benefits for the duration of the disabling condition without serving an additional waiting period.

In the event that an employee is receiving disability leave benefits for a pregnancy and such benefits terminate prior to the expiration of any benefits the employee would have been entitled to under parental leave, the employee will receive parental leave for such additional time without being required to serve an additional waiting period.

Authority & Reference

ORC 124.136

OAC 123:1-45-01

3.15 Bereavement Leave

All employees are granted up to three (3) days of paid bereavement leave related to the death or funeral of a member of the employee's immediate family. Bereavement leave shall not exceed twenty-four scheduled work hours. Part-time employees shall be granted bereavement leave based on the number of hours they would have normally been scheduled to work. An employee may request the use of vacation, personal leave, sick leave or compensatory time to extend the bereavement leave. Upon return to work, the employee must record the absence on the automated payroll system indicating the name and relationship of the deceased, as well as provide verification to Human Resources with one of the following documents: a death certificate, obituary or funeral program.

For members of OCSEA and SEIU, the three days of bereavement leave must be consecutive.

For members of SEIU 1199, bereavement leave must begin within five calendar days of the date of death of the family member or date of the funeral.

Definition of Immediate Family

For purposes of bereavement leave only, immediate family is defined as the following: spouse, significant other, parent, grandparent, child, grandchild, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-parent, step-sibling, step-child, or a legal guardian or other person who stands in the place of a parent (in loco parentis). A "significant other" is defined as an individual who stands in place of a spouse and who resides with the employee.

For members of OCSEA, this definition also includes a great-grandparent.

For members of SEIU 1199, this definition also includes a great-grandparent, aunt or uncle.

Authority & Reference

ORC 124.387

OAC 123: 1-34-09

3.16 Leave Donation Program

Development employees may donate paid leave to a fellow employee within Development. The intent of the leave donation program is to allow employees voluntarily to provide assistance to their co-workers who are in immediate need of leave due to the critical or life threatening illness or injury of the employee or a member of the employee's immediate family. "Critical" is defined as a major medical condition, illness or surgery that requires an extensive period of recovery. The intent of this program is to provide assistance to employees in serious medical situations. Supervisors cannot directly solicit or accept leave donations from their subordinates for themselves or other employees. A FMLA certification does not automatically entitle an employee to receive leave donation.

An employee may receive donated leave, up to the number of hours the employee is scheduled to work each pay period, if the employee or a member of the employee's immediate family has a critical or life threatening illness or injury and who:

1. Has provided verification of a critical or life threatening illness or injury to Human Resources;
2. Has no accrued leave and has not been approved to receive other State-paid benefits; and
3. Has applied for any paid leave, workers' compensation, or benefits program for which the employee is eligible. (Employees who have applied for these programs may use donated leave to satisfy the waiting period for such benefits where applicable. Donated leave may be used following a waiting period, if one exists, in an amount equal to the benefit provided by the program, i.e. fifty-six (56) hours can be used for a pay period by an employee who has satisfied the disability waiting period and is pending approval. This is equal to the seventy percent benefit provided by disability.)

Employees may donate leave if the donating employee certifies the following:

1. The name of the employee for whom the donated leave is intended;
2. The type of leave and number of hours to be donated (compensatory time cannot be donated), with the minimum being eight hours;
3. That the employee will have a remaining minimum combined leave balance of at least eighty hours; and
4. That the leave is donated voluntarily and the employee understands that the donated leave will not be returned.

The leave donation program shall be administered on a pay period by pay period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received. Donated leave shall not count toward the probationary period of an employee who receives donated leave during his/her probationary period. Donated leave shall be considered sick leave, but shall never be converted into a cash benefit.

The Director of Human Resources or designee will determine whether the employee is eligible to receive donated leave based on the above-mentioned criteria. The employee will not be able to appeal this decision.

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Authority & Reference

ORC 124.391

OAC 123:1-46-05

3.17 Administrative Leave with Pay, Temporary Reassignment or Modification of Duties

Health & Safety Reasons

Development may, at its discretion, place an employee on administrative leave with pay when immediate action must be taken to remove an employee from the work site because of a threat to the health and/or safety of an employee or a threat to property entrusted to that employee. For example, a fire, bomb threat or utility failure that causes the immediate evacuation of a building may result in all employees being granted administrative leave pending the remediation of the health threatening emergency.

Given concerns of health or safety of a particular individual, or group of individuals, or State property, other alternatives may be available without the need to place an individual on administrative leave with pay:

- An employee's duties may be modified within their job classification to limit the conditions and circumstances which create the health or safety concern.
- An employee may be reassigned to any position or placed in any available vacancy within their job classification for which the minimum job qualifications are met.
- An employee may be temporarily reassigned to a vacancy or another position within the same classification.

If one of these alternatives is considered, the Office of Collective Bargaining should be consulted for the uniform application of this directive.

Completion of Investigation

In cases where no viable alternatives are available, it is permissible to place an employee on administrative leave with pay pending a review, investigation or disciplinary proceeding. In such cases, the Development Chief Legal Counsel or designee must be consulted. If appropriate, an alternative solution of a temporary reassignment or modification of duties could occur, and do not constitute a reduction in duties, position or reclassification. Administrative leave with pay, temporary assignment or modification of duties shall be authorized for the period of time necessary to conduct the internal review or investigation, and shall include the period of time needed to decide whether to impose discipline.

Independent Criminal Review

If a review by the appointing authority produces evidence sufficient to warrant an independent criminal review or investigation, and the health or safety of an employee or any person or property entrusted to the employee's care continues to be at issue, the employee may remain on administrative leave with pay pending review, investigation, or any legal proceedings under Title 29 of the Ohio Revised Code.

Employee Notification

Employees placed on administrative leave with pay pending the completion of an investigation shall be notified at the outset of the leave that they:

- a. Shall be in a work-ready status at all times during their regular scheduled time and must be able to report to work with short notice;
- b. Shall stay off of the property of the employer during the leave;
- c. Shall call the employer prior to making arrangements to conduct business or to otherwise be on the property of the employer;
- d. Shall make arrangements with the employer for the issuing of paychecks, the processing of vacation, personal and other leave requests, as well as other personnel or employee benefits matters; and
- e. Shall not hold another job during the hours they are normally scheduled to work. If employees work during such hours, they will forfeit the administrative leave with pay and will be subject to discipline.

Length of Leave

The Director of Development or designee shall be responsible for monitoring the status of the administrative investigation and the length of time that an employee is on administrative leave with pay.

Development may put an employee on administrative leave with pay for a period of up to three months. After such time, a comprehensive review must be conducted by the Director or designee to determine if extenuating or mitigating circumstances would require extending the administrative leave with pay.

Compensation

Compensation for administrative leave with pay shall be equal to the employee's base rate of pay and the employee will continue to accrue leave and service credit. This leave shall not continue beyond the length of the situation for which the leave was granted. The Director of Development or designee must authorize the paid leave.

An employee who temporarily is reassigned or who has their job duties modified per this policy shall be entitled to compensation equal at least to the employee's regular base rate of pay.

Authority & Reference

ORC 124.388

OAC 123:1-45-01

3.18 Jury Duty or Court Appearance Leave

Development employees are entitled to paid leave when summoned for jury duty by a court of competent jurisdiction. When not impaneled for actual service and only on call, the employee shall report to work in the morning for an afternoon jury duty time, or as soon as reasonably possible after notification that his or her services will not be needed, provided that there are at least four hours remaining in the employee's work schedule for that day.

Development employees are entitled to paid leave when subpoenaed to appear before any court, commission, board, or other legally constituted body authorized by law to compel the attendance of witnesses. This policy does not apply if the employee is a party to the action or proceeding involved or is subpoenaed as a result of secondary employment outside the service of the State, for which the employee may request to use another form of appropriate leave.

An employee who is the appellant in any action before the State personnel board of review and is in active pay status at the time of a scheduled hearing before the board shall be granted paid leave under this policy for purposes of attending the hearing.

Upon receiving notice of jury duty or court appearance eligible for leave under this policy, the employee immediately should notify his or her supervisor and Human Resources.

Compensation or reimbursement for jury duty or for court attendance compelled by subpoena in excess of fifteen dollars (\$15) per day, when such duty is performed during an employee's normal working hours and compensated pursuant to this policy, shall be remitted to the payroll officer for transmittal to the Treasurer of the State.

Authority & Reference

ORC 124.135

OAC 123:1-34-03

3.19 Military Leave

Development shall comply with all applicable laws that afford protection rights to employees serving duty with the Ohio National Guard, the Ohio Defense Corps, the Ohio Naval Militia, any branch of the United States military, the Reserve and the National Guard. Such employees are entitled to a military leave of absence from their duties for such time as they are in the military service, on field training or active duty.

For details of handling military leave, duration of leave, compensation during leave, service credit and insurance coverage items, consult with the military leave provisions published by the Department of Administrative Services.

Requests for a military leave of absence must be provided at least thirty (30) days prior to leave, or with as much notice as possible prior to leave. The request for military leave must be in writing and include a copy of the military orders.

Employees returning from military leave may apply for reinstatement pursuant to the provisions in the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Authority & Reference

Uniformed Services Employment and Reemployment Rights Act (USERRA)

ORC 5903.02

OAC 123:1-34-04 to -05

3.20 Disaster and Emergency Service Leave

Disaster Service Leave

An employee who is a certified disaster service volunteer of the American Red Cross may be granted leave from work with pay to participate in specialized disaster relief services upon the request of the American Red Cross. This leave must be approved by the employee's supervisor and the Director of Human Resources or designee. The leave must not exceed 30 work days in a calendar year and must be recorded on the automated payroll system. A copy of the American Red Cross request must be submitted to Human Resources.

Emergency Service Leave

Emergency Service leave is intended to provide Development employees paid leave when the employee must be absent from work in order to provide volunteer emergency service.

Eligibility

All full-time and part-time permanent Development employees are eligible for emergency service leave if the employee has met the certification requirements for holding a position as an EMT-basic, EMT-I, first responder, paramedic, or volunteer firefighter. Employees who volunteer as an EMT-basic, EMT-I, first responder, paramedic, or volunteer firefighter must establish eligibility for emergency leave by providing Human Resources with a valid certificate submitted in accordance with Ohio Revised Code 4113.41(B)(1).

Leave and Benefit Amount

At the beginning of each calendar year, eligible Development employees will receive forty hours of paid leave for use when providing emergency medical service in accordance with the statutory duties as defined by Ohio Revised Code 4765.01 (G). Employees using emergency service leave remain in active pay status like any other form of paid leave and continue accruing vacation, personal, and sick time at the normal rate. At the end of each calendar year, any unused hours will not carry forward and will not be eligible for cash conversion.

Request for Leave and Verification of Service

Employees must record absences for emergency service leave on the automated payroll system. Employees who previously scheduled an absence using other forms of leave shall not be permitted to substitute the planned leave for emergency service leave.

In each instance that an employee is absent from work due to the employee providing emergency medical or firefighting service and the employee wishes to use Emergency Service leave, the absence must be verified by providing to Human Resources documentation from the chief of the volunteer fire department, the medical director or chief administrator of the cooperating physician advisory board of

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the emergency medical service organization stating the employee responded to an emergency and indicating the dates and times of the response.

Injury or Illness Due to Leave

Employees who experience medical complications as a result of their service during leave may apply for State disability leave benefits. Employees are required to meet all eligibility criteria for disability leave, including serving a fourteen-day waiting period. Employees may utilize sick, vacation, personal leaves and/or compensatory time to receive pay during the fourteen-day waiting period and to supplement the 70% wages for the remaining time of disability leave benefits or any portion thereof.

Authority & Reference

ORC 124.1310

ORC 124.132

ORC 4113.41

OAC 123:1-46-05

3.21 Weather/ Public Safety Emergency

The following procedures will be followed in the event of a weather/ public safety emergency declaration by the Governor or the Director of the Public Safety. No other department, agency head or designee has any authority to declare such an emergency in any part of the State of Ohio.

- All Development employees will be designated as non-essential for emergencies, unless specifically designated by the Director of Development as essential.
- Development will attempt to communicate a declared emergency to all nonessential employees in a timely manner, if it occurs during a working day. Non-essential employees will not be compensated for more than their normal eight hour scheduled day if they are not notified in a timely manner. Nonessential employees may not leave their work site until the declaration of the emergency is announced by management.
- Non-essential employees are directed to listen to local radio and TV stations for announcements during non-working hours for a declaration of an official emergency, or call the Development Emergency Information Line at 614-387-SAFE (7233). Municipal or county emergencies are not recognized by the State of Ohio for its employees.
- Non-essential employees will not be required to work if an emergency is declared. Non-essential employees will be compensated at their regular rate of pay for hours they were normally scheduled to work during the emergency.
- Non-essential employees who are at work on the day an emergency is declared will be excused from work for the remainder of that normal working day. No leave time will be charged to these employees. The time after employees are released will be considered as emergency hours.
- A non-essential employee who chooses to remain at work after the declaration of an emergency will not be compensated any more than his/her normal working hours.
- If a late arrival time is declared as part of the emergency, non-essential employees must report to work at the designated hour the day of the emergency, unless proper leave has been requested. Attendance standards apply to this situation, except the late arrival time shall be the new employee start time for that day.
- By October 1 of each year, Development shall designate who is an essential employee for purposes of an emergency and shall notify in writing each employee of their “essential” status.
- Essential employees who work during the emergency shall be compensated with their regular rate of pay plus:
 - Employees who are FLSA eligible for overtime shall be given a choice of overtime compensation or compensatory leave at the rate of 1.5 hours for each hour worked during the emergency.
 - Employees who are FLSA overtime exempt shall receive one hour of compensatory time for every hour worked during the emergency.
- Essential employees who are expected to work during the emergency will be issued cards to facilitate their travel to and from work on roadways and highways during a declared emergency. Development employees previously issued agency identification cards may use those cards (or other picture identification) and their agency letter designating them as employees who are expected to work during the public safety emergency. Members of the Ohio National Guard should carry their agency letter of designation and their U.S. Armed Forces Identification Card, as identification of their employee status during a declared public safety emergency.

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- Where a snow or winter weather emergency has been declared by a local sheriff (but no emergency has been declared by the State) that prohibits or limits travel in that county and an employee cannot get to work, Development supervisors are encouraged to allow the employee to use vacation, personal leave, or compensatory time for that time. Where no or insufficient leave balances exist, at the discretion of the supervisor, an employee may request an unpaid leave of absence.
- Employees not scheduled to work because of scheduled vacation, continuing sick leave or other pre-approved leave will be charged for the leave regardless of the declared emergency. If the pre-approved leave or sick leave ends prior to the end of the declared emergency, no leave time will be charged for the remainder of the emergency.

Authority & Reference

OAC 123:1-46-01

4.0 Development Equipment

4.1 IT Resources Acceptable Use

Development furnishes users with information technology resources, including computer and telecommunications systems and services, needed to perform their roles in an increasingly digital business environment. This policy serves to establish acceptable use parameters regarding the use of State-provided IT resources by all employees, contractors, temporary staff and agents of Development.

Provision of IT Resources

IT Resources and access levels will be provided or authorized for use with the Development computer network on an as-needed basis taking into account the user's work responsibilities and travel.

There is no guarantee of personal privacy or confidentiality while using e-mail, web services or other IT resources provided by Development. Furthermore, use of IT resources may be monitored by the Department for various reasons, including investigations of complaints, review of resource requirements and response to public records requests. Personal e-mail files and documents are at all times subject to access and review by Development.

Acceptable Use

Day to day use of IT resources should enhance users' ability to perform their duties at Development. Development acknowledges that some occasional personal use of IT Resources is appropriate to support effective and efficient operations, but any such personal use is subject to the limitations set forth in this policy.

There is no guarantee of personal privacy or confidentiality pertaining to the use of any State-owned IT resource, including communication equipment and communication services. The use of IT resources may be monitored by Development for various reasons, including investigations and review of resource usage.

Personal Use

Personal use of IT resources is a privilege that may be revoked if abused. Personal use of IT resources should be kept to a minimum and limited primarily to lunchtime, scheduled breaks and immediately before or after normal working hours. The following restrictions apply to incidental personal use of IT resources:

1. Personal use of IT resources must not interfere with the normal performance of a user's work duties.
2. Personal use of IT resources must not result in an incremental (additional) cost to Development.
3. Personal use of electronic mail, internet access and other IT resources is restricted to authorized users. Users may not allow use of any Development IT resources by family members, business associates, or other individuals not associated with Development.
4. Consistent with the intention of this policy that personal use of IT resources be limited, users should limit the distribution of their State e-mail accounts for any purpose other than

- for State business. Regular personal correspondence using State e-mail accounts should be avoided.
5. No files or documents that may be the subject of any legal action against, or cause embarrassment to, Development or any other State agency or official may be sent or received using any State-provided IT resources.
 6. State e-mail addresses shall not be used for personal communications in public forums such as listservs, discussion boards, discussion threads, comment forums, blogs or social networking services.
 7. Excessive or inappropriate personal use of IT resources may be grounds for discipline including, but not limited to, loss of the privilege of incidental personal use of IT resources.
 8. Wired telephones may be used for occasional local calls except those calls prohibited by this policy. In cases of necessity, long-distance calls may be made from wired telephones. Any personal long distance use of wired telephones must be noted and charges reimbursed.
 9. Personal calls may be made and received from State mobile telephones in emergency situations only. In non-emergency situations, employees are expected to locate and utilize an alternate telephone communication source. Any personal use of a State mobile telephone must be noted and any incremental charges reimbursed.
 10. Consistent with the intention of the Department's policy on IT resource usage, regular personal communication (including telephone and email correspondence) using Department-issued communication equipment should be avoided.

Reporting and Reimbursement of Personal Telephone Calls

Employees must identify any personal use of State-issued communication devices and communication services for calls itemized on periodic telephone statements. To facilitate accurate reporting, employees are encouraged to keep a telephone call record for reference when reviewing the itemized telephone statements (see Telephone Call Record Form). In addition to reporting personal use, charges for personal calls made from any State-issued communications device (including both wired telephones and mobile telephones) must be calculated and charges reimbursed to Development. A Calculation Worksheet is provided to aid in the correct calculation of personal use costs (see Mobile/Blackberry Charge Calculation Worksheet).

Charges for any personal calls must be paid to the Finance Office by the date specified for review and return of the telephone statements. For mobile telephone charges, the Calculation Worksheet must be used and submitted with the telephone statement if amounts are owed for personal calls.

Unacceptable Use

Unacceptable use of an IT resource is any use that disrupts Development business, incurs expense to Development that is not related to the Department's ordinary operations, could potentially embarrass or cause harm to the Department or any other State agency or official, or has the appearance of impropriety that could potentially harm public trust. Notwithstanding Development's policy to allow incidental personal use of IT resources, all users must at all times adhere to the prohibitions on use set forth in this policy. Personal use of IT resources may be further restricted or rescinded at any time by Development. Use of IT resources, whether at the office or remotely, must adhere to this policy. Prohibited use includes, but is not limited to:

1. Accessing or attempting to access data or programs contained on Development's systems for which the user does not have authorization or explicit consent.
2. Impeding the State's ability to access, inspect and monitor IT resources by encrypting or concealing the contents of any file or electronic communications on IT resources without proper authorization from the user's supervisor and the IT Director.
3. Sharing account(s), passwords, personal identification numbers (PIN), or similar information or devices used for identification and authorization purposes.
4. Concealing or misrepresenting one's name or affiliation to mask unauthorized, illegal, fraudulent, irresponsible or offensive behavior using IT resources.
5. Downloading, making unauthorized copies of or installing or running any software, programs or utilities, including updates, except as expressly authorized by the IT Director. The IT Director may develop procedures regarding user installation of periodic updates.
6. Using shareware, freeware or other software without prior approval of the IT Director.
7. Instant messaging, social networking, chat room participation, peer-to-peer activity and blogging.
8. Online shopping. In addition, State e-mail accounts may not be used to receive confirmation of any commercial transaction (e.g. shipping, subscriptions, registrations, etc.) that is not for Department business.
9. Playing games of any kind.
10. Using State-provided IT resources in connection with any personal business enterprise or for personal financial benefit of any kind, direct or indirect.
11. Using State-provided IT resources to solicit contributions (cash or in-kind support) for any religious or charitable event, activity or cause except for Development- or State-approved charitable efforts.
12. Using State provided IT resources for political activity of any kind.
13. Engaging in activity that may harass, threaten or abuse others.
14. Engaging in activity that may degrade the performance of IT resources.
15. Depriving an authorized user access to Development IT resources.
16. Circumventing, or attempting to circumvent, network security measures.
17. Disclosing, exploiting or attempting to exploit any weaknesses in the security of any system.
18. Intentionally accessing, creating, storing, viewing or transmitting material which may be offensive, indecent or obscene.
19. Allowing access to any IT resources by family members or other persons not specifically authorized to access and to use the IT resources.
20. Engaging in acts against the aims and purposes of Development or any other State agency or official.
21. Calls to 1-900 or other toll numbers are strictly prohibited. Calls to pay-per-call numbers are strictly prohibited. It is the responsibility of the employee to be careful when returning unrecognized calls as the phone number could be a pay-per-call number.
22. In the case of mobile telephone or mobile data device used while driving, the user must take proper precaution, such as using a hands-free device or headset. Under no circumstance may any user read or write e-mail or text while driving. The user shall comply with all legal restrictions applicable to use of mobile devices while driving including, without limitation, local ordinances.
23. Unless specifically authorized by the IT Director in emergency situations, State business shall not be conducted by text message, instant messaging, or any third-party chat service.

Security

Physical Security: Users shall protect Development-owned and Development-authorized portable computing devices, including storage media as required by the Department's security policies and procedures in effect at the time.

- Portable computing devices must be stored in a secure environment. Portable computing devices must not be left unattended without employing reasonable safeguards such as cable locks, restricted access, or locked cabinets.
- While traveling, users shall keep portable computing devices within visual control. If visual control cannot be maintained, then appropriate safeguards must be employed to protect and secure all such items. As a general rule, portable computing devices should not be left in a car even when the car is locked.
- Users must take reasonable steps to avoid unauthorized viewing of sensitive or confidential data when portable computing devices are used in public or common areas.
- Users must make Department-owned portable computing devices, including storage media, available for inventory and inspection upon the request of the IT Director, the Chief Financial Officer, or their respective designees.
- In any case where a mobile device is lost or stolen, the user must take immediate action to report the loss to the IT department so the device may be remotely locked or wiped out

Operation and Maintenance: Users shall protect Development systems, applications and data installed and maintained on IT resources.

- All IT resources must be configured by an authorized employee of the IT Office or, if approved by the IT Director, or designee, in a manner that satisfies minimum portable computing device configuration requirements established by the IT Director. At a minimum, such configuration will include installation and maintenance of anti-virus and malware software in accordance with State IT policy.
- In order to protect data, applications and other system resources stored on IT resources shall have standard security measures employed by the IT office. The IT Director may require specific security measures to be employed on personal devices as a condition to the use of such a device on the Department's computers or computer network. Users should avoid accessing, using, or storing any confidential or sensitive data on any personal device that does not employ approved security measures.
- Users shall not modify any mandatory system configurations, settings or software without the prior authorization of the IT Director or designee.
- Operating systems must be maintained with appropriate vendor security patches and updates.
- Confidential or sensitive data should never be stored to a personal flash drive or other personal storage media. When it is necessary to store confidential or sensitive data to storage media, Department-issued storage media formatted as prescribed by the IT Director must be used.
- Any IT resource that stores Development data must be encrypted and password protected.

Remote Access, Including from a Personal Device: Remote access to the Development computer network increases vulnerability to security breaches. Therefore, all users authorized to use remote access capabilities, e.g. Citrix or Webmail, shall take reasonable configuration steps for security, including installing and maintaining up-to-date anti-virus and malware software. A firewall that complies with minimum State IT policy parameters must be installed and maintained. A user may not circumvent security measures established by the Department.

Care: Each user of a portable computing device and/or mobile telephone is responsible for keeping the device in good condition subject only to reasonable wear and tear from normal use. Users may be held accountable for the cost to repair or replace portable computing devices lost, damaged or destroyed as a result of the user's failure to care properly for the device or to comply with the provisions of this policy.

Storage of Files on Network: As a general rule, users should store data on portable computing devices as a temporary measure only. Storage of confidential and sensitive data on a portable computing device or storage media should be avoided and, when necessary, limited to that data which is essential to perform the business function for which it is being used on such device. Data stored on a portable computing device including storage media, should be moved promptly to network storage where data is subject to regular system and data back-up procedures. Data should be removed from portable computing devices as soon as practical when access to such data on the portable computing device is no longer needed and the data have been saved to the Development network.

Files stored on the local drives (hard drives) of personal computers and laptops are not backed up by the Department. Network drives, including "shared drives," are backed-up regularly. Therefore, any file for which it is necessary or useful to maintain an electronic copy should be saved to a location on the Development's IT network.

File Transfer: File transfer by e-mail to a personal device is strongly discouraged. When file transfer is necessary or appropriate to perform work responsibilities, file transfer should be accomplished by saving files to Department-issued storage media whenever possible. The IT Director may require as a security measure encryption of storage media to which any Department data is transferred.

Return: Portable computing devices must be returned to the Department promptly upon the termination of the user's employment or other engagement if the user is a contractor or agent. The IT Director, in consultation with a user's supervisor, may require a portable computing device to be returned when the user's work responsibilities no longer require the portable computing device.

Personal Devices

Development will provide employees the hardware and services necessary to perform their jobs in an efficient manner. Development discourages use of personal devices to perform any State business. If additional hardware, services or resources are needed to support the performance of an individual's job functions, a request for the appropriate communication device should be made.

In the event an individual wishes to use a personal device for State business:

1. Interaction of any personal device with Development's information systems or Department data must be authorized in advance by the IT Director. Authorization may be granted on a limited basis only when a strong business case can be made for such interactions. Unauthorized interaction of personal devices with Department information systems or data is prohibited.
2. Development assumes no liability or responsibility for loss of personal data due to the use of personal devices to conduct State business.
3. Remote access from a personal device, e.g. through Citrix or Webmail, may be permitted subject to compliance with Development security procedures. If use of any personal device is authorized, the user shall consult with the IT Director or designee to ensure that all Department applications and data used or stored on the personal device is recovered and stored as appropriate to the Department's network.

4. Development shall have no obligation to reimburse the cost of use of a personal device, nor will the Department provide technical support for personal devices. Development shall not be liable to the user or any other person for any loss or damage of any personal device or any systems, applications or data stored on any personal device for any reason.
5. Records created on personal devices for or in support of Department business are subject to Ohio's public record law. In the event a personal device must be accessed to obtain public records for any reason, including public record requests, litigation or any investigation, neither the user nor any other individual who uses such personal device should have any expectation of personal privacy in any records that may be stored on such personal device. It is the individual's sole responsibility to ensure the appropriate retention of any public records that may have been created by use of the personal device including, for example, copies of e-mail.

Other Development Policies Apply

Notice of Loss: Because the loss or theft of an IT resource may compromise the security of Development data stored on the IT resource, in the event of such a loss or theft, users must follow the procedures set forth in the Electronic Information Security Breach Notification protocol to notify the Department's management of the device loss or theft.

Working Hours and Teleworking: Access to portable computing devices and remote access capabilities is not intended and shall not be interpreted to create an exception to the Department's policies regarding working hours and teleworking.

Compliance Requirements

All users are responsible for managing their use of IT resources and are accountable for their actions relating to IT security. Users also are responsible for reporting any suspected or confirmed violations of this policy to their supervisors or the IT Director.

Discipline for violations of this policy will be consistent with Development policies, civil services rules and regulations and relevant union contracts. The following portions of the Ohio Revised Code (ORC) makes certain misuses of IT resources a criminal offense:

1. ORC 2909.04 – knowingly using a computer system, network or the internet to disrupt or impair a government operation.
2. ORC 2909.05 – causing serious physical harm to property that is owned, leased or controlled by a governmental entity.
3. ORC 2913.04 – accessing without authorization any computer, computer system, or computer network without consent of the owner.
4. ORC 2921.41 – using a public office to commit theft which includes fraud and unauthorized use of governmental computer systems.

Definitions

Communication Equipment: Any device that may be used to transmit information, including voice/sound and data.

Communication Service: Any subscribed service required to provide communication equipment with general connectivity to transmission networks, including telephone (voice) service and Internet connectivity. Communication services are provided in connection with both wired and wireless devices and are almost always subject to a recurring cost for use.

Storage media: Computer readable or writable permanent or temporary storage, such as diskettes, CD's, DVD's flash memory cards and external drives.

Confidentiality: The assurance that information is disclosed only to those systems or persons intended to receive that information. Areas where confidentiality may be important include, for example, non-public business and constituent information and financial records. Information systems that must ensure confidentiality with likely deploy techniques such as passwords, and could possibly include encryption.

IT Resource: Any information technology resource, such as computer hardware and software, storage media, IT services, telecommunications equipment and services, digital devices such as digital copiers and facsimile machines, supplies and the Internet made available to employees or contractors in the course of conducting State government business in support of agency mission and goals.

Mobile Data Device: Communication equipment that, as a primary function, transmits and receives data often in the form of text. These devices may also be used for voice communication.

Mobile Telephones: Communication equipment that is connected to a service provider by way of a radio frequency network. Mobile telephones have no physical connection to a location except ancillary equipment to enable charging and local synchronization with other IT Resources, e.g. power cords and cables. Mobile telephones may also be referred to as "cell" or "cellular" telephones or mobile devices. "Mobile telephone" also includes a mobile data device that enables voice communication, in some cases as a "mobile data device" when voice service is coupled with additional services to transmit non-voice data.

Personal Device: Any communication equipment or service owned or procured by an individual personally and not State-owned or State-issued.

Portable computing device: any computer or device designed for mobile use, e.g. laptops, personal digital assistants, mobile data devices and storage media.

Remote access: an activity or service that enables a user to connect to a network when the user is at a physical location apart from the physical location of the network.

Wired Telephones: Communication equipment that is connected to a service provider by way of physical connectivity and is usually located in buildings that house Department employees. Wired telephones may also be referred to as "land lines" or "hard-wired" equipment.

User: any individual authorized to use State-provided IT resources, including all employees, contractors, temporary staff and agents.

Authority & Reference

ORC 125.18

ORC 1306.20

ORC 1347.15

4.2 Confidential Personal Information (CPI)

Development provides user access to State systems (paper or electronic) on a need-to-know basis. A user's access to such systems will be determined on a case-by-case basis dependent upon access required to perform the user's job duties. An individual's access to confidential personal information (CPI) systems may be reassessed periodically and access may be modified as appropriate. User access shall be reviewed upon transfer to a new role within Development, upon transfer to another State agency or separation.

The Applications Delivery Manager shall be the Data Privacy point of contact for Development. The Applications Delivery Manager shall work with the Chief Privacy Officer and the Information Technology Office to maintain compliance with privacy protections for confidential personal information within Development. The Applications Delivery Manager shall maintain the access logs for the Development systems.

Requesting Confidential Personal Information

An individual may request confidential personal information about themselves upon a signed, written request and with verification of the individual's identity. The individual may receive relevant information that does not relate to an investigation about the individual or is otherwise not excluded from the scope of Revised Code Chapter 1437. If the only available information relates to an investigation about that individual, Development shall inform the individual that no confidential personal information exists that is responsive to the request.

Valid Reasons for Authorized Users to Access Confidential Personal Information

The following functions constitute valid reasons for authorized users to access confidential personal information:

- Responding to a public records request
- Responding to a request from an individual for the list of confidential personal information Development maintains on that individual
- Administering a constitutional, statutory, administrative rule provision or duty
- Complying with any State or federal program requirements
- Administering any program, including processing or payment of claims, with individual participants or beneficiaries
- Auditing purposes
- Investigation or law enforcement purposes
- Litigation, complying with an order of the court or a subpoena
- Human resources matters
- Complying with an executive order or policy
- Complying with a policy of the State, Department of Administrative Services, Office of Budget Management or other similar State agency
- Complying with a union contract provision
- Complying with any federal program requirements for federal funds administered by the agency

Notice of Invalid Access

Upon discovery or notification that confidential personal information of an individual has been accessed by a user for an invalid reason, Development shall notify the individual whose information was invalidly accessed as soon as practical and to the extent known at the time. Where a notification could jeopardize an investigation or homeland or national security, Development may delay notification. The notification may be made in any method reasonably designed to inform the individual of the invalid access and shall include the type(s) of confidential personal information accessed and the date of the invalid access.

Access to Electronic Systems Containing Confidential Personal Information

Confidential personal information kept electronically shall have security measures attached to access. If the system has automatic logging capabilities, it may record who has accessed the information. Where the system does not have automatic logging capabilities, users who access the system must maintain a log recording their access. Access does not need to be logged under the following circumstances:

- Where the information is accessed for official agency purposes and the access is not specifically directed towards a select individual or group.
- Where the information is accessed for routine office procedures and the access is not specifically directed towards a select individual or group.
- Where the user has incidental contact with the confidential personal information and the access is not specifically directed towards a select individual or group.
- The user accesses confidential personal information about an individual based upon a request made under the following circumstances:
 - The individual requests confidential personal information about him/herself
 - The individual makes a request that the agency takes some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.

Authority & Reference

ORC 1347.15

4.3 Use of State Vehicles

Development provides State vehicles for use by employees for the purpose of conducting official State business. However, the Development fleet is a limited resource and cannot always meet the fluctuating demands of the divisions competing for transportation. For this reason, any employee who meets the requirements for issuance of a State vehicle shall use a pool car if one is available. Employees must be prepared to provide their own transportation as an alternative only when authorized by Development Facilities Office. In order to obtain a Development fleet vehicle, an employee must complete a Temporary Vehicle Authorization form signed by the appropriate deputy director or designee. Each deputy director is responsible for ensuring that their employees comply with departmental policies and DAS Directives.

Authorized Use

- Travel between the place where the State vehicle is dispatched and the place where official State business is performed.
- When on official travel status, between the place of State business and the place of temporary lodging.
- When on official travel status and not within reasonable walking distance, between either of the above places and places to obtain meals; places to obtain medical assistance (including drugstore); places of worship; barber shops or hair salons; cleaning establishments and similar places required to sustain the health, welfare or continued efficient performance of the driver, exclusive of places of entertainment.
- Transport of other officers, employees or guests of the State when they are on official State business.
- Transport of consultants, contractors or commercial firm representatives when such transport is in the direct interest of the State.
- Travel between the place of dispatch or place of performance of State business to the employee's personal residence when specifically authorized by the employee's supervisor.
- Out-of-state travel when authorized by Development and the Office of Risk Management are notified in advance.

Unauthorized Use

- Any use for personal purpose, other than commuting, which has been authorized as specified in Authorized Use.
- Travel or tasks that are beyond the vehicle's rated capability.
- Transport of family, friends, associates or other persons who are not employees of the State or serving the interest of the State.
- Transport of hitchhikers.
- Transport of cargo that has no relation to the performance of official State business.
- Transport of acids, explosives, weapons, ammunition or highly flammable material, except by specific authorization, or in an emergency situation.

- Transport of any item or equipment projecting from the side, front or rear of the vehicle in a way that constitutes an obstruction to safe driving or a hazard to pedestrians or to other vehicles.
- When on official State business, transport of other employees from headquarters to restaurants, cafes, drugstores or to other places that are not in the service of State business.
- Attending entertainment or sporting events, including hunting and fishing, which are not part of State business.
- Extending the length of time the vehicle is in the employee's possession beyond that which is required to complete the official purpose of the trip.
- Operating a State vehicle while under the influence of alcohol or drugs.

Driver Responsibilities

The driver and all passengers of a State vehicle must comply with all applicable State and local traffic and parking laws. The driver shall be personally liable for any criminal or civil penalty incurred. The driver shall notify the employee's supervisor of any traffic or parking tickets as soon after receipt as possible. The driver must provide proof that the ticket has been paid within ten working days of receipt of such ticket.

Smoking

Smoking is prohibited in all vehicles owned or leased by the State.

Reporting of Accidents

The Facilities Management Chief is responsible for accident reporting and acting as a liaison to the Office of Risk Management. All accidents or occurrences arising from the operation of State vehicles should be reported immediately by the fleet liaison to the Office of Risk Management by faxing the Employee Loss Notification form to (614) 466-0427. The names, address and telephone numbers of all parties involved, as well as the date and location of the accident will be required. If an emergency should arise, contact the Office of Risk Management at (614) 466-6761.

Accidents or occurrences also may be reported online at:
<http://www.state.oh.us/das/gsd/risk/risk.htm>.

Authority & Reference

ORC 9.83

ORC 124.71

ORC 125.832

OAC Chapter 123:6-1

4.4 Personal Property

Development assumes no liability whatsoever for the damage, loss or theft caused by third parties to the personal property of employees.

All Development vehicles, storage facilities, office and workspaces, including desks, filing cabinets and lockers, are the property of Development. Development reserves the right to have access to these areas and to such property at any time, without advance notice to any employee. Therefore, employees should not expect that such property would be treated as private and personal to the employee.

Authority & Reference

None

5.0 Day to Day Policies

5.1 Employee Identification

As a public agency, Development employees must represent themselves and the Department appropriately and accurately to the public.

ID Badges

All employees are required to carry the State of Ohio photo identification badge during work time or at work events. This ID badge also may provide access to certain work areas. ID badges are issued for the exclusive use of the named employee and are not to be loaned to anyone. ID badges shall not be defaced or altered with pins, stickers, decals, etc. Employees are responsible for safeguarding their ID badge. Any lost or damaged ID badge should be reported immediately by the employee to his/her supervisor and Human Resources. Except in cases of normal wear and tear, the employee will be charged for each replacement of a damaged, lost or stolen card.

Any employee on extended leave or on administrative leave due to investigation or disciplinary action is required to turn in his/her ID badge and keys to their supervisor or appropriate designee prior to the start of the leave.

ID badges are the property of the Development and shall be returned upon separation from service.

Business Cards

Employees, with supervisor approval, may order business cards through the Development website. Business cards should include the following information: name, title, office/department, address, phone/fax numbers, e-mail and Department website. An employee who has obtained a doctoral degree and who provides a copy of the diploma for their personnel file may use the appropriate designation on the business cards. Employees may not include other identification content, such as education, certification, licenses, taglines or comments unless such content is (a) listed in the employee's position description as a required or preferred credential and (b) approved by the employee's supervisor.

E-Mail, Letterhead or Other Correspondence

The Development has a standard signature block established for each employee in e-mail. The e-mail signature block and any letterhead or other correspondence may include the same identification information as the employee's business card, as noted above. Employees may not include other identification content, such as education, certification, licenses, taglines or comments unless such content is (a) listed in the employee's position description as a required or preferred credential and (b) approved by the employee's supervisor.

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Authority & Reference

None

5.2 Dress Code

All employees are responsible for dressing in a manner that presents a neat, clean and professional image appropriate to the work situation. When a Development employee attends a business meeting with visitors or clients, whether on-site or off-site, the employee's attire should be similar in nature to that worn by the other individuals attending the meeting.

Managers are responsible for ensuring that employees in their sections are appropriately groomed. Employees who do not present a businesslike appearance in accordance with these standards will be advised accordingly. Individuals who have been so advised and continue not to meet the defined standard for business attire shall be asked to leave the office, without pay, until their appearance meets this standard.

Examples of Acceptable Attire

- Suits
- Dresses
- Skirts with blouses
- Dress slacks, pants, khakis, chinos or corduroy pants
- Sport coats
- Dress or casual shirts with collar
- Sweaters and turtlenecks
- Footwear
 - Dress shoes, flats
 - Dress boots
 - Dress sandals
 - Loafers, leather deck shoes or clogs
- Jewelry and piercings should be conservative

Examples of Non-Permitted Attire

- T-shirts or shirts without collars unless pre-approved by the manager for special events
- Shorts or casual "skorts"
- Capri pants
- Jeans of any color
- Sweatshirts
- Hats
- Jogging suits, yoga pants, wind suits, or athletic clothing

- Footwear
 - Hiking boots
 - Athletic shoes or sneakers
 - House shoes or slippers
 - Flip-flops
 - Aqua shoes
- Exposed midriffs, see-through attire
- Off the shoulder, strapless, spaghetti strap or thin strapped blouses, shirts or dresses, unless worn under a jacket or permissible shirt
- Beach wear
- Any attire that is unprofessional or ill-fitting

Personal Hygiene

All employees shall maintain good personal hygiene. Some employees are allergic or sensitive to scented products, such as makeup, perfume, cologne, soap or fabric softener, so the use of scented products should be done with restraint.

Dress Down Days

On occasion, Dress Down Days may be designated where additional flexibility in workplace attire will be permitted. Dress Down Days are still work days and a neat and clean business casual appearance still is expected. All employees will be notified in advance when Development is sponsoring a Dress Down Day, what cause is being supported by the Dress Down Day, the required contribution to the Dress Down Day Fund or designated charity for participating in Dress Down Day, and what the standard of attire is expected for a Dress Down Day. Employees who dress down, but who do not pay, are subject to discipline.

Additional Acceptable Attire During Dress Down Days

- Casual shirts (e.g., polo shirts, casual sweaters)
- Jeans (no holes) or Capri pants
- Casual skirts of the appropriate length
- Footwear:
 - Athletic shoes
 - Casual sandals

When a Development employee attends a business meeting during agency Dress Down Days with visitors or clients, whether on-site or off-site, the employee's attire should be business casual to business professional. In this instance the employee should not participate in Dress Down Days.

Non-Permitted Attire During Dress Down Days

- Unprofessional T-shirts
- Shorts of any kind or length
- Jogging suits, yoga pants, wind suits, or any type of work-out clothing
- Footwear:
 - hiking boots
 - house shoes or slippers
 - Aqua shoes
 - Flip flops
- Exposed midriffs, see-through attire
- Off the shoulder, strapless, spaghetti strap or thin strapped blouses, shirts or dresses, unless worn under a jacket or permissible shirt
- Beach wear
- Any attire that is unprofessional or ill-fitting

Authority & Reference

None

5.3 Dress Down Day Fund

Development participates in occasional Dress Down Days where contributions are collected for the benefit of being more casual. Employees who dress down, but who do not pay, are subject to discipline. Funds from Dress Down Days shall be submitted to Human Resources, which shall maintain the Fund.

Unless otherwise specified, funds collected from Dress Down Days shall be used for the following items, in rank priority order:

1. Employee of the Month recognition
 2. Team of the Quarter recognition
 3. Up to \$30* towards the purchase of flowers or contribution to a memorial fund, as appropriate, for:
 - a. The birth of a child of a Development employee, or
 - b. The death of a Development employee, the employee's spouse or significant other, parent or child.
- * Co-workers have the option to voluntarily add personal funds to any Development gift for birth or bereavement.

On occasion, funds collected from Dress Down Days shall be for a specific charity or State charitable campaign. Funds collected on those Dress Down Days shall go directly to the specified charity or campaign and shall not be comingled with the Dress Down Day Fund.

The Director of Human Resources or designee shall administer the Fund and authorize any payment to be made from the Fund. If the Fund is near insolvency, the Director of Human Resources has the discretion to reserve remaining funds for Employee of the Month and Team of the Quarter recognitions and deny any requests for birth or bereavement gifts until the Fund becomes more solvent.

Authority & Reference

None

5.4 Media Relations

All news releases, interviews, and other media contacts are handled by of the Communications and Marketing Office.

If an employee is contacted by the media, the employee should direct the media to the Communications & Marketing Office immediately. Please see the media procedures guide for talking points for employees to handle such requests.

Employees are not permitted to act as representatives of Development in any news media activity or to work with news media while on State time, unless authorized by the Communications & Marketing Office. A representative of the Communications & Marketing Office should accompany an employee whenever speaking with a reporter as a representative of the Development.

All letters to the editor and communications with reporters, bloggers or other traditional and social media that are submitted as authorized public communications from Development must be approved by the Communications & Marketing Office and other appropriate individuals. If an employee believes that a story or editorial was seriously in error, he/she should contact the Communications & Marketing Office as soon as possible for a decision on how it will be handled to correct the record. The Communications & Marketing Office is responsible for maintaining good relationships with the media and assuring consistency in the Department's messages to the news media.

Authority & Reference

None

5.5 Government Relations

All requests for legislative initiatives/proposals within Development shall be made in writing and submitted to the Government Relations Office for review, consideration, and input. It shall be the responsibility of the Government Relations Office to serve as a resource for any division or office considering the initiation of legislation. Any requests made by legislators and/or their staff for Development review of proposed legislation shall be immediately forwarded to the Government Relations Office. All such requests shall be managed by the Government Relations Office from that point forward.

Interaction with Elected Officials

The Government Relations Office shall have the primary responsibility and authority to interact with federal and State elected officials. Prior to any employee communicating or meeting with an elected official relative to Development issues, contact must first be reviewed and approved by the Government Relations Office. Routine inquiries, such as grant or loan status requests or programmatic information requests, do not require approval or review.

The Government Relations Office should be copied on all legislative correspondence.

Authority & Reference

None

5.6 Employee Crisis Assistance Program

Eligibility

Any Development employee, regardless of status, tenure, or like considerations, may be eligible to receive assistance via the Employee Crisis Assistance Program (ECAP).

Process of Consideration

Any employee may make nomination on behalf of his/herself or another employee for employee crisis assistance funding.

The nominator will complete the ECAP nomination form and submit it to Human Resources. It is recommended that the form be placed in an envelope marked "Confidential." Human Resources will present the form to the Employee Crisis Assistance Committee. The Committee will review the nomination and gather information as deemed necessary to determine the eligibility to receive funding on the following tiers of assistance:

1. Critical I - Death of an employee or an immediate family member resulting in hardship for survivors (e.g., inability to pay bills, provide sufficient housing, food, or clothing for family members).
2. Critical II - Serious illness of an employee or an immediate family member resulting in hardship for employee and/or family members (e.g., inability to pay bills, provide sufficient housing, food, or clothing for family members).
3. Serious - Serious incident (e.g., fire, flood, or any other act of God or like occurrence) resulting in hardship for employee and/or immediate family members (e.g., inability to pay bills, provide sufficient housing, food, or clothing for family members).

The Committee will take a vote to determine if the nomination comports with one of the tiers as set above. The majority vote will determine if the nomination will be granted funding.

Notification

Human Resources will contact the nominated individual(s) and inform him/her if funding has been granted. Human Resources will also notify those individuals who were nominated but were not deemed eligible to receive assistance.

Accountability

All forms and Committee meeting notes and findings will be kept with Human Resources. The Fiscal Office will administer an accounting record of all financial transactions. This information is to be kept confidential. However, unless the information includes medical information, these records are not exempt from any public record information law. The funds for ECAP are held and administered by the Ohio Capital Corporation. The ECAP will operate only until resources are exhausted.

Selection Committee

The Employee Crisis Assistance Committee will be comprised of the following:

- A mix of exempt and non-exempt employees and
- One Human Resources delegate who will cast the tie breaker vote, if needed.

If a Committee member is nominated for crisis funding assistance, he/she may not participate in the review or vote of his/her nomination. While an employee serves on the Committee, he/she may not nominate an employee for funding assistance.

The employees on the Committee may rotate when deemed necessary.

Authority & Reference

None

5.7 Health and Wellness Program

The goal of the Health and Wellness Program is to promote and help facilitate healthy lifestyles, wellness and improved health and fitness for Development employees so that they can effectively and efficiently serve the needs of the citizens of the State of Ohio. Long-term benefits of a healthier workforce may include: reduced healthcare costs, reduced absenteeism, increased productivity, improved morale, heightened well-being and employee retention.

Eligibility

Anyone on Development's payroll is eligible to participate in the Health and Wellness Program. It must be deemed operationally feasible for any employee to participate in this program. Each manager is responsible for making determinations regarding his/her individual staff and the eligibility of that staff. Participation in this Program is strictly voluntary.

Use of the Health and Wellness Period

Employees who choose to engage in health and wellness activities, who have signed the Program waiver form and who have been approved by their managers to participate in the Program may combine a lunch hour with the designated 15 minute morning and afternoon break times for a combined total of 90 minutes (known as the "Health and Wellness Period" or "HWP"). Activities that qualify for the use of HWP include but are not limited to:

- Attending a gym
- Joining a walking/running club
- Attending a class or lunchtime seminar on diet and exercise issues
- Attending yoga, meditation, aerobics, jazzercise, kickboxing, or other health related course
- Attending a smoking cessation or stress management course/seminar

It is not appropriate, under the terms of this Program, for employees to use the HWP for non-health related use. Examples of inappropriate use include, but are not limited to:

- Shopping
- Running errands
- Attending scheduled doctor's appointments
- Taking extended lunch periods wherein health and wellness is not the focus of the lunch

If an employee has a question as to the appropriateness of the use of the HWP, he/she should contact Human Resources for clarification.

Time Accountability

Employees may be required to show proof of attendance to a health/wellness activity when requesting the use of the HWP. Employees approved for and utilizing the Program shall enter a full 60 minute lunch break and submit a leave request to combine 2 fifteen minute break periods on the automated payroll system. Accounting for these periods will help Development to track the use and success of this program.

HWPs shall be used during the lunch hours beginning no earlier than 11:00 a.m. and ending no later than 3:00 p.m. HWPs may not be used to delay an employee's start time in the morning or to shorten the end time in the afternoon. Employees electing to utilize this program understand that they are foregoing their normal break times in order to use the aforementioned period. On days when employees are not utilizing the HWP, lunch and break times shall be on the employee's normal schedule.

Development Liability

Employees participating in health and wellness activities should seek the advice of a medical professional prior to engaging in such activities. Development is not liable for any injury or ill effect resulting from a health or wellness activity. Any employee participating in the Health and Wellness Leave Program will be required to sign a waiver form for any injuries that may result from participating in any activity performed while using this leave.

Smoking Cessation Programs

Employees may use reasonable amounts of accrued leave (sick leave, personal leave, or vacation leave) to travel to and attend bona fide smoking cessation programs in their geographic area. The granting of such leave is subject to reasonable verification and is subject to the operational needs of Development.

Employees who complete a smoking cessation program, upon presentation of a certificate of completion or other verification, shall be restored with leave used for travel to and attendance of such program, up to a maximum of eight hours. Employees are eligible for this leave restoration upon completion of initial and follow-up cessation classes. Restoration of leave shall occur within thirty (30) days of presentation of a certificate of compliance or other verification.

Authority & Reference

ORC Chapter 3794

OAC Chapter 3701-52

5.8 Employee Recognition Program

The Employee Recognition Program recognizes employees and work teams for excellence in performance, attitude, and efforts towards achieving the goals of the strategic plan. The program is designed to honor an Employee of the Month, Team of the Quarter, Employee of the Year, and Team of the Year.

Eligibility

- Employees who have been with Development for a minimum of six months and do not have any discipline currently on file are eligible for the Employee of the Month award.
- Division directors and assistant directors are not eligible for the award.
- Work teams must either be established committees or must have completed a specific project as a team in order to be considered for the Team of the Quarter.
- Employee of the Year and Team of the Year will be selected from those who received the Employee of the Month and Team of the Quarter during the year.

Nomination

Employees and teams may be nominated by any Development employee. All nominations must be turned in by the last day of the month in order to be considered for the following month's award. The nominator must explain how the employee excels in the following areas: work performance, leadership/team effort and cooperation, communication and customer service. The nominator must also demonstrate how the employee has met at least one of the goals of the strategic plan. For teams, the focus is on a demonstrated and measurable link between the team's performance and at least one of the strategic goals.

Selection

The Selection Committee shall consist of eight Development employees (four union and four non-union employees), as selected by the Development Director. Selection Committee members are not allowed to participate on any consideration or scoring for nominations on themselves or their teams. Human Resources shall remove any personally identifying information and shall assign each nomination a number prior to sending nominations to the Selection Committee for scoring. The nomination that receives the highest score from the Selection Committee wins the official recognition.

Recognition

Employees or Teams who win the Employee Recognition Program may receive:

- A certificate of recognition
- Public recognition at their staff or department meeting
- A photo with the Director
- The Director shall recognize the employee/team in the Director's Outreach

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- Recognition at the Leadership Team meeting
- Other recognition as determined by the Development Director.

Funding

Funding for the Employee Recognition Program shall come from the Dress Down Day Fund.

Authority & Reference

None

5.9 Exempt Professional Development Program

Exempt full- and part-time employees may participate in the Ohio Exempt Professional Development Program, which is designed to provide tuition reimbursement and funding for training.

Eligibility

The exempt employee must meet all of the following conditions:

- Employee is in active pay status, defined as not being on partial or full-time disability leave, workers' compensation leave, administrative leave or other leave of absence at the time of application and/or beginning of the program.
- Employee has at least six months of current, uninterrupted service as a State of Ohio employee.
- Employee is still employed by the State when final reimbursement paperwork is submitted.
- For tuition reimbursement only, employees who separate employment due to a layoff and who were pre-approved to receive reimbursement will be reimbursed if all other requirements are met.

Assistance Amount

For tuition reimbursement, full time employees are eligible to receive a maximum of \$3,000 per fiscal year and part-time employees are eligible to receive a maximum of \$1,500 per fiscal year.

For conference, seminar and training events, full time employees are eligible to receive a maximum of \$1,500 per fiscal year and part-time employees are eligible to receive a maximum of \$750 per fiscal year.

Disbursements of funds are contingent upon the availability of funds.

Applications and Additional Information

Please see the Department of Administrative Services' website, Learning and Professional Development web page for additional information, restrictions and the application process.

Authority & Reference

OAC Chapter 123:1-39.

6.0 Workplace Safety

6.1 Drug-Free Workplace

Development is committed to providing a safe work environment and to fostering the well being and health of its employees. That commitment is jeopardized when any employee comes to work under the influence of alcohol or a controlled substance, not prescribed for him/her by a physician, or possesses, distributes, or sells controlled substances in the workplace.

“Controlled substance” means those substances defined in Sections 3719.01 and 3719.41 of the Ohio Revised Code and generally consist of two classes of drugs: 1) those commonly thought of as “illegal” drugs, and 2) certain medications available by prescription, but not being taken under a physician’s orders, which the federal government has determined have a potential for abuse, or are potentially physically or psychologically addictive.

Development employees are required to report to work in a fit condition to perform their duties. If an employee reports to work under the influence of alcohol or other drugs, it will be considered a violation of this policy. Development recognizes that some prescription medications may cause impairment in judgment, coordination, and physical ability. Reasonable accommodations will be made for any employee who uses a prescribed medication.

Development prohibits all employees on official business, on or off the workplace, from purchasing, transferring, using or possessing illegal drugs, or abusing alcohol, or abusing prescription drugs in any way that is illegal.

Development uses a three-pronged strategy of education, treatment and enforcement to combat alcohol and substance abuse in the workplace.

Education

Supervisors shall be provided training about the Drug-Free Workplace Policy and substance testing program. Supervisors are responsible for implementation, enforcement and monitoring of the Policy and program to ensure that they are administered consistently, fairly, and within appropriate legal parameters.

All Development employees will be provided with periodic Drug-Free Workplace training, including:

- The dangers of alcohol and other drug abuse in the workplace
- The Development Drug-Free Workplace Policy
- The Employee Assistance Program and other available treatment programs
- Penalties that may be imposed upon employees for alcohol and/or other drug abuse violations occurring at the workplace where official business is conducted

Outside contractors or vendors who are working on State property shall sign a Certificate of Drug- Free Workplace Compliance as a condition of such contract.

Treatment

Ohio currently has an Employee Assistance Program (EAP) that connects employees or their families to appropriate substance abuse rehabilitation programs. Development encourages employees with

alcohol or substance abuse problems to contact the EAP and enroll in a rehabilitation program certified by the Ohio Department of Alcohol and Drug Addiction Services. Voluntary contact of the EAP or enrollment in a substance abuse program will not adversely affect employment.

Testing and Enforcement

Development may perform alcohol/ controlled substance testing at the following occasions:

- Applicant Testing. Final applicants for testing- designated positions with Development will undergo testing prior to final approval for hire. Development will not hire anyone who is known to currently abuse alcohol and/or drugs. This policy shall not preclude Development from hiring persons who are in recovery from alcohol and/or drug addiction.
- Reasonable Suspicion Testing.
 - Employees may undergo testing based on a for-cause determination by management.
 - Employees involved in a significant incident in which the health or safety of themselves or other individuals is involved, or in which extensive property damage has occurred, will undergo testing according to requirements of any governing collective bargaining agreement(s) or the Director of the Department of Administrative Services. A positive result or the employee's refusal to submit to testing will create a rebuttable presumption that the employee's substance abuse caused the incident, which would render the employee ineligible for workers' compensation benefits absent a rebuttal of this presumption.
- Follow-up Testing. Any employee referred through administrative channels to a counseling or rehabilitation program as a result of that employee's on-the-job substance abuse may be subject to follow-up testing according to specifications and provisions of any governing collective bargaining agreement(s) or the Director of the Department of Administrative Services.
- When return to duty drug testing is deemed necessary or appropriate, the test must be conducted under direct observation.

Confidentiality about alcohol and/or other drug results will be maintained to the extent provided by law. Employees shall have the opportunity to refute the results of any alcohol and/or other drug test.

Entering Development property constitutes consent to searches and inspections. If an employee is suspected of violating this Policy, the employee may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, wallets, purses, briefcases, lunchboxes, desks, work areas and State vehicles.

Employees who have a confirmed positive alcohol or other drug test may be subject to discipline up to and including termination and/or required to enroll in and successfully complete a substance abuse rehabilitation program certified by the Ohio Department of Alcohol and Drug Addiction Services. If an employee has a confirmed positive drug test while enrolled in or subsequent to completion of the rehabilitation program, the employee will be subject to discipline, up to and including termination. Notwithstanding this provision, employees may still be subject to disciplinary action for workplace or job-related incidents which may be directly or indirectly associated with the drug test results.

Reporting a Drug-Related Conviction

If an employee is convicted of a violation of any federal or State criminal drug statute where such violations occurred at the workplace or any location where official business is conducted, the employee

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is required to notify Development within five (5) days after the conviction. A conviction includes a finding of guilty, no contest (including a plea of *nolo contendere*), or the imposition of a sentence by a judge or jury in any federal or State court. Development has an obligation to notify any U.S. Government agency with which it has a contract or grant within ten (10) days after receiving notice from the employee or otherwise actual notice of such conviction. Within thirty (30) days of a notice of conviction, Development may take appropriate treatment (e.g. referral to the EAP) and/or disciplinary action against the convicted employee.

Authority & Reference

ORC 4112.02

ORC 4123.54

OAC Chapter 123:1-76

6.2 Workers' Compensation/ Salary Continuation Benefits

Development employees who become ill or injured in the course of or as a result of their work duties may be eligible for salary continuation benefits or workers' compensation. Illnesses or injuries that are self-inflicted or caused by the employee being intoxicated or under the influence of a controlled substances not prescribed by a physician are excluded from workers compensation or salary continuation coverage.

Reporting

Employees must report any accident or injury immediately (within 24 hours) to their supervisor and Human Resources so that appropriate medical care may be provided and the necessary documentation may be completed. At the discretion of Development, the employee may be subject to reasonable suspicion alcohol or controlled substance testing. The employee or designee is responsible for completing an Accident or Illness Report (ADM 4303) form and filing for benefits within 20 days of the illness/injury to begin the process for workers' compensation or salary continuation.

Overview of Each Option

Workers' Compensation is administered through the Bureau of Workers' Compensation and may cover wage loss, medical and rehabilitation expenses and is payable as long as the disability lasts or medical treatment is reasonably necessary. If an employee is absent from work for eight or more days, the employee may be approved for temporary total compensation, which is paid at 72% of weekly wages for up to 12 weeks. If an employee is unable to return to work after 12 weeks, then temporary total compensation would be paid at 66.66% of weekly wages. CompManagement Health Systems, Inc. is the Managed Care Organization (MCO) for Development and will provide a list of recommended network providers that employees can visit, although the employee may utilize their own physician even if he/she is not on the CompManagement list. (Contact information is provided, below.)

Salary Continuation may be elected in lieu of workers' compensation at the employee's option. Salary continuation provides the ill/injured employee with 100% of weekly wages in the regular paycheck from Development with no break in pay for up to 480 hours. If salary continuation benefits are exhausted, then the employee may be eligible to receive temporary total compensation through Workers' Compensation. (Contact information is provided, below.)

For additional information of both options, please see the Department of Administrative Services, Benefits website.

Contact Information

Bureau of Workers' Compensation
614-644-6292
877-520-6446
www.ohiobwc.com

Ohio Department of Administrative Services

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614-466-8857 Local
800-409-1205 Toll Free
www.ohio.gov/employeebenefits

CompManagement Health Systems, Inc.
Customer Service
Injury Report Number
1-888-247-7799
www.chsmco.com

Authority & Reference
ORC 124.381
ORC Chapter 4123

6.3 Workplace Safety

Development shall operate in compliance with the Ohio Public Employment Risk Reduction Program (PERRP). Accordingly, Development employees are entitled to work in a place of employment free from recognized hazards that cause or are likely to cause death or serious physical harm. Employees are required to follow all safety procedures that may apply to their division or office. Supervisors are responsible for monitoring compliance with safety standards. Development shall not retaliate against any employee where the employee, in good faith, files a complaint under PERRP or assists in any investigation or proceeding.

If any employee has concerns regarding safety in the workplace, please contact your supervisor or Human Resources.

Authority & Reference

ORC Chapter 4167

OAC 4167

6.4 Workplace Violence Prevention Policy

Development is committed to providing its employees a work environment that is safe, secure and free of harassment, threats, intimidation and violence. This policy applies to all Development employees, contractors and anyone else involved in Development operations or otherwise on State property.

Workplace violence includes threats or acts of physical violence, including intimidation, harassment, abuse, bullying, control and/or coercion that involve or affect Development employees and/or that occur on State property. Specific examples of conduct that may be considered workplace violence prohibited under this policy include, but are not limited to, the following:

- Hitting, shoving or other violent or threatening physical contact
- Direct or indirect threats to harm an individual or his/her family, friends, associates, or their property
- The intentional destruction, threat of destruction or sabotage of property owned, operated or controlled by the State or an employee's personal property
- Making harassing or threatening telephone calls, or sending harassing or threatening letters, e-mails or other forms of written or electronic communications
- Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy or work rule that would affect the business interests of the State
- The willful, malicious and repeated following of another person, also known as "stalking," and making of a credible threat with intent to place the other person in reasonable fear for his or her safety
- Violation of a restraining or protective order
- Making a suggestion or otherwise intimating that an act to injure persons or property is "appropriate," without regard to the location where such suggestion or intimation occurs
- Unauthorized possession or inappropriate use of firearms, weapons or any other dangerous devices on State property

Actions of workplace violence will not be tolerated. Early signs for potential workplace violence include but are not limited to bullying, inappropriate reactions to situations or employees, insubordination, mental health issues or other actions. Employees displaying any potential workplace violence signs should be reported to the employee's supervisor or Human Resources, documented, and monitored closely.

Crisis Management Responsibilities

In all situations, if violence appears to be imminent, **employees should take the precautions necessary to assure their own safety and the safety of others.**

The following procedures shall apply in the event of a crisis situation:

1. The primary contact person shall be the deputy director of the affected division of Development. He/she has authority to assume or delegate the duties required of this policy.
2. If the crisis situation involves an injury that requires immediate medical attention, the employee discovering the crisis should alert the appropriate medical professional by calling 9-911, contact building security and then notify a supervisor. The supervisor should contact the deputy director. The deputy director should notify the Chief Legal Counsel and Human Resources.

3. In the event of all other crisis situations, employees should notify their supervisor of the situation. The supervisor should contact building security and notify the deputy director. The deputy director should notify the Chief Legal Counsel, Human Resources, Facilities and the Director's Office.
4. Immediate action will be taken by the deputy director to ensure the safety of those involved in the crisis situation or affected by the crisis.
5. The deputy director will notify the Director of Development and the Chief Legal Counsel of the facts of the crisis situation as soon as possible. The deputy director will assume or assign the responsibilities of:
 - a. Liaison with the law enforcement, fire, medical and other community resources offering assistance, as necessary
 - b. Spokesperson to monitor incoming calls, and document in detail everything done in response to the crisis situation
6. All communication with the immediate relative(s) and other employees shall be handled by Human Resources.
7. All communications with the media shall be directed to and handled by the Office of Communications and Marketing.
8. In the event of threats of violence to person(s) or property by means of firearms, fire, explosions, bombs, etc., the deputy director shall be notified, the deputy director shall contact building security and the State Highway Patrol. If law enforcement authorities determine that an evacuation is necessary, personnel of the affected area will be evacuated from the threatened area and employees will be directed to the appropriate site.
9. If a building evacuation is necessary, it will be conducted in a safe and orderly manner. The deputy director will insure that staff from each evacuated facility accounts for its personnel and that all persons are evacuated from the building. Until otherwise directed, employees must report to and remain at the evacuation site so that they may be accounted for. Responding emergency service personnel will be notified of persons not accounted for to aid in determining whether the evacuation is complete.
10. Re-entry into the building will be restricted to emergency service and/or authorized personnel until law enforcement authorities determine the crisis is resolved and a safe re-entry can be made.
11. In the event a person causing a crisis situation leaves the building, responsibility for preventing that person from re-entry shall be left to building security and law enforcement authorities.

Reporting Workplace Violence

Each Development employee and every person on State property is highly encouraged to report all incidents of workplace violence to a supervisor or Human Resources.

In cases where the reporting individual is an employee, the report should be made to the reporting individual's supervisor or a management level employee if the immediate supervisor is not available. The supervisor shall contact Human Resources. An employee may also file a report directly with Human Resources. Human Resources will notify the applicable Deputy Director and Chief Legal Counsel. Any

such incident shall be referred promptly by the Deputy Director/Chief Legal Counsel to the appropriate management level supervisor, who shall take corrective action in accordance with the applicable law, rule or union agreement. Concurrently with the initiation of any investigation leading to a proposed disciplinary action, the Chief Legal Counsel shall report any incidents of threats or acts of physical violence to the Ohio State Highway Patrol, which shall make a follow-up report to Human Resources.

Fitness for Duty Evaluation

At the discretion of Development, an employee exhibiting warning signs or who has committed workplace violence may be ordered to submit to a psychological evaluation to determine the employee's fitness for duty. The deputy director shall contact Human Resources and shall identify the nature of the concern. Human Resources will provide a list of health care providers as appropriate for the situation. The health care provider should report the results of the evaluation to Human Resources, which shall then consult with the Deputy Director to determine the employee's fitness for duty based on the evaluation. All evaluation records shall be maintained in a confidential manner.

Training

Development shall provide opportunities for employees to be trained in the risk factors associated with workplace violence and properly handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace.

Referral to Ohio Employee Assistance Program

Where a supervisor suspects that an employee has work-related and/or personal problems, the supervisor should recommend that the employee contact the Ohio Employee Assistance Program (EAP) for counseling and support ((614) 644-8545 or (800) 221-6327).

The EAP Coordinator in Human Resources should be consulted immediately in the event of a critical incident to arrange with EAP to assist in defusing the situation. EAP should also be consulted (within 24 hours of the incident), for purposes of conducting a critical incident stress debriefing, should a critical incident occur. Examples of critical incidents include:

- Hostage or riot situations
- Serious injury or death of a coworker
- Incidents involving use of force
- Resident suicide or death
- Catastrophic accidents
- Development negative publicity

EAP should be consulted when developing employee and supervisor training programs. EAP also provides the EAP Intervention Services for Organizations in Transition, which should be utilized in the event of a layoff.

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Authority & Reference

DAS HR-D-04 (effective September, 2009).

6.5 Domestic Violence

Development is committed to promoting the health and safety of its employees and to making a significant and continual difference in the fight to end domestic violence. The purpose of this policy is to set forth procedures and guidance for management and employees that address and reduce the occurrence of domestic violence and its impact on the workplace.

Definitions

- Batterer, perpetrator or abuser: the individual who commits an act of domestic violence.
- Domestic violence: a pattern of coercive behavior used by one person to establish or maintain power and control over family or household members, which includes intimate partners, spouses, former spouses, persons living together as spouses, persons who have a child in common (regardless of whether they have been married or have lived together at any time), and adult persons related by blood or marriage. Domestic violence may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and economic control, and may occur among people of all racial, economic, educational, religious backgrounds, in heterosexual and same sex relationships.
- Ohio Employee Assistance Program (EAP): a program intended to help State employees deal with personal problems that might adversely impact their work performance, health and well-being. EAP services generally include assessment, short-term counseling and referral services for employees and their family members.
- Protection order: An order issued by a court designed to protect a person from harm or harassment. In a domestic dispute, a protection order (occasionally known as a “restraining order”) typically is issued to prevent one party from approaching another, often within a specific distance.
- Survivor or victim: the individual who is the subject of an act of domestic violence. Those who have escaped violent relationships often are referred to as survivors rather than victims.

Employee Awareness

All employees will receive training on the policy and the risk factors associated with and impact of domestic violence. Development will maintain, publish and post in locations of high visibility, such as bulletin boards and break rooms, a list of resources for survivors and perpetrators of domestic violence. Resources should include, but not be limited to, the following:

Action Ohio Coalition for Battered Women	(888) 622-9315 www.actionohio.org
Buckeye Region Anti-Violence Organization (Lesbian, Gay, Bisexual and Transgender)	(866) 862-7286 www.bravo-ohio.org
Local Domestic Violence Resources	See the Ohio DV Program List at www.odvn.org for a list of resources in your area
National Domestic Violence Hotline	(800) 799-SAFE www.ndvh.org

National Teen Dating Abuse Hotline	(866) 331-9474 http://loveisrespect.org
Ohio Domestic Violence Network	(800) 934-9840 www.odvn.org
Ohio Employee Assistance Program	(800) 221-6327 www.ohio.gov/EAP
Ohio Office of Criminal Justice Services Family Violence Prevention Center	(888) 448-4842 www.fvpc.ohio.gov

For incidents that occur outside of the workplace, employees are highly encouraged to report incidents of threats or acts of domestic violence, of which they are aware, to local law enforcement authorities. Domestic violence incidents that occur while on State property, while conducting State business or during State-sponsored social events shall be reported pursuant to applicable procedures concerning the reporting of workplace incidents or to Human Resources in the absence of such procedures. Employees in immediate danger should call 911.

Non-Discriminatory and Responsive Human Resources Policies

In cases where the batterer and the victim or survivor are employed at the same work site, Development should give due consideration to a victim's or survivor's request for a modification of duties, a reassignment to another position or work shift, or a relocation to separate work sites. The victim or survivor should be consulted in making decisions about such modifications, reassignments and relocations, and should not be involuntarily penalized by this process. Such decisions may impact the rights of union members, and in such cases, a union representative should be consulted.

Development is prohibited from discriminating against victims or survivors of domestic violence based on any assumptions or knowledge of the victim's or survivor's current or past domestic violence incidents.

All employees must adhere to State and department time and attendance policies. If an employee needs to be absent from work due to current or past domestic violence incidents, the employee and supervisor should first explore whether paid options can be arranged to accommodate the absence. Depending on the employee's circumstances, and subject to applicable collective bargaining agreements, such options may include:

- Available leave balances. With supervisor's approval, employees may utilize sick leave, personal leave, vacation leave or compensatory time to cover absences from work due to current or past domestic violence incidents.
- Court Appearance Leave. Employees are entitled to paid leave when subpoenaed to appear before any court, commission, board or other legally constituted body authorized to compel the attendance of a witness. This leave does not apply if the employee is a party to the action, but would apply in criminal cases where the State is a party to the action on behalf of the victim or survivor. The alleged batterer would be considered to be a party to the action and would be ineligible for this leave.

- Donated leave. Employees are eligible to receive donated leave when the employee, or a member of the employee's immediate family, has a serious illness or injury, the employee has no accrued leave, the employee has not been approved to receive any other State-paid benefits, and the employee has applied for any paid leave, workers' compensation or other benefits program for which the employee is eligible.
- Family and Medical Leave. The Family and Medical Leave Act (FMLA) allows eligible employees to take up to twelve work weeks of leave per 12-month period to care for themselves or for a spouse, child or parent with a serious health condition.
- Flexible work hours. With supervisor's approval, an employee may utilize a flexible work schedule.

If no paid leave options are available, an appointing authority may grant a leave of absence to the employee without pay for personal reasons.

Discipline

Survivor or Victim

Employees may not be penalized or disciplined solely for being a victim or survivor of domestic violence, although Development retains the right to discipline employees for cause.

Victims and survivors of domestic violence may have performance-related issues that include, but are not limited to, chronic absenteeism, exhaustion from sleep deprivation, or an inability to concentrate as a result of the violence. Supervisors should be mindful that the effects of domestic violence are very serious – tantamount to chronic illnesses – and may take extended periods of time to fully address.

If an employee subject to discipline discloses that the job performance issues are caused by domestic violence, the following steps should be taken:

1. The first time the employee discloses that the job performance issues are caused by domestic violence, the supervisor should refer the employee to EAP. The supervisor may request that the employee enter into an EAP participation agreement, which may hold the disciplinary action in abeyance for a minimum of 180 days while the employee obtains assistance. The EAP participation agreement would be between the employee, the supervisor and the employee's union representative (if applicable). Exceptional circumstances may arise when a referral may be inappropriate or under which a shorter agreement period of time may be appropriate.
2. Upon successful completion of the EAP participation agreement, Development may modify or dismiss the disciplinary action.
3. If the employee rejects the suggested referral, refuses to enter into, or fails to complete the EAP participation agreement, and/or has not remedied the job performance issues, Development has the right to carry out the discipline originally contemplated. Such discipline will carry an effective date of the date of the employee's referral to EAP. An employee's failure to comply with the EAP participation agreement will also constitute a violation of any Last Chance Agreement in place for the employee. The employee, the employee's supervisor and the employee's union representative (if applicable) shall meet before any disciplinary action is taken. The union representing the employee shall be notified within three (3) working days of any potential disciplinary action.

Disclosure is very difficult for victims or survivors of domestic violence, and requests for documentation may threaten an employee's ability to disclose. If a supervisor has reason to believe that the individual

is not a victim of domestic violence, then the supervisor should consult with EAP regarding further documentation that may be requested to substantiate the assertion.

Batterer, Perpetrator, or Abuser

Development is committed to providing a workplace in which the perpetration of domestic violence is neither tolerated nor excused. Employees who are perpetrators of domestic violence are encouraged to access services through the EAP. Both the decision to enter into an EAP participation agreement with the perpetrator and the decision to hold any disciplinary action in abeyance during the course of EAP services are made at the discretion of Development.

Any employee who commits acts or threats of domestic violence while on State property or conducting State business, at a State-sponsored social event, or uses State resources (e.g. State vehicle, work time, equipment, or other resources) to commit acts or threats of domestic violence is in violation of the Development Information Technology Resource Usage Policy and the Development Communications Device Usage Policy.

Nothing in this policy should be read to contradict or challenge a judicial court order such as a protection order or the terms of an employee's probation. Agencies should work to accommodate such orders.

Individuals who commit acts of domestic violence may be charged with a misdemeanor or a felony. A conviction of these charges may subject an employee to additional discipline or removal and/or applicable collective bargaining agreements.

Confidentiality

In all responses to domestic violence, Development will respect the confidentiality and autonomy of the reporting employee and the victim or survivor, by informing others only to the extent necessary to protect safety or comply with the law and/or applicable collective bargaining agreements. Whenever practicable, advance notice will be given to the reporting employee if Development needs to inform others about the domestic violence situation.

Authority & Reference

Executive Order 2008-08S

6.6 Weapons

Development is committed to providing its employees a work environment that is safe and secure. This commitment includes prohibiting employees from possessing or having under their control a weapon or other dangerous ordnance while conducting State business or on State time unless specifically authorized by the employee's appointing authority.

A weapon or other dangerous ordnance includes, but is not limited to: a firearm, a club, brass knuckles, any martial arts weapon, a stun gun, explosives, ammunition, shells, fireworks or a knife (other than a small folding pocket knife).

Employees shall not carry or store a weapon or other dangerous ordnance in a building or portion of a building owned or leased by the State. This prohibition includes parking garages.

Employees shall not carry or store a weapon or other dangerous ordnance in a State vehicle.

Employees conducting State business or on State time, when they are off of State property, shall not carry or store a weapon or other dangerous ordnance.

Employees who have been issued a permit to carry a concealed weapon in the State of Ohio are not exempt from the above provisions. Employees who carry or possess a weapon **MUST** store the weapon, in accordance with the law, prior to entering an area in which a weapon is prohibited.

The prohibition against unauthorized weapons applies to all employees, contractors and anyone else conducting business on State property, with the exception of law enforcement officials.

Authority & Reference

ORC 2923.126