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# **WELCOME**

This handbook has been prepared to assist employees in knowing their rights, responsibilities, and benefits as District employees. It is not meant to imply a permanent contract between the employee and the District, but rather has been put together to provide basic information to the employee. It may be altered as laws and District policies and procedures change.

Employees working with the collective bargaining agreement should consult their union contract as those agreements may differ from District policy.

Employees should feel free to seek assistance from their immediate Supervisor, Department Head, or payroll personnel in their office. If staff members have any concerns about their job, they are encouraged to discuss these issues with supervisory personnel. Employees will be provided with the names and positions of all persons in their immediate department to assist them in becoming acquainted with co-workers.

# EMPLOYMENT

## Equal Employment Opportunity Policy

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29 CFR Part 1614

The Northwestern Water and Sewer District is an Equal Opportunity Employer and the District and its employees will not discriminate against any employee or applicant for employment because of race, religion, color, sex, pregnancy, sexual orientation, genetic information, national origin, age, marital status, ethnic heritage, disability, or veteran status. All personnel decisions will further the above non-discrimination policy with respect to the following personnel actions:

1. Recruitment
2. Hiring
3. Training
4. Job Assignments and Reassignments
5. Compensation
6. Benefits
7. Promotions
8. Transfers
9. Layoffs
10. Returns from layoff
11. Upgrades
12. Terminations
13. Rates of pay

Supervisors will ensure that their respective departments comply with the District's Equal Employment Opportunity Policy as outlined above.

## Affirmative Action Policy

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ORC 4112.02

Consistent with the District's commitment to Equal Employment Opportunity, the District has an Affirmative Action Policy. The District will not consider race, religion, color, national origin, ethnic heritage, marital status, sex, pregnancy, sexual orientation, genetic information, age, or disability in employment decisions. The District conducts periodic reviews of all employment practices to ensure the District's commitment to equal employment opportunity.

## **Classified and Unclassified Employees**

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District employees are by law either “classified” or “unclassified”.

Employees in the classified service have many protections under Ohio’s Civil Service laws. Classified employees may continue employment in their positions during good behavior and efficient service.

Classified employees cannot be suspended, reduced in pay or position, or terminated except for the causes set forth in ORC 124.34. See Employee Discipline Procedures in this handbook. Classified employees who are convicted of a felony forfeit their classified status and are moved to the unclassified service.

Unclassified employees are those persons exempted from classified service by statute; and/or persons employed by and directly responsible to the Board of Trustees who hold a fiduciary or administrative relationship to such Board members. Unclassified employees serve at the pleasure of their appointing authority, i.e., are employees at will.

If you are unsure of your employment status, ask you immediate supervisor.

## **Job Postings**

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The President hires the employees for the District, based on recommendations from the management staff.

Existing or imminent classified vacancies above the entry level shall be posted internally for a minimum of five calendar days, except where a laid-off employee is eligible for reinstatement to the vacant position.

During the five day period, any current employee wishing to apply for a vacant position shall submit a written application to the Supervisor or designee. A current staff member who applies and does not meet the qualifications of the position shall receive written notification of non-selection upon filling the position.

If no employees are qualified for the vacant position, or if the vacancy is an entry level position, the job shall be filled from the applications of qualified persons with applications on file or management may advertise by newspaper or through other employment channels.

Current job vacancies may be posted on the Internet at [www.nwwsd.org](http://www.nwwsd.org), or on bulletin boards in the office.

## **Employee Selection**

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Applicants for classified positions shall be evaluated based on education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness.

An examination may consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skill, and abilities, and any other acceptable testing methods. If minimum or maximum requirements are established for any experience, they shall be specified in the examination announcement.

## **Probation**

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The probationary period for all classified employees is fixed at 180 calendar days. A longer period, not in excess of one year, may be established for specific job classifications upon approval of the President.

Time spent on leave of absence without pay shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of days the employee spent in no-pay status.

The President may, with the written consent of the employee, extend an employee's probationary period for up to 60 days to allow additional time to review the employee's performance. Extensions must be approved prior to the end of the employee's original probationary period and the total probationary time shall not exceed one year.

Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as full-time employees. Employees who work an irregular schedule or who work less than the normal number of working days per week shall have their probationary period determined on the basis of time actually worked. A standard 180-day probationary period is equivalent to 1440 hours worked.

The probationary period allows new employees to become accustomed to the duties of their new position and to demonstrate their capabilities to perform those tasks. The performance of the employee during this initial "testing" period is an important factor in the decision to retain the services of the employee during or after the probationary period.

If the service of a probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period. Employees terminated during their probationary period do not have appeal rights.

Promoted Employees shall serve a probationary period of Ninety (90) days.

## **Separation**

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Employees who voluntarily resign from District employment must submit a written resignation to their supervisor at least two weeks prior to the date of departure. Resignations may not be rescinded after the President's written acceptance.

Employees retiring from District service are encouraged to discuss their retirement plans with their Supervisor at least six months prior to their retirement. OPERS recommends that employees file an application for retirement no more than six months, but no less than 30 days, prior to the effective date of retirement. For more information on retirement planning, contact OPERS.

The District conducts exit interviews with employees leaving employment. The interview provides separation information such as payment of vacation and sick leave if applicable, OPERS retirement and refunds, withdrawals from deferred compensation programs, COBRA, etc. Employees must return all issued District property. Failure to return District property may result in prosecution for unauthorized use and/or theft of District property.

Employees who leave service with the District may be eligible to receive a refund of their OPERS contributions three months after termination. The OPERS member handbook clarifies the advantages of withdrawal and of continuing funds. To obtain a refund, secure an application for refund from your payroll officer or the OPERS website at [www.opers.org](http://www.opers.org).

Upon the death of an employee, all wages and personal earnings due to the deceased employee shall be paid to the employee's heirs or estate in accordance with ORC 2113.04. Wages and personal earnings include unpaid wages, unused vacation, unused compensatory time for non-exempt employees and a portion of the deceased employee's unused sick leave if the employee was eligible for retirement. See Payment For Sick Leave Upon Retirement Policy. If the total amount due the deceased employee is less than \$5,000, the payment may be made to the employee's heirs, following the order of priority set by ORC 2113.04. If the total amount due the deceased employee exceeds \$5,000, the payment must be made to the deceased employee's estate. Questions regarding benefits and life insurance may be directed to the Finance Department.

## **Voluntary Separation**

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An employee in the classified service who is absent from duty habitually or for three or more successive duty days, without leave and without notice may be subject to removal for neglect of duty. Any employee who fails to report to work in this manner is deemed to have voluntarily resigned his/her position.



## **Disability Separation**

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An employee who is unable to perform the essential job duties of the 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.

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 a Supervisor 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.

All affected employees will be advised of their rights should a disability separation become necessary.

OPERS members who participate in the Traditional Pension and Combined Plans may be eligible for disability benefits under the original plan or the revised plan. Employees who had contributions on deposit with OPERS on July 29, 1992, had a one-time opportunity to select coverage under one of these programs. Those employees hired on or after July 29, 1992, are covered only under the revised plan. OPERS members who participate in the Member-Directed Plan are not eligible for disability benefits through OPERS. Under the Member-Directed Plan, the vested portion of the individual account would be available through a refund after OPERS covered employment is terminated. Additional information may be obtained by contacting OPERS.

## **Layoff Procedures**

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The District may layoff personnel due to 1) lack of work, 2) abolishment of positions, 3) lack of funds, 4) reorganization, and 5) efficiency of operations. Layoff procedures take into account such factors as type of appointment, status, years of service, and retention points.

Laid-off employees have recall rights for one year and have the option of displacing or "bumping" lower-ranked employees within the same classification series.

All affected employees will be advised of their rights should layoff become necessary.

## **Prior Service**

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Employees shall provide written documentation of any prior service credit in the public sector within 120 days of employment. Prior service includes service with the State of Ohio or any political subdivision of the State, i.e., city, township, county, State

University, public school district, Ohio National Guard, etc. Documentation shall include status of service, e.g., full-time or part-time; dates of service; number of bi-weekly pay periods in which services were rendered; and sick leave balance from most recent public employer.

If the service time qualifies, the Board of Trustees will make appropriate adjustments to vacation leave accrual rate and vacation and sick leave balances upon receipt of written documentation.

Employees who left other public sector employment due to conviction of a felony will not receive prior service credit for their previous public sector employment.

## **Furlough**

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The Board of Trustees reserves the right to implement the Furlough Policy per state law.

# **PAY PRACTICES**

## **Hours of Work**

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The Board of Trustees assigns the hours of operation for each office or department under its control. The President and/or Supervisors assign work schedules for individual employees.

Consistent and reliable attendance is an essential function of every position with the District.

When an employee has work duties which require hours in excess of regularly scheduled work hours, the Supervisor, in consultation with the employee, shall make every effort to adjust the employee's work schedule in the remainder of the standard work week to avoid work in excess of 40 hours. In the alternative, the Supervisor may reduce the number of vacation hours, compensatory time, personal, or other non-sick leave hours requested in the same work week by the number of hours worked in excess of regularly scheduled work hours. Employees who have worked over 40 hours in a standard work week may request that the extra hours worked be used to reduce sick leave requested in the same work week.

Public accountability requires employees to document time worked including starting and ending times performing job duties in addition to all other compensated time.

Attendance at lectures, meetings, and training programs is not considered time worked if the employee's attendance is voluntary, i.e., not approved by the President and/or Supervisor.

## **Material and Parts Recovering**

In the event that employees are required to pick up parts/materials, one person shall proceed on this task unless otherwise approved by a supervisor. A second person to ride "shotgun" will not be tolerated.

Prior to driving to retrieve parts/materials, employees shall call by telephone and/or make an attempt to know if the supplier has the proper items. Purchase orders are required for all purchases and need to be approved by the supervisors, except in emergencies.

## **Shop Parts and Inventory**

Most, if not all, parts and equipment have their usual location for placement and storage. During the end of work shifts and the end of overtime, cleanup time or down

times, employees shall ensure that all materials and equipment are returned to their designated areas. This activity does not require direction from supervisors.

Inventory supplies will be replenished when levels are being exhausted. Employees shall bring low levels of supplies to the supervisor or dispatcher's attention prior to using the last part of any one item because some items may take several days to restock.

All deliveries or pick-ups of parts/supplies require a receipt or packing slip. All such slips will be submitted to the dispatcher or supervisor on a daily basis for accountability. Parts and supplies will be added to the inventory list daily as well to update the necessary schedules.

### **Shop Security**

At the end of each work day, all buildings and gates are to be locked and secured. Every employee being the last to leave the work location will be responsible. All District-owned vehicles shall be stored in buildings whenever possible. When vehicles are left outside, keys to the vehicle shall be pulled and hung in the vehicle mechanic's office.

### **Daily Work Assignments**

Each employee shall assume that each work day will result in them working in their classified position. This will not be abused but a supervisor may assign a more senior/qualified person to fulfill assignments as needed. An attempt will be made on daily projects/work assignments to be given to the most senior employee of the crews. Daily assignments may be broken into one large crew, two (2) to three (3) man crews, two (2) man and/or one (1) man crews depending on the nature of the work and safety demands.

### **Fair Labor Standards Act (FLSA) Status**

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The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at the least the federal minimum wage for all hours worked, and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

### **Exemptions**

The FLSA provides an exception from both minimum wage and overtime pay for certain classifications of employees (i.e., Executive Administrative, and Professional, etc.) In order for an exemption to apply, an employee's specific job duties, salary and education must meet all the requirements set forth by the Department of Labor Wage and Hour Division.

The Appointing Authority shall determine whether an employee qualifies for exempt status and the type of exemption (i.e. Executive, Professional, Administrative, etc.). The District considers all employees non-exempt, unless the Appointing Authority determines all requirements for exempt status are met.

### **Documenting Work Hours**

All employees, FLSA non-exempt must document their hours worked with start and end times for purposes of public accountability. Employees shall keep accurate time records and may not make entries on time records for fellow employees. Recording of hours for FLSA exempt employees shall not destroy their exempt status.

### **Complaint Procedure**

Employees that believe they have been improperly classified under the FLSA and/or that the District has made improper deductions from their salary must submit a written complaint to their Appointing Authority, the Appointing Authority shall investigate the complaint and provide the employee with a written response. The employee shall be reimbursed for any improper deduction.

### **Overtime**

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Overtime is payment for time worked in excess of 40 hours during a work week and is compensated at one and one-half times the employee's rate of pay for those employees eligible for overtime. Only actual hours of work qualify for overtime payment.

Partial rounding to nearest  $\frac{1}{4}$  quarter approved as per union contract.

Employees may not work overtime without prior approval of the Supervisor or President. While payment of overtime will be made, failure to obtain prior approval may result in disciplinary action.

Only employees who are nonexempt i.e., not Executive, Administrative, or Professional employees under the Fair Labor Standards Act (FLSA), are eligible for overtime pay.

### **Compensatory Time**

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Compensatory time (comp time) is paid time off work for time worked in excess of 40 hours during a work week. The District gives comp time to employees in lieu of overtime pay. Employees earn comp time in the same manner and at the same rate as overtime pay.

Employees may not earn comp time without prior approval of the Supervisor or President. While comp time will be credited to the employee, failure to obtain prior approval may result in disciplinary action.

FLSA nonexempt employees receive one and one-half hour of paid leave time and can accumulate up to 240 hours of comp time.

Administrative and Professional FLSA exempt employees earn comp time at one hour per hour worked in excess of the regular work schedule. Administrative and Professional FLSA exempt employees may earn up to 120 hours of comp time.

Executive FLSA exempt employees do not earn comp time.

Compensatory time accrual for qualifying exempt employees can only be accrued on a 3 hour minimum per day. There will be no accrual for time less than 3 hours per day for exempt employees. Compensatory time over 80 hours must be cashed out on an annual basis.

Once the maximum number of hours is reached, the accrual of comp time ceases until a portion of the time is used.

Employees must complete a Request for Leave form when requesting to use comp time. Such request must have prior approval from the immediate Supervisor, and/or

President. Use of comp time is charged in minimum units of one-quarter hours (.25 hours).

The Employer can require that an employee use his/her comp time and can require that the comp time be used at a time that minimizes disruption of the workplace.

Administrative and Professional FLSA exempt employees will receive cash payment for accrued compensatory time at separation or retirement.

## **Pay Periods**

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For payroll purposes, pay periods begin on Sunday and end the Saturday of the following week. Payment for hours worked during a pay period is made bi-weekly on the second Friday following the completion of the pay period.

Payment is made through direct deposit (electronic transfer) for all new hires employed after September 1, 1991. Any checking or savings account information supplied for payroll purposes will remain confidential.

Pay advances of any kind are not permitted.

Federal, state, and municipal laws require automatic deductions of appropriate taxes and other deductions from employee's wages including OPERS. Employees hired after April 1, 1986, must also pay the Medicare tax of 1.45% of gross salary.

Employees may elect voluntary payroll deductions offered by employer (i.e., insurance, deferred compensation and United Way).

Employees must review the information on their pay stubs to ensure accurate payment, deductions, and balances and immediately report any inaccuracies to their payroll officer. The name printed on the pay stub must reflect the name on the employee's social security card.

Employees must notify their Supervisors and payroll officer of any change in address, bank account, marital status, or any other information that may affect payroll. Any changes to bank account information must be reported to the payroll officer a full week before the pay date. In the case of a holiday falling in the payroll week, changes need to be submitted by noon on Tuesday the week before the pay date. When bank account changes are made, the first payment on the new account may be by check.

## **Payment of Sick Leave Upon Retirement or Death**

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Upon an OPERS retirement from active service, employees with 10 or more years of service with the District (including the Wood County Sanitary Engineer's office service) shall be paid in cash for one-fourth (1/4) of the value of his accrued but unused sick leave credit up to a maximum of one hundred and twenty (120) days.

Payment of sick leave of this basis shall be considered to eliminate all sick leave accrued at that time.

In the event of a death of an Employee due to injuries on the job, said estate shall be paid his/her full accrued sick leave.

"Retirement" means disability or service retirement under OPERS.

The sick leave payment is based on the employee's rate of pay at the time of retirement.

## **Time Clock**

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Each individual employee shall punch in and out their own time card except on call outs. Disciplinary action may be taken against anyone punching in or out someone else's time card, unless approved by the employer. On call-outs, handwritten times will suffice. Employees will be dressed and ready to work when "punching-in" in their appropriate work clothes (uniform).

Employees shall not clock in early.

## **Time Sheets**

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Time worked shall be listed on the time sheets immediately after each workday is completed. Time sheets shall be turned in promptly for the preceding two weeks work. All approved request forms for time off, approved overtime, and out of classification forms must accompany the time sheets at that time. If there is no supporting documentation attached, the employee will not be paid for that time-off.

## **Work Schedules**

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Work schedules shall be followed as directed by the supervisor. Trading of duty schedules shall be allowed only with approval of the supervisor after written notification of mutual agreement by the employees involved. In a documented emergency, employees shall notify supervision as soon as possible.

## **Working out of Classification**

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An employee shall not be paid a higher wage rate for working out of classification unless this is definitely determined before starting the work, whether in writing or verbally by the management. The superintendent, assistant superintendent or the employee shall complete the appropriate form. See Article #20 of the bargaining agreement for more information. Management must be notified in writing in order to approve working out of classification.



# ABSENCES FROM WORK

The District offers several types of leave for employees; however, employees may only use leave as prescribed in this handbook. Other sections of this handbook offer additional information on absences from work (i.e., vacation, comp time, etc.). Sick leave, vacation leave, compensatory time and personal leave is not available for use until it appears on the employee's earnings statement and the compensation described in the earnings statement is available to the employee.

## **Sick Leave**

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All District employees (full time, part time, and intermittent) earn sick leave at the rate of 4.6 hours for each 80 hours worked or .0575 per hour. When calculating sick leave accrual, "time worked" is defined as "all hours in an active pay status including, hours actually worked and all paid time on vacation, sick leave, compensatory time, and holidays." Sick leave is not earned during periods of unpaid leave of absence or layoff.

### **Reasons for Leave**

Sick leave benefits may accrue to employees without limit and may be used, with approval of the Supervisor or President, for any of 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 of the employee, including medical, psychological, dental, or optical examination, by an appropriate licensed practitioner.
4. A two (2) day sick leave will be allowed to attend the funeral of any other relative not considered as immediate family.
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. Examination, including medical, psychological, dental, or optical examination, of a member of the employee's immediate family by an appropriate licensed practitioner where the employee's presence is reasonably necessary.
7. Postnatal care of the employee's spouse or newborn child not to exceed five days. Additional time may be granted with doctor's certification for medical related conditions.

As used above, immediate family means an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), 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).

### **Use of Sick Leave**

The use of sick leave requires approval from the Immediate Supervisor, Department Head or President. To justify the use of sick leave, employees must provide their employer with the specific nature of the illness/injury, the name and relationship to the employee of the injured or ill person, and the length of leave requested.

Sick leave is charged in minimum units of one-quarter hours (.25 hours). When requesting to use sick leave, employees must complete a Request for Leave form. The form must document the specific nature of the illness and immediate family member in order for the employer to justify the use of the leave.

Sick leave earned during a pay period cannot be used until after the Saturday that finishes that same pay period and on the books the previous pay period.

An employee on-call and calling in sick will be required to have District equipment returned or make arrangements for pick-up of the equipment before start of the work day and transfer duty responsibilities to another approved duty man or supervisor.

### **Leave Requests**

Employees with prior knowledge of the need for sick leave time, e.g., scheduled surgery or doctor appointment, must complete a Request for Leave form prior to commencement of such leave and must receive approval from the immediate Supervisor. In cases of an illness or injury consisting of three or more work days, a physician's statement specifying the employee's inability to work and the approximate date of return to work shall be submitted to the immediate Supervisor.

Employees who are sick and unable to report to work shall contact their immediate Supervisor by their normal reporting time. If said employee has no sick leave time available, the employee will not automatically roll into compensatory or vacation time. The employee without sick leave time will be absent without leave and not paid for that time missed. Any abuse of this will be reviewed and discipline may occur. Upon return to work, employees must complete a Request for Leave form.

Employees may use sick leave benefits only for the purpose outlined above. The District can require medical verification and/or take disciplinary action if chronic use of sick leave, excessive use of sick leave, or abuse of sick leave is suspected. (Examples would be patterned abuse of sick leave, consistent one

day sick leave usage, limited amount of sick leave on books without prior medical verification).

The misuse of sick leave may result in a denial of pay and employee disciplinary action, including dismissal. An employee who fails to comply with this chapter and sections 124.38 and 124.382 of the Revised Code shall not be allowed to use sick leave for time absent from work under such non-compliance. Application for use of sick leave with the intent to defraud shall be grounds for disciplinary action which may include dismissal. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal.

Employees who have worked for the District at least one year, and at least 1,250 hours during the preceding 12 month period, are eligible for family and medical leave. However, only certain types of leave are covered. If the leave qualifies under FMLA, the leave will count toward the employee's FMLA entitlement. For more information please refer to the District's Family Medical Leave Act Policy.

Employees unable to work after all sick leave rights have been exhausted may request a leave of absence from the President. Employees may, upon return to health, return to active pay status at the same or similar position upon examination and certification by a physician stating that the employee is able to perform the duties of the position. The District reserves the right to send the employee to a physician of the District's choice and at the District's expense to verify the employee's inability to return to work.

### **Transfers and Reinstatement of Sick Leave**

An employee who transfers from employment with or has prior service with any political subdivision of the State of Ohio, or who is reinstated or re-employed, within 10 years shall be credited with the unused sick leave balance, upon written verification from the previous employer. It is the employee's responsibility to obtain verification. Employees who received a sick leave payment upon retirement shall not receive credit for any previous balance.

## **Sick Leave Donation Policy**

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The District offers a Sick Leave Donation policy for those employees in need. With the help of other employees, it is possible for individuals to benefit from the generosity of their fellow workers to help overcome the financial impact of serious health or injury related issues. The Sick Leave Donation Program allows employees to voluntarily provide assistance to co-workers who are in need of leave due to serious illness or injury of the employee.

### **Donors**

1. Participation will be voluntary and open to all employees.
2. Employees will only be able to donate hours that do not reduce their remaining sick leave below 240 hours.
3. Maximum hours that can be donated are 40 hours per W-2 payroll year.
4. Leave can be donated only in 8 hour increments.
5. Unused donated sick time will be put into a pool for future approved donation requests.
6. Donation does not count as hours used for any “sick bonus paid days” calculation.
7. Obtain approval for a sick leave donation by completing a donor form.

### **Recipients**

1. Coverage limited to major illness/injury.
2. Must be away from work for at least 4 consecutive weeks.
3. Employees may use only 1 (one) donation period per W-2 payroll year.
4. Requires doctor’s statement substantiating employee is unable to work for a qualifying length of time.
5. Leave donated to recipient in 160 hour maximum amount for a donation period.
6. Donated sick hours will be paid at the recipient’s hourly rate.
7. Each donation period requires a doctor’s substantiation.
8. Donated sick hours are not eligible for severance if person resigns, retire or pass away before all are utilized.
9. Employees on Workers Compensation or any other disability program are not eligible for donation program.
10. Employee must have completed probationary period.
11. Employee can have no sick, vacation or compensatory time available for

use.

12. Sick and vacation time accrued by an employee while using donated leave must be used in the following pay period before additional donated leave may be used.
13. Unused donated sick leave hours will be put into a sick pool bank and be utilized first for any future donated sick leave request from any employee.
14. Obtain approval for a sick leave donation by completing a recipient form.

Requests can be submitted up to 30 days before donation is needed.

## **Family and Medical Leave**

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Family Medical Leave Act of 1993  
NWSD-95-101 dated August 10, 1995;  
NWSD-2010-90 dated July 22, 2010  
NWSD-2014-144 dated December 18, 2014

The Family and Medical Leave Act (FMLA) grants an eligible employee continuous or intermittent leave during a calendar year, January 1 through December 31, for certain qualifying events. Basic and Military Qualifying Exigency Leave provide up to a total of 12 weeks of leave (480 hours) during a single 12 month period. Military Caregiver Leave provides up to a total of 26 work weeks (1,040 hours) of leave during a 12 month period. No employee receives more than a total of 26 weeks in a calendar year.

The Family and Medical Leave Act guarantees that an employee who takes FMLA leave can return to either the position held before the leave or a similar position upon return from leave, unless the employee would have been terminated in the absence of FMLA leave due to layoff, job abolishment, or insufficient funds. FMLA also guarantees the same benefits or conditions of employment accrued prior to the beginning of the leave period.

All available leave and benefits (e.g., sick, vacation, personal leave, comp time, Workers' Compensation, etc.) run concurrently with designated FMLA leave and must be exhausted prior to commencement of an unpaid FMLA leave. Employee sick leave benefits provided by the Ohio Revised Code generally meet or exceed benefits provided under FMLA.

### **Three Types of FMLA Leave**

#### **Basic FMLA Leave**

1. Incapacity due to pregnancy, prenatal medical care, or child birth, beyond the 5 days for bonding if a medical issue exists with the mother or child.
2. Caring for the employee's child after birth or placement for adoption or foster care. FMLA leave must be completed within 12 months of the date of birth/placement. (An employee cannot take 12 weeks parental leave and an additional 12 weeks of other FMLA leave.)
3. Caring for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
4. An employee's serious health condition that makes the employee unable to perform the duties of his/her position

#### **Military Qualifying Exigency Leave**

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use up to 12 weeks leave for certain qualifying exigencies.

### **Military Caregiver Leave**

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for a covered service member. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 work weeks of leave under Qualifying Exigency Leave and Military Caregiver Leave entitlements.

### **Employee Eligibility**

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

1. Employed by the District for at least 12 months or 52 weeks; and
2. Worked at least 1,250 hours, including overtime but excluding paid vacation leave, paid sick leave, paid holidays, unpaid leave and layoffs, during the past 12 months.

### **Requests for FMLA Leave**

If the need for leave is foreseeable (e.g., scheduled surgery, birth), employees must communicate sufficient information about the reason for leave to the Supervisor by completing a written Request for Leave at least 30 days prior to taking leave.

If the need for FMLA leave is unforeseeable (e.g., car accident), employees must comply with the normal call-in procedure and communicate sufficient information about the reason for leave. A written Request for Leave must be submitted as soon as practicable.

The decision to designate leave as FMLA-qualifying must be based only on information received from the employee or the employee's spokesperson (e.g. if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, etc. may provide notice to the employer of the need to take FMLA leave). If the Supervisor does not have sufficient information, the Supervisor should inquire further of the employee or the spokesperson to ascertain whether the leave is potentially FMLA-qualifying.

When determining paid FMLA leave, employees shall refer to the Employee Handbook to verify if the payment for leave requested (e.g., sick, vacation, etc.) meets the statutory definition. For example, adoption and qualifying exigency do not meet the statutory or handbook purposes for sick leave use. Vacation or other types of leave may be used.

Even if not specifically requested as FMLA leave by the employee, the supervisor shall initiate the FMLA process for any qualifying health condition or event.

### **First Notice: Eligibility**

The Supervisor must notify employees, in person or by mail, of their eligibility status within five business days after:

1. the first time an employee requests leave for a particular qualifying reason in the calendar year; or
2. the Supervisor receives knowledge that the reason for an employee's leave may be FMLA qualifying.

This notice only indicates employee eligibility, not whether the facts qualify for FMLA. See form: FMLA First Notice: Notice of Eligibility and Rights & Responsibilities.

### **Certification**

The Department Head or Supervisor may require employees to submit a complete and sufficient certification on one of the following forms as appropriate for the request:

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

The employee must return the completed certification within the timeframe noted on the Notice of Eligibility and Rights and Responsibilities form, or the leave may be denied and the employee may be subject to disciplinary action (e.g. insubordination).

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 family member lasts beyond a single leave year, the District may require the employee to provide a new medical certification in each subsequent leave year.

### **Second and Third Certification Opinions**



The District may require that the employee get a second opinion from an independent medical provider, selected and paid for by the District. If the two opinions conflict, the conflict may be resolved by a third opinion by a provider agreed to by the District and the employee which shall be considered final and binding. The District will pay for this opinion.

The District may not require a second and third opinion for:

1. Employer's request for recertification. See below.
2. Leave taken because of a Military Qualifying Exigency.
3. Leave taken to care for a Covered Military Service Member.

### **Recertification**

The District may require recertification of an employee or family member's serious health condition at any time at the employee's expense if:

1. The employee requests an extension of leave (e.g. 2 weeks to 3 weeks);
2. Circumstances described by the previous certification have changed significantly (e.g. the duration of the illness, the nature of the illness, complications); or
3. Leave taken by the employee is inconsistent with the circumstances described in the employee's certification (e.g. facts about employee's activities during the leave suggest FMLA qualifying serious health condition no longer exists).

If the medical certification indicates that the minimum duration of the condition is more than 30 days, the District must wait the minimum duration before requesting a recertification.

In all cases, the District may request a recertification of a medical condition every six months in connection with an absence by the employee (e.g. course of treatment/intermittent FMLA extending more than six months).

### **Second Notice: FMLA Designation**

One notice of designation is required for each FMLA-qualifying reason per calendar year (e.g. separate notices of designation for broken leg in March and heart attack in November.)

Within five business days after the Department Head or Supervisor receives enough information to determine whether the leave taken is for a FMLA-qualifying reason (e.g. after receipt of a complete and sufficient certification), the Department Head or Supervisor must provide notice to the employee, in person or by mail, if the leave requested is or is not a FMLA-qualified leave. See form: FMLA Second Notice: Designation Notice.

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

### **Use of FMLA Leave**

#### **Intermittent Leave**

In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may request to work a part-time schedule. In reviewing an employee's request for intermittent leave, the Elected Official or Department Head shall determine whether or not an acceptable leave schedule can be arranged and may consider a temporary transfer to an alternative or comparable position.

If medically possible, an employee must schedule intermittent leave so as to not unduly interrupt employer operations. For employees taking intermittent leave, the employer must account for the reduced schedule using increments of time as outlined in the Employee Handbook, as required by a collective bargaining agreement or as set by an appointing authority.

#### **Holidays**

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

#### **Coordination of Leave for Spouses Working for the District**

A husband and wife who both work for the District and are eligible for FMLA leave are limited to a combined 12 work weeks of leave for birth, adoption, or foster care placement. Other FMLA taken will be calculated in the same manner as leave for an individual employee.

### **Interaction with Other Leave Programs**

Additional time off beyond the required FMLA leave may be available to employees as defined in the Employee Handbook (e.g. sick leave and/or leave of absence without pay).

### **Reporting Requirements**

Employees on FMLA leave are required to report to their immediate supervisor on their status and intent to return as noted on the FMLA First Notice: Notice of Eligibility and Rights & Responsibilities.

### **Recordkeeping**

Records and documents relating to certifications or medical histories created for purposes of FMLA shall be maintained as confidential medical records in separate files from the usual personnel files.

All records relating to FMLA shall be maintained for a minimum of three years.

Department Heads or their designees shall maintain records of leave balances and FMLA leave usage.

### **Employee Benefits**

#### **Health Benefits**

During the FMLA leave, paid or unpaid, the District will maintain the employee's coverage for health insurance benefits as defined in the Plan Document.

#### *Employee Payment of Health Benefit Co-pays*

If the employee is on FMLA leave and receives wages for both monthly pay periods, the District will deduct his/her portion of the premium(s) normally deducted from the individual's pay check.

If both pay periods do not provide sufficient funds to withdraw the employee's portion of the premium(s) normally deducted via payroll, the employee must pay the entire monthly premium.

Employee paid insurance copayments are due by the last day of the month prior to coverage—i.e. February's payment is due by January 31st. Checks should be made payable to the Wood County Treasurer and submitted to the department's insurance group representative.

#### *Insurance Termination Notice*

Wood County must give 15 days' notice before terminating coverage due to non-payment of premium.

If payment is not received after a 30-day grace period, benefits will terminate retroactively to the first day of the month for which payment of premium due was not received. Forms to terminate coverage must be completed by the employee or the employee's group representative.

All claims paid on a retroactively terminated policy will become the responsibility of the employee.

An employee whose benefits are terminated will no longer be eligible to re-enter the plan during leave.

### **Vacation and Sick Leave Benefits**

An employee does not accrue sick leave or vacation leave benefits during a leave without pay under FMLA.

### **Reinstatement After FMLA Leave**

Employees who take leave due to their own serious health condition must provide a fitness for duty certification from a health care provider that they are able to perform the essential functions of their position prior to returning to work.

Employees electing not to continue health benefits during FMLA leave will have their health benefits reinstated on the first day of the month after return to permanent full time employment. Benefits will be reinstated at the same level in which they were in effect prior to leave. In order to be considered as returning to work, an employee must work for at least 30 calendar days.

All other terms and conditions of employment will be reinstated upon the employee's return to work (e.g., sick leave accruals, health benefits, etc.)

### **Unavailability of Position**

If the same job is not available, the Appointing Authority will determine in which similar position the employee should be placed, and must grant equivalent pay, benefits and conditions of employment.

An employee who returns to permanent full-time work for at least 30 consecutive calendar days is considered to have returned to work.

### **Non-Returning Employees**

Employees who fail to return to work after the FMLA leave without other approved leave are deemed to have voluntarily terminated their employment. Any balances of pay due (vacation, compensatory time, etc.) will be paid on the next pay date after termination.

The employee's insurance benefits, if continued, cease at the end of the month following notification. The District will notify employees of their COBRA options upon receipt of termination information from the department's monthly insurance report. The employee must complete a COBRA Personnel Action Report and submit it to his/her group representative in order to initiate COBRA benefits.

The employee must pay the District's share of health insurance premiums paid on the employee's behalf during a period of unpaid FMLA leave if the employee fails to return to work after the employee's FMLA leave ends. The employee does not owe the District's share of the premium if the employee fails to return to work due to some other circumstances beyond the employee's control.

### **Definitions**

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves either:

1. an overnight stay in a medical care facility; or
2. continuing treatment by a health care provider for a condition that either prevents:
  - a. the employee from performing the functions of the employee's job; or
  - b. the qualified family member from participating in school or other daily activity

**Continuing Treatment** means any one of the following:

1. A period of incapacity of more than three consecutive, full, calendar days and any subsequent treatment or period of incapacity that involves:
  - a. Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist.
  - b. Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

The requirements above mean an in-person visit to a health care provider. The first (or only) visit must take place within seven days of the first day of incapacity.

Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30 –day period shall be determined by the health care provider.

2. Any period of incapacity due to pregnancy or for prenatal care.
3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition:
  - a. Requires periodic visits (defined as twice per year) for treatment by a health care provider;
  - b. Continues over an extended period of time (including reoccurring episodes of a single underlying condition); and
  - c. May cause episodic rather than a continuing period of incapacity (e.g. diabetes, asthma, epilepsy, etc.)
4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider (e.g., Alzheimer’s, a severe stroke, or the terminal stages of a disease.)
5. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider for:
  - a. restorative surgery after an accident or other injury; or
  - b. a condition that would likely result in a period of incapacity of more than three consecutive days in the absence of medical intervention or treatment (e.g. chemotherapy, radiation, physical therapy, dialysis, etc.)

Absences attributable to pregnancy/prenatal care or chronic serious health conditions qualify for FMLA leave even though the employee or covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days.

**Spouse:** Employee’s lawful husband or wife;

**Child (Son or Daughter):** Biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence

**Parent:** Biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. Does not include parents “in law”.

**Health Care Provider:** A doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse midwife, clinical social worker, or physician’s assistant who are authorized to practice under State law. Christian Science practitioners and any health care provider from whom the employer will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

**Military Qualifying Exigency:** Applies to leave for military families and includes short-notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and additional activities not encompassed in the other categories, but agreed to by the employer and employee.

**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: Refer to the definition as set forth in 29 CFR 825.127(b)(3).

## **Court Leave With Pay**

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Employees summoned for jury duty or subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to compel the attendance of witnesses, where the employee is not a party to the action, shall be granted court leave with full pay. Employees must notify their Supervisor of jury duty or of a witness subpoena upon receipt. Employees requesting leave may be required to provide documentation. If time warrants, employees shall return to work upon completion of such duty each day.

When such duty is performed during the employee's normal working hours, the employee shall remit any compensation or reimbursement for jury duty or court attendance compelled by subpoena to his/her Supervisor. Unless vacation or compensatory time is requested, the employee cannot earn regular compensation and witness/jury duty fees.

Employees who are the appellant in any action before the State Personnel Board of Review and are in active pay status at the time of a scheduled hearing before the board shall be granted court leave with full pay for purposes of attending the hearing.

## **Court Leave Without Pay**

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Employees appearing before a court or other legally constituted body as a party in the action may request vacation time, compensatory time, personal day, if applicable, or leave of absence without pay. Such court appearances include, but are not limited to, criminal or civil cases, traffic court, domestic relations proceedings, custody, or appearing as a parent or guardian of juveniles.



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## **Military Leave Policy**

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ORC 5923

NWSD 2002-34 Dated June 13, 2002

### I. Policy

A. Service in the United States armed forces is both a privilege and duty. The District shall not refuse to employ or discharge any employee because of military membership, nor shall employees be prevented from performing any military service they may be called upon to do. It is the intent of the District to follow the requirements of the Ohio Revised Code where applicable.

### B. Requests for Military Leave

1. Requests for leave must be submitted to the President or supervisor at least two weeks in advance of the leave date or as soon as need for leave is known to employees.
2. The request shall state the reason for taking leave of absence, first day of leave, and return to work date. A copy of the order or notification to report must be attached. The order or statement from the appropriate military command shall specify, by name, that the employee is to report for duty.
3. Emergency requests will be considered if the need arises.
4. Employees absent without proper authorization will be charged with an unauthorized absence and will be subject to disciplinary action.
5. Military leave cannot be denied for failure to properly notify the employer, but may be grounds for disciplinary action.

### C. Induction

1. Employees shall be granted a leave of absence to receive their physical examination or otherwise be inducted into the military.
2. Employees shall be granted up to three work days of sick leave, vacation leave, or other applicable time (or a leave of absence without pay, if necessary) per calendar year for physical examination and induction purposes.

D. Military Leave With Pay (Short-term)

1. Permanent employees who are members of the Ohio National Guard, or any other reserve component of the United States armed forces, are entitled to military leave of absence with pay for a period not to exceed 22 eight hour work days (176 hours) per calendar year provided employees are called for field training or active duty. This uniformed service need not be in one continuous period of time.
  - a. During this period of 22 eight hour days (176 hours) or less of service within one calendar year, employees will be compensated for this time and continue to accrue sick leave and vacation time and service credit from the District.
  - b. Employees are required to submit a copy of military orders or other statement in writing from the appropriate military authority as evidence of a call to training or duty.
  - c. When the call to duty exceeds 22 work days, or 176 hours, in any one calendar year, employees shall be granted a military leave of absence for the time in excess of 22 work days for such duty as ordered by the president of the United States or Governor of the State of Ohio and will be paid by the employer the lesser of the following:
    1. The difference between the employee's gross monthly wage and the sum of the employee's gross uniformed pay and allowances received that month;
    2. Five hundred dollars.

For days exceeding 22 work days in a calendar year, the employee shall not receive any pay from the employer if the sum of their uniformed pay and allowances received in a pay period exceeds the employee's gross wage.
2. Sick leave and/or vacation accrual will accumulate at the normal rate during military leave with pay.

E. Long-Term Military Leave

1. Long-term military leave shall be defined as any situation where an individual is called or ordered to the uniformed services for longer than a month in a given calendar year. A month means twenty-two (22) eight (8) hour work days or 176 hours within one calendar year.
2. The provisions of Section E only apply when an individual is ordered to military duty due to an Executive Order issued by the President of the United States or an Act of Congress.
3. Under circumstances of points 1 and 2 above, an individual called to military duty is entitled to be paid during each month of said military duty the lesser of:
  - a. The difference between the permanent public employee's gross monthly wage or salary as an officer or permanent public employee and the sum of the permanent employee's gross uniformed pay and allowances received that month;
  - b. Five Hundred Dollars.
4. However, an employee called to military duty under Section E is not entitled to receive any wage or salary for any month in which the military wage or salary (including allowances) is greater than the employee's wage or salary from the District.
5. Employees are required to submit a copy of military orders or other statement in writing from the appropriate military authority as evidence of a call to training or duty.
6. Employees who re-enlist while on active duty, or a commissioned officer who voluntarily enters into extended active duty beyond that required, upon accepting a commission, are not eligible for reinstatement.
7. Health care benefits will be provided by the District during a military leave without pay. COBRA benefits, which are available to eligible employees and eligible family members, will be paid by the employer.

The employee would not be responsible to pay for his monthly co-payment amount - it would be paid by the District.

The District would also pay for any other medical benefits such as vision, dental, prescription, and life coverage in effect prior to the leave.

If an employee chooses not to return to their position with the District, the employee may be asked to repay the District for these costs.

F. Reinstatement

1. Veterans separated or discharged under honorable conditions must make application for re-employment to their former position within 90 calendar days from the date of their release from service. When veterans are hospitalized due to an in-service injury or illness that has not exceeded a period of more than one year, they must make application for re-employment within 90 calendar days after release from hospitalization.
  - I. Reinstatement must be completed within 30 calendar days after application is received.
  - ii. A copy of the discharge (DD Form 214) or certificate of service must be submitted with all requests for reinstatement or reappointment.
  - iii. Upon return to District employment, veterans must be physically qualified to perform the duties of their position. When a disability is sustained in military service, reasonable accommodation will be made to enable veterans to work at the same or equivalent position.
  - iv. Veterans are entitled to all salary benefits or other advancement during their absence as follows:
    - a. Sick leave and vacation shall be reinstated at the amount accumulated prior to entering service.
    - b. In determining vacation accrual, military leave shall be included in calculating employees' length of service.
    - c. Reinstated employees are eligible to receive any change in classification or pay range or step increase that would have accrued to their position if they had remained on the job.

- d. Upon returning from the military leave without pay, insurance coverage shall be reinstated on the first day of the month and return to duty as explained in the Subscriber Booklet for District Employees' Health Benefits Plan.

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## **Ohio Military Family Leave Act**

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ORC 5906.01, 5906.02

The Ohio Family Military Leave Act provides up to 80 hours per calendar year of unpaid military family leave to eligible employees who have exhausted all other leave available for the employee's use except sick leave or disability leave. An eligible employee must have been employed by the District for at least 12 consecutive months and for at least 1,250 hours in the 12 months immediately preceding commencement of the leave.

The eligible employee must be the parent, spouse, or person who has or had legal custody, of a person who is a member of the uniformed services and who is called into active duty in the uniformed services for a period of longer than 30 days or is injured, wounded, or hospitalized while serving on active duty in the uniformed services.

The employee must provide notice at least 14 days prior to taking the leave if the leave is taken because of a call to active duty. The employee must provide notice at least two days prior to taking the leave if the leave is taken because of an injury, wound, or hospitalization. If the family member's situation is critical or life threatening, the employee may take leave without providing prior notice.

The eligible employee cannot take leave pursuant to this policy more than two weeks prior to or one week after the covered family member's deployment date.

The District shall continue to provide insurance benefits to the employee during the period of unpaid leave. The employee will be required to self-pay the normal payroll deduction as outlined in the Summary Plan Description.

Employees requesting to use the Ohio Military Leave Act may contact the Finance Department for more information regarding available leave and requirements.

## **Volunteer Fire and Emergency Personnel**

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Employees serving on a volunteer fire and/or emergency medical unit must provide written verification of their status to their Supervisor within 30 days of employment with the District or upon certification as a volunteer firefighter and/or emergency medical provider.

Employees shall immediately notify their direct supervisor if they will be late or absent from work due to participating in an emergency and must submit within one day written verification from the chief of the volunteer fire department or EMS director of the date, beginning and ending time, and nature of the emergency call.

During work hours, the Supervisor shall make every effort to allow employees to respond to an emergency, unless emergency circumstances at the worksite prevent



them from leaving. The Employee is required to use their own vehicle to respond to such emergencies.

Employees can use accumulated, unused vacation or compensatory time for such absences from work. Employees shall not be disciplined if documentation of the emergency is provided.

Employees shall notify their Supervisor when their status changes or terminates.

## **Nursing Mothers**

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FLSA, 29 U.S.C. §207(r)(1)

The District shall provide employees who are nursing after the birth of a child with reasonable unpaid break time (or available vacation, compensatory time, personal leave, or available paid break time) to express breast milk for up to one year so long as such break time does not unduly disrupt operations. The District will make reasonable efforts to provide a private location for nursing mothers.

## **Personal Leave of Absence**

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As provided by State and/or Federal law, a regular Employee may be permitted to take a leave of absence without pay for compelling personal reasons for up to six (6) months in a given calendar year of employment, and/or appropriate per law, upon prior approval of the Employer.

Such leave will be granted for extended illness of the Employee or for maternity leave.

An employee on non-medical leave must give notice of intent to return to work at least two weeks prior to the date of the last day of the leave granted. Failure to do so may result in termination.

Family Medical Leave Act and any other medical or sick leave shall run concurrently.

Employees do not accrue sick or vacation leave during an unpaid leave of absence.

Refer to the Wood County Employees' Health Benefits Subscriber Booklet for information regarding insurance benefits during an unpaid leave of absence.

- A. The District follows the provisions of the Family and Medical Leave Act and its provisions, therein.
- B. Must be employed at least one year, and for 1,250 hours over the previous 12 months.

## **Reasons for Taking Leave:**

To care for the Employee's child after birth, or placement for adoption, or foster care.

To care for the Employee's spouse, son or daughter, or parent, who has a serious health condition.\* (\*"Certification of Physician or Practitioner" form must be completed.)

For a serious health condition that makes the Employee unable to perform the Employee's job.\* (\*"Certification of Physician or Practitioner" form must be completed.)

All paid sick leave, vacation and comp time balances are required to be exhausted prior to unpaid leave commencing. This time counts as part of the 12 work weeks of leave and runs concurrently with FMLA leave.

### **2. Notification:**

Must provide thirty (30) days advance notice when the leave is "foreseeable" including probable length and circumstances of leave.

All leave must have prior approval from the President and Board of Trustees. "Request for Leave" form must be completed indicating dates of leave with pay and without pay.

Medical certification to support a request for leave because of a serious health condition is required on a "certification of Physician or Practitioner" form. The Employer may require second or third opinions at their expense. The third opinion is binding.

Additional verification may be requested at thirty (30) day intervals.

### **3. Insurance Benefits:**

Available to permanent full time Employees only.

The Employer will continue to provide health insurance benefits for the first twelve (12) work weeks of leave (with or without pay).

Employees are responsible to pay their co-pay amount, if the contracts require same.

Employees may continue to carry a combination of additional insurance benefits which include prescription, vision, dental, and life

while on leave. Employees on leave with pay, only pay the co-pay amount, while Employees on leave without pay, pay the entire monthly premium for additional insurance benefits.

## **Funeral Leave**

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Employees shall be entitled to three (3) days of Funeral Leave with pay for their immediate family defined as the employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), 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).

In the event the funeral is 250 miles or more from the employee's home, the employee shall receive additional time off to be deducted from their earned sick leave, upon request. This is in addition to the three day funeral leave and pay.

A two day sick leave with pay will be allowed to attend the funeral of any other relative, to be deducted from their earned sick leave.

# EMPLOYEE BENEFITS

## **Lunch Period**

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Lunch periods are a period of time where the employee is relieved from work duties. Lunch periods are generally scheduled to begin no earlier than 11 a.m. and end no later than 2 p.m., or as determined by the Supervisor or President. Lunch shall not be consumed while working.

### **Lunch Breaks (Field Operations)**

All employees will recognize the one-half hour lunch break. Lunch break shall include any travel time as well as actual eating time. Management and employees have the right to adjust the one-half hour lunch break due to documented emergencies. Whenever possible, lunch will be taken on site. Whenever possible, one employee will make a "lunch run" while remaining employees continue to work. Employees in Field Operations will use their own vehicles for any lunch purposes. Employees in Field Operations will follow the same thirty minute lunch regulation.

### **Lunch Breaks (Office Staff)**

All employees will recognize the one hour unpaid lunch break. Management has the right to adjust the lunch hour due to emergencies. When work assignments are away from the office, lunch will be taken at or near the job site not to exceed one hour (includes travel time to and from lunch site).

## **Holidays**

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Employees shall receive the following paid Holidays per year, as follows:

New Year's Day	Veteran's Day
Martin Luther King Day	Labor Day
Memorial Day	Thanksgiving Day
Independence Day	Day after Thanksgiving Day
President's Day	Columbus Day
½ day Christmas Eve	Christmas Day

If any of the above mentioned holidays fall on a Saturday, the Friday preceding shall be observed as the holiday. If any of the holidays fall on a Sunday, the Monday immediately following shall be observed as the holiday.

**SECTION 2.**

An Employee will not receive holiday pay for any holidays for which he utilizes unscheduled sick leave the work day before or the work day after said holiday.

Scheduled sick leave shall not apply to this provision.

Full-time employees who work on a recognized holiday receive eight hours of holiday pay in addition to time and one-half their regular rate for actual hours worked on the designated holiday.

Full-time employees whose schedules are other than Monday through Friday are entitled to holiday pay for holidays observed on their day off.

Employees must be on active pay status the day before a holiday in order to receive holiday pay. If a holiday falls during an employee’s scheduled vacation or period of paid absence due to illness or injury (sick leave), the employee will not be charged for vacation or sick leave for that day but will receive holiday pay. Payment will not be made for holidays which occur during an unpaid leave of absence.

A part-time employee may be eligible for holiday pay if the employee is normally scheduled to work on the holiday day. For example, if an employee is normally scheduled to work on Monday, the employee will be paid the number of scheduled hours for the Columbus Day holiday which fall on Monday each year.

**Vacations**

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All full-time employees are entitled to vacation leave, with pay, after the completion of one full year of service with the District or any other political subdivision of the state. One year of service shall be computed on the basis of twenty-six biweekly pay periods.

Vacation is based on length of service as illustrated in the Vacation Accrual Table below:

<b>Vacation Accrual Table</b>			
<b><u>Years of Service</u></b>	<b><u>Pay Periods</u></b>	<b><u>Annual Accrual</u></b>	<b><u>Balance Limit</u></b>
Less than one year	1-26	No vacation	
After one year	27-208	80 hours (2 weeks)	160 hours
After 8 years	209 - 390	120 hours (3 weeks)	240 hours
After 15 years	391- 650	160 hours (4 weeks)	320 hours
After 25 years	650 +	200 hours (5 weeks)	400 hours

Employees may not accrue vacation beyond the balance limit in the Vacation Accrual Table.

Vacations shall be taken, as mutually scheduled with the employer, with 24 hours' notice (if eight hours or less are used). Vacation time shall be taken in 15 minute increments. The same number of days of notice is required for the number of days requested off. For example, if request is for 5 days off, five days of notice is required. Documented emergencies will be dealt with on a case-by-case basis.

Seniority utilization shall be observed for purposes of scheduling vacation time frames. No vacation will be granted for an employee who is performing duty-man responsibilities during his or her scheduled duty week. Documented emergencies will be dealt with on a case-by-case basis.

At no time will more than half of the maintenance department=s staff be allowed to be off at the same time. This is especially important during holidays where the number of crew members is reduced.

The Customer Service area shall always be staffed with at least one billing technician at all times.

Employees must take vacation leave during the year in which it accrues and prior to the next recurrence of the anniversary date of the employee's employment, provided the Board of Trustees may, in special meritorious cases, permit employees to accumulate and carry over vacation leave to the following year. However, in no case may vacation leave be carried over for more than three years. Each employee must check with their Supervisor as to their vacation carry over policy.

Employees must complete a Request for Leave form when requesting to use vacation time. Such request must have prior approval from the immediate Supervisor. Vacation is charged in minimum units of one-quarter hours (.25 hours).

Employees are entitled to compensation for accumulated but unused vacation leave only at the time of separation of service. Payment for accumulated but unused vacation leave at separation is at the employee's current rate of pay. Employees who leave employment prior to the completion of their first year are not entitled to receive compensation for accrued vacation hours.

Except as otherwise provided in this section, a person employed, by the State or any political subdivision of the State, earning vacation credits currently, is entitled to have prior service with any of these employers counted as service with the state or any political subdivision of the State, for purposes of computing the rate of vacation accrual. The employee must provide written proof of prior service calculated on compensated pay periods within 30 days of employment. Upon receipt of prior service verification, The District will confirm the rate of vacation accrual. Any employee who

retired after June 24, 1987, and took part in any retirement plan offered by the state (i.e., OPERS, STRS, etc.), shall NOT have his/her prior service counted in the event he or she is re-employed by the District or other public employer.

Upon the death of an employee, payment of accumulated unused vacation leave shall be disbursed in accordance with ORC 2113.04 or to the estate of the employee.

### **Vacation Leave Buyout Option for Non-Bargaining Unit Employees**

A non-bargaining unit employee, who meets the following criteria at the time of application, may apply to convert to cash up to 20 days per year. To be eligible for the cash conversion, the employee must have:

1. A sick leave balance of at least 120 hours at the time of application,
2. A vacation leave balance of at least 40 hours after the conversion.

An eligible employee may exercise the vacation leave conversion option up to four (4) times per year, for payment in March, June, September or December, however, conversion is limited to a maximum of 20 days each calendar year.

An employee wishing to convert accumulated vacation time to cash at February 15, May 15, August 15 or November 15 must complete and sign a Vacation Leave Conversion Form and submit the form to the President for consideration and approval. The form must be submitted by February 15, May 15, August 15 or November 15 for payment in the following month.

of approved vacation leave buyout is taxable income, and is subject to all tax and other withholding.

Annually, the President will review the budget and financial condition of the District, and will determine whether to continue or suspend the buyout option at any time.

Resolution 2009-132, August 20, 2009

This buyout option is subject to the current requirements of the Ohio Public Employees Retirement System.

# Employee Educational Reimbursement Policy

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I. Goal

- A. The Board of Trustees of the Northwestern Water and Sewer District would like to aid and promote an employee's interest in continuing their efforts to further their education. This would extend beyond the current efforts in licensing work, testing and completion done through AWWA or WEF as examples.

II. Qualifications to Apply

- A. Must work here at least one (1) year, full-time
- B. Must maintain an unblemished discipline record
- C. Must be at least eighteen (18) years of age
- D. Must be already accepted at a school of higher education
- E. Must maintain at least 2.5 grade point average.

III. Course Work to Comply

- A. Must be approved prior to beginning of class.
- B. Course work must be work-related to the water and sewer field or similar business application.
- C. No reimbursement for books and/or materials

IV. Reimbursement Policy

- A. A grade of "C" or better or "S" (satisfactory) must be achieved to Qualify
- B. The District will reimburse the cost of each class up to the following amounts:

<u>Amount</u>	<u>Grade</u>
50 %	C, S
70%	B
90%	A

- C. Employees who receive reimbursement will agree to continue working for the District at least one semester for each semester reimbursed.
- D. No maximum amounts for reimbursement



## **School Supplies Stipend**

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**Who:** All children of the Northwestern Water and Sewer District employees

**What:** \$500 annual stipend for school supplies\* for under-grad students

**When:** Applications would be due 8/1 for the upcoming school year. Would be payable in 2 installments, September 1 and January 1 of \$250 each. Limited to 4 yrs. or 8 semesters.

**Where:** Any college, university, 2 year college, trade school or on-line classes

### **How would this work?**

An employee's child would complete a short application by August 1 and return to the Board's clerk for a decision to be announced by August 15. The intent of this process is that all District employees children qualify.

\*Would include books, materials, computers, instructional fees, etc.

### **Eligibility Requirements**

Any child of a District employee would qualify. More than 1 child per family would qualify as well. An enrollment verification certificate form would be necessary which is used now for health insurance purposes.

### **Define a child of an employee**

An employee of the District must be on "active-pay" status as of July 1 of each year to comply with the first ½ payment on September 1 and must be employed in "active-pay" as of December 1 to qualify for the January 1 payment.

The child can be 17-25 years old, similar to health insurance coverage, living at home or independent, single or married. Adopted or step child claimed as dependent on income tax return qualifies also. Grandchildren would not qualify.

### **What happens if the student doesn't finish the semester?**

Employee is responsible for pay back.

### **Does the student need to be Part-time or Full-time?**

Either

### **Reimbursement**

Payable to employee; no receipts are necessary

## Ohio Public Employees Retirement System

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ORC 145

All District employees are required to become members of the Ohio Public Employees Retirement System (OPERS).

Contributions to OPERS may affect possible Social Security benefits, resulting in the Social Security Windfall Elimination Provision or the Government Pension Offset reducing federal benefits. Information regarding the Windfall and Offset provisions are available from the Social Security Administration, [www.socialsecurity.gov](http://www.socialsecurity.gov) or toll-free at 1-800-722-1213.

Employees hired after January 1, 2003, may select from one of three retirement plan options within 180 days of their initial employment. (Employees hired prior to January 1, 2003, are automatically in the Traditional Pension Plan.)

**Traditional Pension Plan:** A defined benefit plan – retirement benefit is determined by a formula (based on years of service and highest years of salary).

**Member Directed Plan:** A defined contribution plan – retirement benefit is determined by employee and employer contributions and gains/losses of investment options.

**Combined Plan:** A defined benefit and defined contribution plan – retirement benefit is determined by reduced formula (for defined benefit component) and gains/losses or investment options (for defined contribution plan).

OPERS is funded by employee and employer contributions. The employee contribution is made through payroll deduction based on gross earnings. Contact your payroll officer for current deduction rates.

OPERS sends all employees an enrollment card and informational brochure to explain their benefits. Annual statements and publications are mailed by OPERS directly to members.

Additional retirement information can be obtained by writing to the Ohio Public Employees Retirement System, 227 East Town Street, Columbus, Ohio 43215; or by visiting their web site at [www.opers.org](http://www.opers.org); or calling toll free 1-800-222-PERS, or 614-466-2085.

## Deferred Compensation Programs

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BCC4/4/77  
BCC 4/14/87

Employees may participate in two deferred compensation programs: the District Commissioners Association of Ohio (CCAO) Deferred Compensation Program and/or the Public Employees Deferred Compensation Program. All contributions are made through payroll deductions.

The programs require employees who separate from District employment to contact the appropriate representative to select a payment schedule of contributions.

Information regarding both of these programs can be obtained from your payroll officer, the Commissioners' Office, or by contacting:

CCAO Deferred Compensation Program  
40 South Third Street, Suite 270  
Columbus, Ohio 43215

800.423.3699

Ohio Public Employees Deferred Compensation Program  
6085 Emerald Parkway  
Dublin, Ohio 43016  
website: [www.ohio457.org](http://www.ohio457.org)

877.644.6457

## Health Insurance and Wellness Benefits

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The Board of County Commissioners offer health benefits through the Wood County Employee Health Benefits Plan (Plan) and serves as the trustees of this self-insured plan. The Commissioners establish expectations for Plan administration, which is managed by Commissioners' Office staff. Appointing Authorities must comply with reporting requirements, policies and procedures, etc. as communicated by the Commissioners.

Upon, hire, all employees shall receive information relative to the Plan which includes the Plan Document (Subscriber Booklet) or Summary Plan Description (SPD) eligibility guide, and related information. Employee acknowledgement of receipt is required.

All full-time permanent employees are eligible for enrollment in the Wood County Employees Health Benefits program. Coverage includes medical, prescription, vision services plan, dental, and life insurance. To enroll, employees and spouses (if applicable) must complete and application for the type and level of coverage requested and complete a confidential wellness screening within the enrollment period.

Employees seeking to change their insurance coverage must make application within 30 days or as outlined in the Plan Document. The annual Open Election period is November 15 through December 15 with changes effective on January 1 of the following year.

The County also provides a variety of wellness programs to eligible employees. Refer to the Summary Plan Description for a complete listing of available programs.

In the event of termination of benefits, the employee's insurance coverage will cease the end of the month in which an employee leaves active pay status.

Under Public Law 99-272 Title X, commonly referred to as COBRA, separating employees may be eligible to continue coverage at their own expense. Employees are notified of their COBRA rights upon enrollment in the health benefits program. When coverage terminates, employees must complete a COBRA personnel action report to determine COBRA eligibility. Written communication regarding COBRA offerings shall be mailed to the affected employee and/or spouse and dependents.

Protected Health Information (PHI) is deemed confidential by the Plan. Questions may be directed to the HR and Benefits Manager in the Commissioner's Office who serves as the Plan's Privacy Officer.

Employees should refer to the Plan Document for additional information, or visit the employee website at [www.co.wood.oh.us/employee](http://www.co.wood.oh.us/employee).

## **Optional Insurance Program**

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Other optional insurance programs are offered to employees, but the entire premium is paid by the employee. Group rates are provided. Contact your department's insurance representative or payroll officer for more information.

Representatives make annual visits to the District office to advise new employees of program options and update active accounts.

Employees who separate from District employment should notify the appropriate insurance representative of their employment status.

## **Employee Assistance Program**

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Personal problems may affect not only an individual's health, family and job security, but also co-workers and job performance. Therefore, the Employee Assistance Program has been developed to assist employees with such problems.

The Wood County Employee Assistance Program (EAP) offers confidential assistance to Wood County and District employees and their families through four types of referrals: self, family member, supervisory and peer.

This no cost program can be accessed by calling the 24-hour EAP Crisis Intervention Hot-Line at 1.800.513.6733.

The EAP offers 24-hour emergency intervention and counseling, initial assessment, and up to three sessions with a professional counselor, job site intervention, and critical incident debriefing.

## **Workers' Compensation**

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ORC Chapter 4123

NWSD: 2010-95 dated July 22, 2010

NWSD: 2014-144 dated December 18, 2014

District employees are covered by the Ohio Workers' Compensation plan administered by the Bureau of Workers' Compensation (BWC). All claims are medically managed by a Managed Care Organization (MCO). The following is a list of benefits provided to employees who experience work-related injuries.

- A. Payment of medical care including prescriptions, (at the level provided by law) provided by a clinic, physician, hospital or medical services, for the work-related injury or condition as approved by the District, BWC, Industrial Commission of Ohio, or MCO.
- B. Payment of compensation (at the level prescribed by law) for disability after seven or more calendar days away from work.
- C. Death benefits payable to the beneficiaries of any employee whose death is a direct result of a work-related accident or illness.

### **Employee Responsibilities**

Employees who are involved in a workplace accident/injury or who witness a workplace accident/injury must report the incident to their Supervisor promptly, but no later than the end of the employee's work shift. An Accident Injury Investigation Report must be completed by the injured worker even if a Worker's Compensation claim is not filed.

Employees shall complete all pertinent Workers' Compensation and/or accident report forms and submit to their Supervisor. A delay in providing required information may result in a delay of processing the claim and disciplinary action. All claims for Workers' Compensation benefits must be filed within two years of the date of injury.

If medical attention is required, employees should seek professional care from the District's approved occupational medicine facility or a BWC participating provider. (A non-certified provider will be reimbursed only in an emergency or for initial treatment.) Employees must submit a proof of purchase to the District to receive reimbursement for prescription drugs to treat a work-related injury or illness. Some prescriptions may require prior authorization. Submission for payment of medical bills associated with a Workers' Compensation claim is the responsibility of the injured worker.

Employees must notify all service providers of the employer billing instructions and claim number when assigned.

Immediately following treatment, employees must provide written documentation from the treating physician including the employee's name, dates of leave, return to work

date and any physical restrictions to their Supervisor. If the employee needs additional injury-related leave, the employee must submit medical documentation from the treating physician to substantiate the additional leave upon receipt or prior to the expiration date of the previously approved return to work date, whichever is earlier.

### **Supervisor Responsibilities**

Supervisors must immediately notify the Supervisor of all employee workplace accidents/injuries. The employee Accident Injury Investigation Report and all other relevant records received by the Supervisor must be forwarded within 24 hours of receipt.

The Supervisor shall thoroughly investigate the accident/injury, take corrective action, and document the removal of any dangerous condition in the workplace.

### **Claim Procedures**

The District shall submit the claim to the BWC. The BWC will assign a claim number and forward notification to the employee's home address. The assignment of a claim number by the BWC is only an acknowledgement of the claim.

Providers shall bill the District for services unless directed to bill the MCO. Medical bills are paid using the usual, customary and reasonable fee for each type of service.

### **Alcohol/Drug Related Injuries**

All District workplaces shall post written notice to employees that the results or a refusal to a chemical test for alcohol and/or drugs as described in ORC 4123.54 may affect the employee's eligibility for compensation and benefits under Ohio's Worker Compensation Law Chapter 4123 of the Revised Code.

The employee must submit to an alcohol and/or drug test if the employer has a reasonable cause to suspect use or if the test is requested by a police officer or licensed physician.

An employee who test positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.

Positive alcohol and/or drug testing, or an employee's refusal to test under the circumstances outlined in ORC 4123.54, creates a rebuttable presumption that the proximate cause of the employee's injury was alcohol or a controlled substance not prescribed by the employee's physician. The employee may dispute or prove the presumption untrue by producing sufficient evidence to the BWC.

## **Coordination with Other Policies**

All other District policies and procedures apply when an employee is involved in a Workers' Compensation claim.

**Insurance Benefits:** Insurance benefits for injured workers will continue for up to 60 days after the last day the employee was actively at work. The employee must pay any co-payments required by the plan.

**FMLA:** Employees on a Workers' Compensation claim may qualify for benefits under the Family Medical Leave Act (FMLA). Workers' Compensation and FMLA benefits commence on the same date.

**Transitional Duty:** The District seeks to return all injured workers to their original position immediately after a work related injury. Some injured employees may return to gainful employment in a temporary "bridge" assignment within the limitations of the injury. See the Transitional Work Program Policy and Procedures for additional information.



## **Transitional Work Program Policy and Procedures**

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NWSD 98-124 8/27/98 REV:

NWSD 2010-91 dated July 22, 2010 REV.

- I. Purpose: It is in the employee's physical and psychological best interests to remain active and productive within the limitations of a work related injury or illness. The District's Transitional Work Program (TWP) returns an employee with a work-related injury or illness to active employment through a temporary employment ("bridge") assignment. The temporary work assignment accommodates the limitations of the injury until the employee can return to full duty without restrictions or reaches maximum medical improvement.
  - A. The benefits of the District's TWP are as follows:
    - 1. The Employee provides a valued service without the stress of losing income or regular work contacts.
    - 2. The District reduces Workers' Compensation related expenses by promoting positive work relationships and by maintaining an experienced work force.
    - 3. The participating Physician(s) work within the framework of a transitional work program to make an informed decision about the type of work an employee can best handle within his/her physical capabilities.
- II. Eligibility
  - A. All employees on leave from work due to a work-related injury or illness are eligible for participation in the program pending a medical evaluation. An employee may participate in the TWP program for three months, with one three month extension following a review by the TWP participating physician, the President, and/or the Board of Trustees.
  - B. Drug and/or alcohol tests will be performed upon reasonable suspicion that drug and/or alcohol use was the cause of, or contributed to the work-related injury or illness. Employees testing positive may not be eligible for the program.
- II. Procedures
  - A. After a work-related injury/illness, the employee shall notify his/her

supervisor who will immediately contact the President and the Finance Department to schedule an appointment with the designated Workers' Compensation Physician.

- B. If the employee is physically able to perform the responsibilities of his/her original classification with slight modification provided by the physician, he/she may be returned to that classification upon approval for accommodation by the Appointing Authority.
- C. If the employee is unable to return to his/her original classification, the physician will refer to the TWP manual to determine which bridge assignment within the District the employee can perform considering his/her injury. The physician will notify the Finance Department within 24 hours of the compatible assignments approved for the injured worker.
- D. In consultation with the appropriate official/supervisor, the President will assign the injured employee to a temporary work assignment (bridge assignment). If more than one (1) bridge assignment is necessary to accommodate the employee's needs, placement within the office/department where the injury occurred will be given priority. If a medically compatible assignment is not available within the employee's office/department, a temporary placement within another District office/department may be arranged. The assignment will be based upon:
  - 1. The availability of work.
  - 2. Physician approval.
  - 3. Estimated length of the employee's recovery period.
  - 4. The employee's physical needs/condition.
  - 5. Approval of the President and/or the Board of Trustees.
- E. If the injured worker seeks initial treatment from his/her own physician, the Finance Department will schedule an appointment for the injured worker with the District's designated Workers' Compensation Physician. In the event the two physicians reach different conclusions, the Finance Department will contact the physicians in an effort to determine the most appropriate action.
- F. Once a "bridge" assignment is approved by the physician and the

Board of Trustees, the Finance Department will notify the employee of the bridge assignment. Failure to accept the assignment or respond to the employer will be treated as a refusal to work and the District will seek to terminate any compensation being awarded by the BWC.

- G. The employee must sign and return the Transitional Work Agreement prior to performing any duties. The Transitional Work Agreement between the employee and his/her appointing authority will include the following elements:
  - 1. A specific start and stop date for the program. In no case will a contract be extended past six (6) months.
  - 2. Work schedule.
  - 3. Description of the “bridge” assignment work duties.
- H. The employee will begin work on the next scheduled working day unless otherwise instructed by the physician. The supervisor and the Finance Department will explain the Transitional Work Program policy and procedures and the duties of the assignment, including a written description, oral instructions, photographs, and, if necessary, video tapes.
- I. At the intervals set for each bridge assignment, the employee must see the District’s Workers’ Compensation Physician for reevaluation of assignments on the Bridge Assignment Matrix. The employee’s progress toward his/her original classification must meet the needs of the employee, the Board of Trustees, and temporary assignment availability.
- J. With each new assignment, the employee will meet with the Finance Department to review changing responsibilities and expectations. Any change of assignments, work hours, etc., must be noted on the Transitional Work Agreement and signed by the appropriate parties prior to duties being performed.
- K. Only the physician can approve a change in “bridge” assignment for the injured worker. Any changes in the employee’s medical status must be reported to his/her supervisor and the Finance Department.
- L. All records regarding the employee’s transitional work assignment(s) will be maintained by the Finance Department and incorporated into the employee’s personnel file.

- M. If at any time the Workers' Compensation Physician determines that an employee will never be able to return to his/her regular duties, an assessment of his/her employment status will be made after a complete review of the case and consideration of a formal vocational rehabilitation plan.

IV. Compensation

- A. Employees in the program receive their current rate of compensation and schedule of benefits from the District while recovering from their work-related injury/illness.

V. Benefits During Program

- A. Coordination of health insurance benefits will follow all regular Workers' Compensation procedures.
- B. The employee must take Family Medical Leave, if available.

## **Employee Recognition Program**

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The Employee Recognition Program is designed to recognize employees for their service to the District/Wood County Sanitary Engineer's office. Employees with 5, 10, 15, 20, 25, 30, and 35 years of District/Wood County Sanitary Engineer's office service are recognized during the program. The program is traditionally held at a Board of Trustees meeting held in January for service completed in the previous year.

# PERSONAL CONDUCT

## Personal Conduct of District Employees

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As an employee of the Northwestern Water and Sewer District you are a public employee providing a service to the public. Every customer is paying for your employment. As an employee you will be required to treat the public with the utmost courtesy and professionalism. When discussion escalates into argumentative tones, refer these matters to a supervisor. "The customer is always right, until proven otherwise" will be our motto to follow.

Employees are expected to exercise mature judgment in the manner of dress and personal grooming. Employees will report to work in clean and well-maintained attire which is appropriate to their particular type of employment. Uniforms must be worn if provided. No torn, ripped or altered uniforms will be worn at any time. Extreme styles in either dress or grooming are not acceptable.

Employees off duty conduct that could reasonably negatively impact the District may form the basis for discipline.

Employees and Supervisors shall report any incident or conduct they believe is inappropriate and/or violation of District policies and procedures including incidents actually observed, reported by citizens, reported by staff, or suspected due to other facts to their immediate supervisor.

Employees who are considering additional outside employment are required to inform the employer of the matter, in advance, with their department head, in order to ensure against possible conflicts of interest and other adverse situations. An employee's first duty is to the employer, the District.

Fighting, acts of physical violence, horseplay, practical jokes, gambling and other disruptive behavior, acts or taunts of aggression in the facilities, vehicles or on the job site is prohibited. Likewise, insubordination, neglect of duty, or any failure to maintain good behavior will not be tolerated. Disciplinary action may be taken against violators.

### Workplace Romance

Relationships between employees are not prohibited. Employees shall notify their Supervisors of on-going romantic relationships with other employees in their workplace so that the appointing authority may determine if a conflict exists between the employees performance of the duties of their position and their personal relationship e.g. one employee supervises another employee, the relationship disrupts the efficient operation of the office/agency, etc.

Supervisors may not engage in romantic or sexual relationships with any employee they directly, or indirectly supervise.

Supervisors or employees with supervisory duties shall immediately disclose conflicts to their department head.

## **Social Media**

Personal conduct also includes employees' use of social media both while on-duty and off-duty. Free speech is not protected unless the speech is a matter of public concern. Employees may be disciplined for speech that negatively affects the workplace or reflects poorly on the District.

## **Misdemeanor and Felony Charges**

Employees charged with a misdemeanor or felony other than traffic offenses (see Motor Vehicle Policy for traffic citation reporting responsibilities) must immediately notify their Supervisor and provide a copy of the complaint within two business days. Employees shall provide ongoing information regarding court appearances and outcomes as requested by the appointing authority.

## **Customer Relations**

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Employees dealing directly with the public either on an "in-person" basis or through written or telephone contact must provide courteous service and assistance.

## **Personal Appearance of Employees**

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The District strives to maintain a professional work environment. Therefore, employees shall report to work well groomed and in clean, well-maintained attire which is appropriate to their employment. Employees must comply with any dress code requirements within their department.

## **Confidentiality**

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RC 1347-10, 102.02(B), 102.99

In the course of employment with the District, employees have direct knowledge of and contact with confidential information. Any negligent or intentional disclosure of confidential information obtained through such employment not only constitutes grounds for dismissal, but also may subject the employee to a penalty under Ohio law.

## Political Activity

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ORC 124-57

OAC 123-:1-46-02

"Political activity" and "politics" refer to partisan activities, campaigns, and elections involving primaries, partisan ballots or partisan candidates.

The following are examples of permissible activities for employees in the classified service:

1. Registration and voting;
2. Expression of opinions, either oral or written;
3. Voluntary financial contributions to political candidates or organizations;
4. Circulation of nonpartisan petitions or petitions stating views on legislation;
5. Attendance at political rallies;
6. Signing nominating petitions in support of individuals;
7. Display of political materials in the employee's home or on the employee's property;
8. Wearing political badges or buttons, or the display of political stickers on private vehicles; and
9. Serving as a precinct election official under section 3501.22 of the Revised Code. Employees may use vacation leave, if available, to serve as a precinct election official.

The following activities are prohibited to employees in the classified service:

1. Candidacy for public office in a partisan election;
2. 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;
3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
4. Circulation of official nominating petitions for any candidate participating in a partisan election;



5. Service in an elected or appointed office in any partisan political organization; Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
6. Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
7. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
8. 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;
9. Service as, witness or challenger, for any party or partisan committee; Participation in political caucuses of a partisan nature; and
10. Participation in a political action committee which supports partisan activity.

Employees in the classified service who engage in any of the activities listed above are subject to removal from their position in the classified service. The Board of Trustees may initiate such removal action in accordance with the procedures in section 124.34 of the Revised Code.

Employees in the unclassified service, who serve at the pleasure of the Board of Trustees, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.

Any employee seeking an elected office is required to check with their Appointing Authority to identify potential conflicts of interest. Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.

Questions of interpretation will be addressed by legal counsel for the District.

## Conflicts of Interest

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- I. Purpose: Employment decisions and the purchase of goods and services for the District shall comply with Ohio's Ethic Laws and avoid the appearance of partiality, preferential treatment, improper influence, or self-dealing. A copy of the Ohio Ethics Law and Related Statutes is located in Appendix A of this handbook.
- II. Definitions
  - A. For purposes of this policy, the following definitions apply:
    1. "Anything of value" includes money, goods, chattels, future employment, interest in realty, and "every other thing of value".
    2. "Immediate Family Member" includes the following regardless of where they reside: spouse, children (whether dependent or not), siblings, parents, grandparents, and grandchildren. It also includes any other person related by blood or by marriage and living in the same household.
    3. "Significant Relationship" means people living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair their objectivity or independence of judgment.
    4. "Business Associates" are parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.
- III. Policy
  - A. Employment Decisions
    1. Employment decisions shall be based solely on job-related qualifications.
    2. All District employees are prohibited from authorizing or using the authority or influence of his or her position in any of the following employment related decisions involving an Immediate Family Member, Significant Relationship or Business Associate which includes:

- a) Employment;
- b) Promotion;
- c) Discipline;
- d) Changes in compensation or benefits;
- e) Assignment of duties;
- f) Evaluations;
- g) Lay-off or job elimination; and/or
- h) Termination

- 3. Immediate Family Members, Significant Relations, and Business Associates working in an office of newly elected Board members may continue their position but shall not be under the direct supervision of the Board member.

B. Public Contracts

- 1. A public official or employee shall not award a contract to an Immediate Family member, Significant Relationship or Business Associate or have an interest in a public contract unless the requirements of ORC §2921.42 are met.
- 2. No public official or employee shall use the authority or influence of his or her office to secure nor shall they solicit, accept, give or promise anything of value that is of such character as to have a substantial or improper influence upon the official or employee with respect to his or her duties.

IV. Enforcement

- A. Employees and applicants shall immediately notify their immediate supervisor or, if appropriate, the President in writing of a violation of this policy.
- B. Violations of this policy may result in disciplinary action and may be reported to the Ohio Ethics Commission.

## **Reporting Fraud by Public Officials or Office**

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

Auditor of State's fraud contact information:

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

US Mail: Ohio Auditor of State's Office  
Special Investigations Unit  
88 East Broad Street  
PO Box 1140  
Columbus, OH 43215

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

## **Outside Employment**

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Employees who are considering additional outside employment are required to discuss the matter, in advance, with their Supervisor to ensure:

The interests of the second employer do not conflict with those of the District;

The employment does not have a negative effect on the ability of the employee to perform his/her District job; and

Employment with the District is the employee's primary job and time conflicts are resolved in favor of the District.

Employees shall notify their Supervisor in writing of any outside employment. Employees shall not engage in or conduct outside private business during scheduled working hours.

## **Personal Employee Relationships**

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Supervisors or employees with supervisory duties shall not directly supervise or participate in any discretionary employment action or benefit for any employees with whom they have an intimate relationship. Supervisors or employees with supervisory duties shall immediately disclose conflicts to the President.

## Public Records Policy

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ORC 149

2007-238, December 27, 2007

- I. Purpose
  - A. This Public Records Policy is adopted by the Northwestern Water and Sewer District to ensure that Ohio's citizens are entitled to access the records of their government. This policy shall be interpreted liberally in favor of disclosure and exemptions shall be narrowly construed. and to advance that principle, is to be interpreted liberally in favor of disclosure. Exemptions to the Public Records Act should be narrowly construed.
  - B. The Public Records Act imposes two primary obligations upon public offices and, hence, two corresponding rights upon the public:
    - 1. Prompt inspection of public records; and
    - 2. Copies of public records within a reasonable period of time
- II. Public Records
  - A. Under Ohio law, a public office may only create records that are "necessary for the adequate and proper documentation of the organization, function, policies, decisions, procedures and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affected by the agency's activities."
  - B. "Record" is defined as any item kept by a public office that meets all of the following:
    - 1. Is stored on a fixed medium, (such as paper, electronic – including but not limited to e-mail, and other formats);
    - 2. Is created or received by, or sent under the jurisdiction of a public office;
    - 3. Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.
  - C. If any of these three requirements is absent, the item is not a "record and therefore not a public record.
  - D. A public office is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.

### III. Exemptions to Public Records Law

- A. The confidential nature of certain types of information or records precludes their release. Federal and state law provides numerous exceptions to the general rule that disclosure of public records is mandatory.
- B. Records, whose release is found to be prohibited by either state or federal law, or not considered public records as defined by ORC 149.43(A)(1), are not shall not be subject to public inspection.
  - 1. Appendix A contains a list of records that may not be subject to release per ORC 149.43(A)(1), Appendix B is a list of the most common express exemptions in Ohio law, and Appendix C is a non-exhaustive list of express exemptions found throughout the Ohio Revised Code.
  - 2. A copy of Appendix A, B and C of the Public Records Policy are available from this office upon request at no charge or at the District's website at [www.nwwsd.org](http://www.nwwsd.org).

### IV. Public Records Requests

- A. All public records maintained by this office shall be promptly prepared and made available for inspection to any person during regular business hours. This office also shall make a copy, as well as a copy of the current record retention schedule of this public office.
- B. Each request should be evaluated using the following guidelines:
- C. Identification of Public Record. The requester must identify the records requested with sufficient clarity to allow this public office to identify, retrieve, and review the records. If a requester makes an ambiguous or overly broad request so that the exact public records cannot be reasonably identified, the request may be denied. If denied, the office will provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed in the ordinary course of business.
- D. Format of Request. The request may be oral or in writing based on the requester's choice. The office may seek a written request

of the requester's identity and intended use if the facts demonstrate it would enhance the ability to identify, locate, or deliver the public records sought by the requester but only after the office provides information to the requester on the following:

1. Disclose to the requester that a written request is not mandatory;
  2. Disclose to the requester that the requester may decline to reveal their requester's identity or intended use;
- E. Choice of Medium. The requester may choose to have the record duplicated:
1. On paper,
  2. In the same form as this public office keeps it (e.g., on computer disk), or
  3. On any medium upon which this public office determines the record can "reasonably be duplicated as an integral part of normal operations of the public office."
- F. Response Time to Request. Public records shall be made promptly available for inspection during regular business hours. This office will provide copies if requested within a reasonable period of time based upon
- a. The circumstances of this public office at the time of the request;
  - b. The breadth of the request;
  - c. The necessity of legal evaluation prior to release
- G. Prohibition Against Requesters Right to Make Copies Themselves. To protect the integrity of the original document, a person requesting the copies of public records shall not make their own copies of the requested records by any means.
1. A representative of this public office shall be present when a public record is being reviewed.
- H. Limit to Number of Requests by Mail. The office may limit the number of record requests by a person to be transmitted by the United States mail to 10 per month, unless the person certified in writing of their intent not to use or forward the requested records or the information contained in them, for commercial purposes. "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 education research.

I. Requests by Incarcerated Persons. An incarcerated person may receive public records, but only if the records concern a criminal investigation and the request meets the following:

1. The record must be “public records” which are not subject to an exemption from disclosure;
2. The judge who imposed the sentence of incarceration, or that judge’s successor, finds the information sought in the public record is necessary to support a justifiable claim of the person.

V. Denial of Public Record Requests

A. If a request is denied, in part or in whole, this public office shall provide the requester with a written explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation shall be provided to the requester in writing.

B. Denial of an Ambiguous or Overly Broad Request of Public Record.

A request may be denied if it is ambiguous or overly broad. Prior to denying a request, the office will inform the requester of the manner in which records are maintained in the ordinary course of business and provide an opportunity to revise the request.

C. Denial of a Public Record Not Maintained by The District. If the public office receives a request for a record that it does not maintain or the record which is no longer maintained, it shall notify the requester in writing utilizing Form PR-1 that one of the following applies:

1. The records have never been maintained by this office and if possible direct the requester to the proper office;
2. The records that are no longer maintained or have been disposed or transferred pursuant to applicable Schedules of Records Retention and Deposition (RC-2);

3. The record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);
  4. The record is not a record used or maintained by this public office, and is under no obligation to create records to meet public record requests.
- D. Denial of a Public Record Maintained by the District. This public office may deny a records request if the release is prohibited by state or federal law.
1. If the record request is denied in its entirety because of a statutory exclusion this office may check the appropriate box on Form PR-1.
  2. If only part of the record is not subject to release, this office will
    - a. Redact, i.e. black-out or otherwise remove, such information and release the non-exempted information;
    - b. Check the appropriate box on Form PR-1 and cite the exemption from Appendix A, B, or C with the corresponding redaction.
      - a) Requests that include redactions shall be made on a copy of the original record to preserve the authenticity and accuracy of the original document.
  3. The office shall consult the Attorney for the District if unsure of whether or not a part of the record requested is exempt from disclosure.
  4. This public office may rely on additional reasons or legal authority in defending an action commenced pursuant to ORC 149.43.
- E. Request for Personnel Records. Strictly personal information unrelated to the employee's performance of public business such as Social Security number, home address, home phone number, information regarding spouse and children's names and ages, medical records, payroll deductions, or additional voluntary retirement contributions, should be redacted prior to viewing by anyone other than the employee or their written designee.

## VI. Costs for Public Records

- A. A requester must pay for the actual cost of reproduction which does not include employee time. If the nature of the request reasonably requires a copy by an outside contractor, the requester must pay said cost to this office to produce the copy.
- B. Payment in Advance. This public office may require a requester to pay in advance the cost to provide the copy of the public record, as requested.
  - 1. Photocopies of letter or legal sized documents is five cents (\$.05) per page/photocopy, unless legally permitted otherwise and posted.
  - 2. Video tapes, cassette tape, computer disks, or other media shall be the cost of the media to this office or reproduction cost (copying costs if outside vendor is necessary.)
  - 3. Mailing costs by U.S. mail or other method of delivery.
  - 4. Costs incurred for other supplies (envelope, etc.) used in the mailing, delivery, or transmission.

## VII. Email

- A. Documents in electronic mail format are public records as defined in Section II – Public Records. Email is subject to public records requests and applicable retention schedules.
- B. Records in private email accounts used to conduct public business on public property (i.e. District computers) may be subject to disclosure and must be retained as records of this public office, according to established scheduled, and made available for inspection and copying in accordance with the Public Records Act.

## VIII. Failure to Respond to a Public Records Request

- A. If a requester feels they have been improperly denied public records due to the inability to inspect or to receive a copy of a record, this office shall advise the requester of their following options:
  - 1. Contact this public office's senior representative;
  - 2. Request a meeting to be called with the District's Counsel;

3. If the requester is not satisfied after exercising options 1 the Ohio Revised Code provides a legal means for addressing their complaint.

## **Use of District Property**

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District property includes keys, key fobs, vehicles, materials, tools, supplies, computers, equipment, telephones, copy machines, fax machines, cell phones, and all other equipment purchased with District funds or issued to the District for work related purposes.

### **Permitted Use**

Employees are responsible for District property assigned for their work related use.

The limited use of District property may be authorized by the Supervisor and/or President. In such cases, employees must identify and pay for authorized personal use of District telephones, copy machines, fax machines, vehicles, cell phones, and all other equipment according to the District's policy and procedure.

Personal use of District property may be considered a taxable income for IRS tax purposes and included as employee compensation for federal, state, and local taxes. Equipment or supplies removed from District offices or premises for work-related purposes must be recorded by the supervisor or designee, noting when it is removed, when it will be returned and the individual responsible for its return.

Employees must immediately report malfunctioning, damaged, defective or lost District property to their supervisor. Employees shall reimburse the District for any lost, stolen, or damaged District property. Employees are not responsible for charges to replace or repair equipment damaged while performing job-related duties during approved working hours unless damages are due to employee negligence. The appointing authority shall determine the reimbursement amount not to exceed the District's costs to replace or repair the District property.

Employees must return all issued District property upon termination of employment. Employees may be required to pay for lost or non-returned equipment.

### **Prohibited Use**

The use of District equipment for purposes other than District business is strictly prohibited with limited exceptions as noted in permitted use.

Employees are prohibited from using, loaning, taking, receiving and/or converting District vehicles, materials, tools, supplies, computers, equipment and labor for personal or private use, regardless of the value and whether it was during work or non-work time.

No employee shall knowingly misuse, deface or damage any District equipment, vehicle or facility. The use of District equipment, facilities, and/or materials by

employees for personal reasons is strictly prohibited. No personal vehicles will be allowed in any District building at any time, unless approved by a supervisor. Disciplinary action may be taken for these actions, except to the extent of a documented emergency or an approval by a supervisor.

The unauthorized use of any District property for personal use will subject employees to disciplinary action and/or recovery of repair or replacement costs.

## **Communication Equipment Usage Policy (Cell Phone Policy)**

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NWSD 2004-18 May 24, 2004

### **Purpose of Policy**

Cellular phones ("cell phones") are provided as a tool in the conduct of District business. Employees assigned a cellular phone should be aware that they are subject to the Ohio Revised Code. In general, these laws prohibit any employee from using their "official position" (employment) to obtain a financial benefit or avoid financial detriment.

### **Use of Cell Phones**

1. Cellular phones are provided for District business use only. District provided cellular phones may not be used for personal uses, except in clearly urgent situations (such as when unexpectedly being required to work past the normal end of a shift), when no other telephone is available and the call is related to the conduct of official business.
2. Employees are responsible for managing the cost effectiveness of cell phone use by utilizing assigned landlines as available and appropriate. Employees should note that calls outside the immediate area might result in roaming charges, in addition to long distance and regular charges. The District is charged for both outgoing and incoming cellular calls.

### **Violation of Policy**

Violation of this Policy may constitute just cause for disciplinary action up to and including discharge.

### **Radio Communications**

Radios are to be used for work purposes only, not personal conversations. Disciplinary action may be taken for misuse of the radio. Professional protocol will be followed at all times.

# Internet and Email (Internal/External) Use Policy and Procedures

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NWSD 2008-18 1/10/08

## Overview

This document provides uniform guidelines outlining acceptable use for the District's computer equipment and related information technology systems and devices. These guidelines apply to all employees who have access to the District's computers or related equipment.

The computers and related information systems are an integral part of the daily business operations and procedures at Northwestern Water & Sewer District. As such, their use is subject to the same expectations of personal responsibility and reasonable behavior that govern any other aspect of employment at the District. In general, employees should keep in mind four guiding principles that the acceptable use policy is intended to clarify and support:

- Computers and related systems are the property of the District and are intended to be used for the business purposes of the District.
- Employees using the District's computers and related information systems represent the District and, therefore, should ensure that their actions do not harm or damage the District's interests or image.
- Employees will seek to protect the District's information, including information regarding District customers, subject to the State of Ohio's "Sunshine Laws" and other public records requirements.
- The District reserves the right to review and monitor all computers and related systems. Users should have no expectation of privacy with respect to materials or information created, transmitted, or stored on these systems.

Subsequent sections of the document elaborate each of these four principles.

***Computers and related systems are the property of the District and are intended to be used for the business purposes of the District.***

1. Personal use of computers and related systems, including e-mail and internet, should be incidental and minimal.
2. As far as practical, employees should avoid using the District's email system for receiving personal correspondence.



3. Internet and email access should not be used for personal gain, for the advancement of personal views, or for solicitation of non-District business.
4. Use of the internet should not result in the disruption of the District's computer network, nor should it interfere with personal productivity at work. The District reserves the right to impose limitations on the use of streaming video or audio (e.g., internet radio) or any other activity that may adversely impact system integrity or personal productivity.
5. District management reserves the right to determine, in its sole discretion, whether personal usage of District computers and related systems is inappropriate.
6. Installing or executing software applications for purposes other than District business is generally prohibited. Minor items fitting the "incidental and minimal" standard for personal use (e.g., simple screen savers) are permissible. Games are prohibited.
7. Files should be downloaded from the Internet only when required to perform job duties. Downloading unapproved software or files increases the risk of system incompatibility and infection by computer viruses, which endangers the entire District network.
8. Adding or removing any hardware or attached devices from a PC without proper authorization is prohibited.
9. Company owned and provided software is a business resource intended to assist in conducting business. Any duplication of licensed software, except for backup or archival purposes, is a violation of federal copyright law. No District employee is permitted to make unauthorized copies of software.
10. District-purchased software will not be loaded onto employee-owned equipment unless that equipment is used for District business and the software license permits such use.
11. Only properly licensed software will be loaded onto District equipment. Copying and/or installing pirated software is prohibited.
12. All users of District equipment must comply with the copyright laws and provisions of the licensing agreements that apply to software, printed and electronic materials, graphics, multimedia

and all other technical resources licensed and/or purchased by the District or accessible over network resources provided by the District.

13. All software purchased by the District or requiring licensing from the manufacturer shall be registered in the name of the District. A record of purchase, licensing, and equipment on which the software is loaded will be provided to the District's IT staff.

***Employees using the District's computers and related information systems represent the District and, therefore, should ensure that their actions do not harm or damage the District's interests or image.***

1. The conduct of employees accessing the internet or email via District hardware shall be ethical and lawful at all times.
2. Employees are responsible for the content of all text, audio, or images they place or send over the internet with District equipment and resources.
3. Outgoing messages, whether by e-mail, internet transmission, or any other means must be accurate and appropriate.
4. No employee shall misrepresent the District in any way when using the District's computers or related systems.
5. Employees may not send/upload copyrighted materials, confidential information, proprietary information, or similar materials to third parties without appropriate authorization.
6. Employees may not violate the copyright laws in regard to receipt/download of materials available on the Internet by copying and disseminating information, except for purposes falling under the category of "fair use."
7. Fraudulent, harassing, or obscene messages are prohibited, as is abusive, profane or offensive language.
8. Email is neither secure nor private; it is unencrypted and easily readable by internet hackers. Email messages should not contain anything that should be kept private or confidential. Sensitive attachments should be password protected or otherwise secured.
9. Email correspondence should be treated as business correspondence, and should conform to appropriate professional standards.

10. Email messages are considered company records; consequently, they are subject to legal “discovery” procedures in the same manner as any hard-copy documentation. Good judgment should be used at all times.
11. The following uses of District computers and related resources are expressly prohibited:
  - a. Any use which violates federal, state, or local laws or regulations.
  - b. Illegal use of copyrighted materials
  - c. Access, storage, or transmission of any type of pornographic or obscene material
  - d. Use of any racially, sexually, or religiously harassing material
  - e. Sending material of a racial, sexual or political nature
  - f. Access, storage, or transmission of messages or images that harass, disparage, or encourage discrimination against others on the basis of race, national origin, sex, sexual orientation, age, disability, religious belief, or other protected status
  - g. Sending abusive, profane, offensive, fraudulent, harassing, obscene or threatening messages
  - h. Placing information, files, or software that could be deemed offensive or defamatory on any system
  - i. Accessing web sites or transmitting files related to sex, illegal drugs, criminal activities, hate groups or hate speech, or online gambling
  - j. Sending or forwarding of email chain letters
  - k. Actions which interfere with or negatively affect the operation of computers or networks, whether the District’s or another organization’s
  - l. Unauthorized attempts to break into any computer or circumvent system or network security
  - m. Use of the District’s computers or related resources for the introduction of worms, viruses, or other malicious software to any computer system
  - n. Operating a personal business
  - o. Emailing or unsecured uploading or posting of any potentially sensitive or confidential information
  - p. All games (whether used before, after, or during work hours)

***Employees will seek to protect the District's information, including information regarding District customers, subject to the State of Ohio's "Sunshine Laws" and other public records requirements.***

1. In general, information on the District's computers and related systems is public record. However, some information should be considered confidential. Such confidential information includes, but is not limited to, certain financial information for customers and employees, employee medical information, certain personnel records, and social security numbers.
2. Unauthorized access to, or attempted access to, confidential information is prohibited.
3. Unauthorized disclosure of confidential information to other employees or to third parties is prohibited.
4. Emailing or similar transmission (including transmission via unsecured ftp) of confidential information over the internet is prohibited.
5. Unauthorized copying of confidential information to removable media such as floppy disks, CDs, DVDs, or flash drives is prohibited.
6. Passwords and computer access codes should not be disclosed to other individuals, except to supervisors or members of the District's IT staff or the District's IT consultants or authorized business partners.
7. If computer passwords are written down, they should be stored securely and separately from the equipment to which the passwords apply.
8. Each computer user is responsible for all actions performed on his/her account and should take precautions to prevent its unauthorized use.
9. Users should ensure that remote work sessions such as Webex, GoToAssist, PCAnywhere, or Remote Desktop are terminated when complete.
10. No user shall attempt to access password-protected systems for which the user does not have an assigned password. This

includes knowingly accessing a computer or software system that has been logged open by another user.

11. Employees are responsible for ensuring that data files and other forms of information for which they are responsible are backed up in an acceptable manner. In general, data residing on the District's servers is backed up on a nightly basis. Consequently, employees should generally keep important files and documents on one of the servers (e.g., in their personal folder on the P: drive).
12. Employees who use their local drive (C: drive) for day-to-day work should regularly copy important files to a server.

***The District reserves the right to review and monitor all computers and related systems. Users should have no expectation of privacy with respect to materials or information created, transmitted, or stored on these systems.***

1. The District's electronic communications systems and all information transmitted or received by, or stored or contained in the electronic communications systems are the District's property. No employee shall have any property rights in or expectation of privacy with respect to such information, even if of a personal nature.
2. The District and its authorized representatives may access, use, review, store, delete, and copy any information on the District's computers or related resources without the consent of the employee who created, sent, or received such information at any time. All data created, sent, or received is the property of the District and should be considered public information. No employee shall have any property rights in or expectation of privacy with respect to such information, even if of a personal nature
3. The District reserves the right to access and monitor all messages, files, and activity on the corporate network or on desktop or laptop workstations at any time.
4. The District reserves the right to review, monitor, and inspect movable media including but not limited to hard disks, floppy disks, CDs, DVDs, and flash drives, including data saved on such media, at any time and without advance notice. Users should have no expectation of privacy with respect to materials and information created, transmitted or stored on these systems.

5. The employee understands that the District will monitor usage of computer systems on a regular basis. There should be no expectation of privacy for usage on the computer system by company employees.
6. Employees should be aware that all data and communications on the District's computers and related systems, including text and images, can be disclosed to law enforcement without prior consent.
7. E-mail can be monitored at any time and without warning.
8. The District can and will monitor and log employee internet access. Each web page or file that is viewed or retrieved may be reviewed at any time.
9. The District reserves the right to block inappropriate web pages and sites.
10. The District reserves the right to place restrictions on the size of user directories to protect system and network resources.

## **Discipline**

Failure to comply with these guidelines, whether intentional or unintentional, can result in disciplinary action. Depending on the level and number of infractions, such action can include termination of employment, including termination for a significant one-time breach.

## Harassment Policy

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ORC Chapter 2907

NWSD 98-123 8/27/98 rev.

- I. Purpose: The District is committed to providing a work environment free from sexual and personal harassment. The District prohibits any improper conduct in all of its departments, divisions, agencies and boards, will provide a work environment free from harassment, and will maintain a quality working environment for all employees that is free from discrimination, intimidation, insult, ridicule, offensive physical or verbal abuse of a sexual, ethnic, racial, gender, age, disability, or religious nature.
  
- II. Types of Harassment
  - A. Personal Harassment includes, but is not limited to offensive racial, ethnic, physiological, age, disability, or religion-related, or gender-specific jokes, comments, or innuendoes, or any other verbal or physical conduct that reasonably could be construed as offensive in nature.
  
  - B. Sexual Harassment is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 and defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 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 creating an intimidating hostile, or offensive work environment."
    1. There are two types of sexual harassment:
      - a. Quid Pro Quo Harassment occurs when there is submission to or rejection of unwelcome sexual conduct either explicitly or implicitly is used as the basis for employment decisions affecting such individual.
      - b. Harassment caused by a Hostile Work Environment is unwelcome sexual advances, or other sexually offensive conduct, that does not involve a specific reward or punishment, but which unreasonably interferes with an individual's job performance, or creates an intimidating, hostile, abusive, or offensive working environment.

Sexual Harassment can include, but is not limited to:

- i. Verbal:
  - a) Sexual innuendo
  - b) Suggestive comments
  - c) Threats
  - d) Insults
  - e) Obscene joke telling
  - f) Unwelcome humor and jokes about sex or gender-specific traits.
  - g) Sexual proposals
  - h) Unwanted and repeated requests for association
- ii. Non Verbal:
  - a) Making sexual or suggestive or insulting noises
  - b) Obscene gestures
  - c) Whistling
  - d) Leering
  - e) Written or electronically transmitted messages and/or letters
  - f) Pictures, photographs
- iii. Physical:
  - a) Touching
  - b) Pinching
  - c) Squeezing
  - d) Patting
  - e) Coerced sexual activity
  - f) Assault
  - g) Repeated brushing against body

### III. Responsibility

- A. No employee shall initiate, engage in alone, or with others, or encourage another to violate any portion of this policy.
- B. All Supervisors must prevent harassment incidents from occurring within their work jurisdiction and to report any such incidents coming to their attention to the President or his designee.
- C. It shall be the responsibility of the President to provide overall compliance monitoring of the Harassment Policy as follows:
  - 1. To disseminate this policy and Equal Employment Opportunity Guidelines to every department.
  - 2. To provide harassment awareness education.



3. To conduct formal investigations (with assistance of legal counsel) of any harassment complaint.
  4. To prepare a written investigation report and findings on each formal complaint alleging harassment.
  5. To monitor appropriate personnel action regarding any situation that violates this policy.
  6. To compile information on department, division, and agency sexual harassment complaints.
- D. The President and each Supervisor is responsible for observing and following this policy and procedure. The President and each Supervisor may be legally liable if they knew or should have known of the conduct and did not take immediate and appropriate corrective action.

#### IV. Reporting

- A. An employee who believes he/she has been subjected to harassment, whether sexual or personal, shall report in a timely manner, in writing, such complaints to a Supervisor of his/her choice, or the President, or if necessary, to the Board of Trustees. No employee is required to report such incident to his/her immediate supervisor.
- B. It is a violation of this policy to retaliate in any way against any employee who complains of harassment.

#### V. Investigation Procedure

- A. Upon receipt of a harassment complaint, the recipient of such complaint shall forward the complaint to the appropriate Supervisor who will then conduct an internal investigation of the complaint.
- B. The Supervisor's investigation shall proceed in a discreet and reasonably timely fashion by using the following guidelines:
  1. Complainant shall be interviewed.
  2. Alleged Harasser(s) shall be interviewed including disclosure of alleged allegations.

3. Witnesses, if any, including persons to whom contemporaneous complaints have been made, shall be interviewed.
  4. All relevant evidence shall be collected and weighed.
  5. A written recommendation shall be directed to the Board of Trustees.
- C. If the situation cannot be resolved internally, the Supervisor or President shall forward said complaint to the Board of Trustees for further investigation. Thereafter, a thorough investigation of the harassment complaint shall be instituted with consultation from legal counsel.

## VI. Penalties

- A. Violation of this policy is a "Failure of Good Behavior". Any employee found to be in violation of this harassment policy, or a Supervisor, or the President who knowingly permits violation of this policy without taking appropriate action, shall be subject to disciplinary action up to and including dismissal.

## **Nonsmoking Policy**

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District Offices shall be smoke-free in compliance with Ohio's indoor smoking ban. Therefore, smoking is prohibited in all office space, auditoriums, classrooms, stairwells, conference rooms, hearing rooms, elevators, libraries, medical care facilities, lobbies, hallways, public waiting rooms, restrooms, mechanical areas, storage areas, employee break areas, and any and all eating and kitchen areas in all facilities owned or leased in the name of the Board of Trustees of the Northwestern Water and Sewer District.

If employees or visitors wish to smoke, they may do so in the District parking lot, provided that patrons are not exposed to second-hand smoke in any degree while entering or exiting the place of business.

Smoking is prohibited in all District-owned vehicles.

This policy covers the use of vapors, electronic cigarettes, etc.

Employees in violation of this policy are subject to disciplinary action by their Supervisor or the President.

# Drug Free Workplace

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Drug-Free Workplace Act of 1988  
NWSD: 2010-96 dated July 22, 2010

- I. Purpose: The Drug Free Workplace Policy provides a safe, drug-free work environment to ensure an employee's health and job performance and guidelines for the consistent handling of drug use violations in the workplace.
  
- II. Definitions
  - A. District Property: Any premises owned, leased, or under the control of the District.
  
  - B. Controlled Substance: Any mind-altering substance not legally prescribed by a licensed physician (illegal drugs such as marijuana, crack, cocaine, downers, uppers, etc.) or legally prescribed but not taken as directed by the physician
  
  - C. Reasonable Suspicion: Belief based upon specific, contemporaneous, articulable, observations of the appearance, behavior, speech, or body odor of an employee.
  
  - D. Certified Testing Facility: Testing facility which is certified and operated in accordance with Federal regulations.
  
- III. Policy
  - A. Prohibited Drug Use
    - 1. Employees shall not manufacture, sell, or otherwise distribute, dispense, possess, or use alcohol or controlled substances on District property or while acting in any official capacity as a District employee.
  
    - 2. Employees shall not work or report to work under the influence of alcohol or controlled substances.
  
    - 3. Employees shall not use prescribed controlled substances other than as directed by a physician while at work or on District property.
  
  - B. Voluntary Drug Dependency Treatment
    - 1. Employees may request assistance with any drug or alcohol problem before disciplinary action is necessary. Conscientious efforts to seek help will not jeopardize an employee's job and will not be noted in any personnel records. An employee may take

sick leave or vacation for counseling or treatment or if leave is unavailable, the employee may request to take an unpaid leave of absence.

2. District sponsored health insurance may provide coverage for treatment of chemical dependency for eligible employees. The employee must follow applicable insurance procedures regarding treatment and payment. Consult the Insurance Subscriber Booklet for more information.

#### IV. Procedure

##### A. Reporting of Drug Violations

1. Employees must provide written notification to their Supervisor or the President within five days of a criminal drug statute conviction if the violation occurs within the workplace, or while acting as a District employee/representative.
2. Supervisors shall notify the President in writing within 24 hours of an employee's violation of this policy.

##### B. Drug/Alcohol Testing

1. Cause for testing
  - a. If "reasonable suspicion" exists that an employee is working or has reported to work under the influence of alcohol or a controlled substance the Supervisor or President shall require that the employee submit to a drug and/or alcohol test immediately.
  - b. The Supervisor or President may require testing after a motor vehicle accident which results in bodily injury, property damage or if other reasonable suspicion exists for testing.
2. Documentation and Testing Procedures
  - a. The Supervisor, President or other witness shall make a written record of the observable facts supporting "reasonable suspicion" for a drug and/or alcohol test. The report must be signed by the supervisor and/or witnesses within 24 hours of the incident or before the results of the test are released, whichever is earlier. A copy of the report will be given to the employee.

- b. Supervisors shall notify the employee of the decision to require a drug and/or alcohol test in the presence of a witness, preferably by another departmental supervisor.
  - c. District personnel will transport the employees to the certified testing facility.
  - d. Employees must sign an authorization form permitting the physician or lab to conduct the tests (urine and breath) and release the results to the testing employee's Supervisor or President.
  - e. The standard for a positive initial test and for confirmation tests shall be those set forth in Federal regulations. The cut off level for alcohol will be an alcohol concentration of 0.02 or greater.
  - f. An employee shall remain on active duty for pay purposes during testing.
  - g. A positive test will result in the employee being relieved from duty until such time as the employer determines that rehabilitation and or discipline is appropriate. Employees may use sick or vacation leave, if available. If neither is available, said time shall be considered unpaid.
  - h. An employee who tampers with test results will be presumed to test positive for drug or alcohol use.
3. Test Results
- a. The District shall maintain all test results in a confidential medical file.
  - b. The District will retain negative test results for one year and positive test results for five years.
  - c. The employee will be given a copy of the test results.
4. Appeal
- a. The employee may request another test on the split sample in accordance with Federal regulations at his/her own expense.
  - b. Any employee may appeal action taken by the District under this policy through the grievance procedure.

5. Disciplinary Action

- a. Employees in violation of this policy and related procedures shall be subject to disciplinary action, including but not limited to termination of employment.
- b. The type and severity of discipline will depend on all the circumstances, including but not limited to, type and amount of drug or alcohol used, employee's explanation, employment record, and willingness to enter a rehabilitation program if treatment is appropriate.
- c. An employee who fails to comply with any portion of this policy including a refusal to sign the drug/alcohol test authorization form, or to take a requested drug/alcohol test can be discharged for insubordination.

6. Rehabilitation and Counseling

- a. Treatment programs shall be accredited by the Joint Commission on the Accreditation of Hospitals and/or licensed through an appropriate State licensing agency.
- b. Employees must provide written evidence of enrollment in a bona fide rehabilitation program within 48 hours of acceptance to their immediate supervisor.
- c. The employee must complete the treatment program within 45 days of admission. The treatment can be extended with written medical justification, but in no event for longer than six months from the date of the original positive test.
- d. The employee must provide written verification that he/she has completed the program and is fit to return to work. The employee must pass a drug/alcohol screen prior to returning to active duty.
- e. If the treatment requires a leave of absence, the employee will be considered on sick leave or FMLA if available. The employee must provide written documentation from the treatment provider that the employee is cooperating and making reasonable progress in the treatment program
- f. District sponsored health insurance may provide coverage for treatment of chemical dependency for eligible employees. The employee must follow applicable insurance procedures regarding

treatment and payment. Consult the Insurance Subscriber Booklet for more information.

- g. Failure to meet any provisions of this section will result in termination of employment.

7. Distribution of Policy and Training

- a. All employees shall receive or have access to a copy of the Drug Free Workplace Policy.
- b. Supervisors shall receive two hours of initial training in accordance with the FHWA regulations regarding the detection of the use of controlled substances or alcohol as set forth in the Federal regulations. Training records shall be maintained for five years.



## Procedure for Complaint of Discrimination on the Basis of Disability (ADA)

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Americans with Disabilities Act of 1990  
NWSD: 2010-97 dated July 22, 2010

- I. Introduction: Title II of the Americans with Disabilities Act (ADA) prohibits discrimination against qualified persons with disabilities in all services, programs, and activities provided or made available by local government. The District will provide an organized process for handling complaints of discrimination on the basis of disability in public services, programs, or employment provided by the District.
- I. Definitions
  - A. Disability, with respect to an individual:
    1. A permanent or temporary (six months or greater) physical or mental impairment that substantially limits one or more of the major life activities (i.e., caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Also included are operations of major bodily functions such as immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.)
    2. Has a record of such impairment (covers those persons who have a history of an impairment, i.e., persons who have a history of mental illness, persons who have had cancer, epilepsy, etc.)
    3. Is regarded as having such an impairment (a person who is treated as if they have an impairment, i.e., facial disfigurement, etc.)
  - B. Facility: means any or all portions of buildings, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property.
  - C. Public Entity: any state or local government, or any department, agency, special purpose district, or other instrumentality of state or local government.
  - D. Qualified Person with a Disability: a person with a disability, who with or without reasonable modification to rules, policies, or practices, removal of architectural, communication, or transportation barriers, or the

provisions of auxiliary aids and services, meets the essential eligibility requirements for a specific program, service, or activity.

#### Coordinator for ADA Compliance

- A. The President has been designated as the ADA Coordinator for the District. The President can be reached at the District's offices at 12560 Middleton Pike, Bowling Green, OH 43402, 419.354.9090, extension 194. (The District Building is accessible and disabled parking is available.)

#### IV. Confidentiality: Remedies

- A. All information, documentation, and decisions pertaining to this procedure are confidential. A record of action taken on each request or complaint must be maintained as a part of the records of minutes at each level of the grievance procedure.
- B. The individual's rights to prompt and equitable resolution of the complaint must be not impaired by his/her pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

#### V. ADA Grievance Procedure

- A. Step 1:
  - 1. The complainant must put the complaint in writing using the complaint form provided and forward the form to the ADA Coordinator's Office within 10 working days after the alleged incident. The ADA Coordinator's Office will provide assistance in completing this form if the complainant is unable to independently complete the form due to the disability.
  - 2. In completing the form, the complainant is encouraged to provide as much detail as possible, including dates, times, witnesses, etc., in order to facilitate a prompt and thorough investigation. The form must present the facts of the complaint and include recommendations of necessary actions to remedy the alleged discrimination to the satisfaction of the complainant.
  - 3. The ADA Coordinator shall notify the District's Administration / Compliance Committee of the allegations and shall conduct an internal investigation of the allegation. The ADA Coordinator shall

notify the ADA Compliance Committee of the complaint and of the findings of the internal investigation. The ADA Coordinator shall consider recommendations from the ADA Administration Committee in arriving at his or her written findings and final decision.

4. In conducting the internal investigation of a complaint, the ADA Coordinator shall make every attempt to resolve the complaint by mutual agreement at this step of the procedure. If the ADA Coordinator is successful in resolving the complaint by mutual agreement, the resolution shall be documented. This agreement must be in writing and signed by all involved parties, including the complainant, the Department Head, and the ADA Coordinator.
5. If, after investigating the matter, the ADA Coordinator finds that the complaint is meritorious, the ADA Coordinator shall, in writing, within 15 to 30 working days issue findings and specify corrective action to be taken by the District's Board of Trustees. A copy of the findings and corrective action shall be sent to the complainant and the Board of Trustees and/or Department Head. The Department Head shall promptly implement the corrective action specified by the ADA Coordinator unless the District's Board of Trustees requests that the complaint be reviewed by the ADA Administrative/Compliance Committee.

B. Step 2:

1. Within 10 working days following receipt of the ADA Coordinator's decision, either the Board of Trustees and/or Department Head or the complainant may request that the complaint be reviewed by the ADA Administration/Compliance Committee. All such requests must be made in writing and filed with the ADA Coordinator, who shall place the matter on the agenda for the next regular meeting of the ADA Administration/Compliance Committee. The ADA Administration/ Compliance Committee shall be composed of representatives from the Board of Trustees and the District's attorney.
2. The committee should be charged to establish ground rules or procedures for hearing complaints, requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community. Further, the committee should be directed to hear such complaints in public, after adequate public notice is given, in an unbiased objective manner. The committee should issue a written decision within 30 working days of notification. All proceedings of the committee should be recorded, transcribed and maintained.

# ADA Complaint Procedure

ALL WRITTEN RECORDS MUST BE MAINTAINED AT EACH STEP.

## Step 1

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### ADA COORDINATOR (419.354.9090, ext. 194)

- (1) contacts department and notifies ADA Administration/Compliance Committee
- (2) investigates facts
- (3) provides written response within 15 to 30 working days

#### AGREES

Corrective Action Taken

Complainant notified

within 10

#### DISAGREES

Report notes not all parties agree on disposition of complaint

Complainant or department files written request to ADA Administration/Compliance Committee

working days

(Step 3)

## Step 2

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### ADA COMPLIANCE COMMITTEE

- (1) schedules public hearing
- (2) hears all parties
- (3) provides written response within 30 working days
- (4) renders final decision

#### AGREES

Corrective action taken

Complainant notified

#### DISAGREES

Complainant notified

**NORTHWESTERN WATER AND SEWER DISTRICT  
COMPLAINT OF DISCRIMINATION ON BASIS OF  
DISABILITY**

(Please Print or Type)

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Date of Alleged Discrimination: \_\_\_\_\_

Department/Building of Alleged Discrimination:

\_\_\_\_\_

Explanation of discrimination or denial of service (Please explain what discriminatory action was taken against you.) Be specific, include dates, names, places, etc. Attached additional paper if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Corrective Action Requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the above statements are true to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Submit completed form to the ADA Coordinator (Executive Director)

cc: Department Complainant

## Employee Discipline Procedures

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ORC 124.34, 124.388

### Classified Employees

The purpose of discipline is to correct an employee's performance and/or conduct. Due to its serious and formal nature, discipline shall be initiated only when other methods of correcting the employee's performance have been tried and have failed to result in improved performance. Such methods can include a mandatory referral to the Employee Assistance Program. Any corrective action/discipline shall be documented in writing and placed in the employee's personnel file.

While classified employees hold their positions during good behavior and efficient service, poor job performance or inappropriate behavior including incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the Appointing Authority, violation of Chapter 124 of the Ohio Revised Code, any other failure of good behavior, any other acts of misfeasance, malfeasance, nonfeasance in the office, or conviction of a felony, can lead to disciplinary action against an employee.

Disciplinary action includes the following: removal, suspension, fine, reduction in pay, reduction in position, and a last chance agreement.

Normally, discipline will be progressive in nature as noted below.

- 1st Verbal Warning
- 2nd Written Reprimand
- 3rd Suspension/Reduction in Pay or Position/Fine
- 4th Discharge/Termination

Serious infractions can result in immediate discharge without intermediate discipline. Examples of such offenses include but are not limited to:

- Intoxication on District property during work hours
- Possession of intoxicants or illegal substances on District property for use during work hours
- Gambling on District property
- Fighting on District property
- Harassment
- Stealing
- Immoral behavior
- Destruction of property
- Insubordination
- Conviction of a criminal charge
- Dishonesty

Possession of unauthorized firearms on District property  
Personal Harassment  
Falsification of attendance and/or time records or sick leave abuse  
Unauthorized leave of absence  
Willful neglect of duty

Employees are entitled to a pre-disciplinary hearing before any suspension, discharge, reduction in pay or position, or fine becomes effective. Employees in their probationary period are not entitled to pre-disciplinary hearings. The President will review the independent pre-disciplinary decision before deciding upon appropriate disciplinary action.

In the case of a reduction, suspension or fine of more than 40 work hours in the case of an FLSA exempt employee, a suspension or fine of more than 24 work hours in the case of a non-exempt employee, or removal, except for the reduction or removal of a probationary employee, the President shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which shall state the reasons for the action. A copy of the action shall become part of the employee's permanent personnel file.

The President may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

At the discretion of the President, a last chance agreement shall be signed by both the President and an employee of the District that describes the type of behavior or circumstances that, if it occurs, will automatically lead to removal of the officer or employee without the right of appeal to the state personnel board of review or the appropriate commission.

The President may, in its discretion, place an employee on administrative leave with pay only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected.

The President may, in its discretion, place an employee on administrative leave without pay for a period not to exceed two months, if the employee has been charged with a violation of law that is punishable as a felony. If the employee subsequently does not plead guilty to or is not found guilty of a felony with which the employee is charged or any other felony, the District shall pay the employee at the employee's base rate of pay, plus interest, for the period the employee was on the unpaid administrative leave.

## **Unclassified Employees**

Unclassified employees are held accountable for their job performance. Inappropriate activities such as employee misconduct or non-compliance with policy and procedures may lead to disciplinary action against the employee. The Appointing Authority has the discretion to impose sanctions immediately ranging from verbal warnings to immediate discharge without due process.

The use of due process does not alter the status of an unclassified employee.

## **Reductions in Pay or Position (Demotions)**

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ORC 124.34

A demotion is the placement of an employee to a lower level position with the same or lower salary. A demotion may be imposed as a disciplinary action or may be requested by the employee. The salary of the employee is governed by the salary range established for the new position.

Voluntary demotions, those done at the request of the employee, are not detrimental to the employee's work record and generally do not affect opportunities for future promotions.

## **Grievance Procedures**

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In the event that a non-bargaining unit employee has a complaint related to a work assignment, or other work related matter, the employee may bring the matter to his/her immediate Supervisor for resolution.

If the problem is not resolved, the employee may take it to the next responsible Supervisor or Department Head.

If the employee still feels the problem needs resolution, he/she may submit the problem, in writing, to the President. The President will conduct a hearing at which time the employee may present any relevant evidence to support the complaint.

If the employee still feels the problem needs resolution, he/she may submit the problem, in writing, to the Clerk of the Board of Trustees on behalf of the Board. The Board of Trustees will conduct a hearing at which time the employee may present any relevant evidence to support the complaint.



## **Performance Reviews**

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Non-bargaining employees shall meet with their supervisors on an annual basis to discuss performance related issues. The evaluation is used to record the overall quality of employees' work performance, indicate desirable capabilities, set goals and identify the work, attitude, and/or behavior needing improvement.

Employees also receive performance reviews at the completion of their probationary period.

A Supervisor may recognize unusual excellence or deficiencies in an employee's work with a special performance evaluation conducted at any time.

# **SAFETY PROCEDURES**

## **Safety Policy**

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NWSD: 2006-193, December 27, 2006

NWSD: 2010-93 July 22, 2010 Rev.

### **I POLICY STATEMENT**

The safety of every employee is of vital concern to Northwestern Water and Sewer District (District). As such, the District recognizes and accepts the responsibility for providing a safe and effective work environment. The safe accomplishment of work is both an organizational and individual responsibility; therefore, both management and employees share this responsibility. Every employee acknowledges that performing work safely is a condition of employment and they will be familiar with and guided by this policy and its delegation of authority.

The Board of Trustees' goal is to be a safety leader in the utility industry and ensure every employee returns home safely from work every day. The Board believes an effective safety program starts with the fundamental premise that all accidents are preventable. The Board promotes a proactive safety culture for all District employees and recognizes our safety extends to our public interface. The Board supports safety training, use of personal protective equipment/gear, the development /implementation of standard safety procedures and routine performance of safety inspections. Our business is a safe one because we MAKE it that way. Each employee shall make it their responsibility to work safely, and to help those around them work safely.

The District's President has the ultimate responsibility for the overall safety of the District's employees and its operations. The Director is responsible for institutionalizing a proactive safety program that ensures all safety policies are followed, fosters a positive safety climate by encouraging feedback and stresses continual safety improvements.

### **II. APPLICATION**

#### **A. MANAGEMENT RESPONSIBILITY:**

Accident prevention is an important part of management's job. Managers shall:

1. Promote a proactive safety culture and institutionalize safety improvements.
2. Provide safety training.

3. Impress upon the employees that safety is everyone's responsibility and the need for safety in every job.
4. Take an active part in safety meetings and discussions.
5. Appoint active accident investigation committees as needed.
6. Frequently appraise the safety performance of the departments and employees
7. Provide answers to any safety suggestions and take appropriate action to correct unsafe conditions.

B. COORDINATOR RESPONSIBILITY:

The safety coordinator shall be appointed by the President. The safety coordinator shall remain constantly alert to the District's safety climate and develop/implement procedures to maintain and enhance a safe working environment for all employees. The coordinator shall:

1. Report directly to the President on matters dealing with safety.
2. Establish new employee safety orientation and periodic general safety refreshers for all employees.
3. Impress upon all employees the importance of safe working habits.
4. Solicit information from employees about accidents, close calls or hazards, and take necessary action to prevent a recurrence.
5. Schedule appropriate safety meetings and provide adequate meeting location.
6. Respond proactively to requests from accident investigation committees.
7. Maintain a high degree of morale and teamwork among employees.
8. Compile and assess safety, accident, and injury data and provide recommended changes.
9. Conduct quarterly safety inspections to detect and correct unsafe working conditions and practices.

10. Familiarize employees with proper work practices, and District procedures.
11. Encourage safety suggestions from employees, and frequently discuss safety matters with employees.
12. Keep department managers informed on all safety problems.

C. SUPERVISOR RESPONSIBILITY:

The supervisor (including but not limited to: superintendent, assistant superintendent, crew leader, maintenance worker II & III, financial director, office manager & engineer) shall remain alert to maintaining a safe operation. Supervisors shall:

1. Impress upon their employees the importance of safe working habits.
2. Solicit information from employees about accidents, close calls or hazards, and take necessary action to prevent a recurrence.
3. Respond proactively to requests from accident investigation committees.
4. Identify safety vulnerabilities and develop standard safety operating procedures to mitigate safety risks.
5. Maintain a high degree of morale and teamwork among employees.
6. Conduct periodic work space safety reviews. Inspect, detect and correct unsafe working conditions and practices.
7. Familiarize employees with safe practices, and proper District work procedures.
8. Ensure each employee knows, understands and follows the safety rules pertaining to the work being performed.
9. Make immediate verbal notification to their supervisor or the District's safety coordinator of all injuries and accidents.
10. Complete appropriate accident reports within 24 hours or the next work day.

Recommend discipline as needed for employees not following safety practices.

C. EMPLOYEE RESPONSIBILITY:

As a condition of employment, every employee is required to:

1. Observe all safety rules and practices, wear personal protective equipment/gear and to follow the instructions of the supervisor and/or the manager, and/or the lead worker of the crew.
2. Know and understand the safety procedures and proper operation associated with any equipment and/or vehicles or activities the employee is assigned. This includes the completion of all required training and certification as an operator when appropriate.
3. Advise their supervisor or crew leader of any assigned work task which they are not qualified to perform, or which they believe to be hazardous and without proper protections.
4. Use care in the performance of all assigned tasks, assuring maximum protection against accidents involving the employee, other employees, the public or property.
5. Report immediately to his supervisor or crew leader any accidents, close calls or injuries.

E. SAFETY COMMITTEE RESPONSIBILITY:

The safety committee is an integral component of the District's safety program. The committee provides management and employees with the ability to meet the safety challenges of a changing work environment. The safety committee will assist in assessing each department's safety needs in order to create a safer work environment for all employees. The committee shall:

1. Serve as an employee communication conduit to management. (The employee should come to management first, then to safety committee)
2. Investigate and recommend solutions to management & supervisors for safety concerns and issues.
3. Assist in performing quarterly safety inspections.
4. Analyze accidents and incidents to prevent recurrence.

5. Review new equipment prior to it being placed into service.
6. Establish joint safety goals with management.
7. Assist management with promotion of safety awareness to all employees.
8. Ensure the District complies with safety certification requirements.
9. Assist the safety coordinator in safety training.

II. SAFETY COMMITTEE TERMS MAY INCLUDE:

Safety Coordinator	(Permanent)
Operations Superintendent Representative	(Permanent)
Mechanic	(Permanent)
Package Plant Representative	(2 Years)
Pump Station Representative	(2 Years)
Construction Crew Representative	(2 Years)
District Board Representative	(2 Years)
Front Office Representative	(2 Years)
Inspection Representative	(2 Years)
Finance Office Representative	(2 Years)

IV. GENERAL:

The District's Safety Policy is based upon the principle that all accidents are preventable and work is done well only if it is done safely. Each employee shall keep this policy and principle in mind and work diligently to achieve the goal of zero workplace mishaps.

V. DISCIPLINE

Discipline may occur when proper safety procedures have been ignored or disregarded, where employees are found at-risk due to their or another's negligence, malfeasance, or situations where an employee has multiple safety problems/violations. The severity of the discipline will vary depending on:

- Severity of the infraction
- Risk to personal health
- Cost of the damage
- Frequency of violations

The disciplinary procedure will follow Article 14 (page 10) of the Union Contract. All employees are required to notify their supervisor when such incidents/accidents occur

and the proper documentation is required to be completed by the employee and signed by the immediate supervisor.

## **Risk Reduction Policy**

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NWSD: 2010-98 dated July 22, 2010

Policy: The Board of Trustees will provide a safe and healthy working environment free from recognized hazards for employees and visitors in all District offices, departments, boards, etc. Each employee must comply with all safety and health standards, rules, and regulations in their workplace to maintain a safe workplace.

Employees shall report all injuries, hazardous work environments, and/or unsafe or unhealthful conditions to their immediate Supervisor for proper documentation.

Any employee acting in good faith may refuse work under conditions reasonably believed to present an "imminent danger of death or serious physical harm," provided that the condition is not such as normally exists or reasonably might be expected to occur in the normal and regular duties of the public employee.

Prior to the refusal to work, the employee must follow these steps:

1. Notify his or her immediate Supervisor of the imminently dangerous condition.
2. Submit a written statement of the imminent danger to the Superintendent of the Division of Labor and Worker Safety as soon as practical.

Any employee or employee representative may file a complaint with the Ohio Department of Commerce, Division of Labor and Worker Safety, regarding unresolved hazardous or unhealthful condition or practice by letter or by fax.

Ohio Department of Commerce  
Division of Labor and Worker Safety  
50 West Broad Street, 29th Floor  
Columbus, Ohio 43215-5916  
Phone: 614.644.2246 or 800.671.6858 Fax: 614.644.3133  
Refusal to Work Phone: 614.731.4380

Employees cannot be discharged or otherwise discriminated against in any manner for filing a complaint or by instituting or causing to be instituted any provision of the Act. Discrimination complaints must be filed with the State Personnel Board of Review within 60 days of the discriminatory act or be pursued through provisions under a collective bargaining agreement.

## Violence in the Workplace Policy

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NWSD: 98-121-September 17, 1998

NWSD: 2010 dated July 22, 2010 Rev.

- I. Policy: The District will provide and maintain a safe workplace for all employees and citizens on District property. No employee or person shall possess, use or threaten to use a deadly weapon at a District worksite or on District property, including District and personal vehicles, unless such possession, or use of a weapon, is a necessary and approved job requirement. Any employee or person who threatens violence or engages in violence, or who engages in intimidating behavior or harassment also violates this policy.
- II. Definitions
  - A. Act of Violence: Any physical action, whether intentional or reckless, that harms or threatens the safety of another individual in the workplace or worksite.
  - B. Dangerous Ordnance: Any automatic or sawed-off firearm, zip-gun, ballistic knife, explosive device, incendiary device, firearm muffler or silencer, or any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance and any other substance or device now defined as a dangerous ordnance by O.R.C. 2923.11 and as later amended.
  - C. Harassment
    1. Physical Harassment: Any physical assault including but not limited to hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
    2. Verbal Harassment: Verbal threats toward persons or property; the use of vulgar or profane language towards others, disparaging or derogatory comments or slurs, offensive sexual flirtations and propositions, verbal intimidation, exaggerated criticism, and name calling.
    3. Visual Harassment: Derogatory or offensive gestures, posters, cartoons, publications or drawings.
  - D. Lock Down: A method used to secure the building and personnel from threats of violence as deemed necessary.
  - E. Threat of Violence: Any behavior by its nature which could be interpreted by a reasonable person as intent to cause physical harm to another individual, his immediate family, or property.



- F. Weapon: Any instrument, device, or thing capable of inflicting death or physical harm, and designed or specifically adapted for use as a weapon, or possessed, carried, or used as a weapon.
- G. Workplace: All areas where employees perform job related duties including all District work areas, whether owned or leased by the District, including parking lots, motor vehicles or where District employees are engaged in District business, whether in public areas at any time or on private property where the District provides contract work.

### III. Sources of Violence

- A. Workplace violence sources can be divided into categories depending upon the relationship between the assailant and the worker or workplace. These sources include but are not limited to;
  - 1. Disgruntled Customers/Clients. An individual who receives a service provided by the District, such as a current or former customer or client. The violence can be committed in the workplace, or as with service providers, outside the workplace but while the worker is performing a job-related function.
  - 2. Past and Present Employees. A current or former employee, a prospective employee, a current or former supervisor or a manager with an employment relationship to the workplace.
  - 3. Personal Relationships. An individual who has a personal relationship with an employee such as a current or former spouse or partner, a relative or a friend who has a personal dispute with the worker and enters the workplace to harass, threaten, injure or kill.
  - 4. Unknown Citizens. An individual with no legitimate relationship to the worker or the workplace who enters the workplace, or off-site duty area, usually on the pretense of being a customer to commit a robbery or other violent act.

### III. Types of Violence

- A. Physical Harm to Person. The intentional infliction of physical harm including impairment of physical condition or substantial pain to another person, with or without a weapon or dangerous ordnance.
- B. Damage to Property. Intentional or reckless damage to District or employee personal property without permission.

- C. Verbal or Written Threats. The intentional use of abusive, derogatory, threatening, annoying, discriminatory or obscene language to an employee either in person, by written communication or by telecommunication.
- D. Threatening Gestures and Behavior. The intentional use of conduct with the purpose of causing another to believe that the offender will cause physical harm to the other person or property or cause mental distress.

#### IV. Security Measures

##### A. Violence-proofing the Workplace

1. No weapons or dangerous ordnance shall be permitted on property owned or leased by the District unless the possession or use of a weapon is a necessary and approved job requirement.
2. No District employee shall carry a weapon or dangerous ordnance while performing employment duties for the District unless the possession or use of a weapon is a necessary and approved job requirement.
3. All District employees and frequent District vendors shall display identification cards during working hours on District property where required. Visitors shall display identification cards if requested.
4. Each District office or work area shall designate a safe room or area for employees if an emergency develops.
5. District agencies and departments shall review work areas, grounds and common areas to identify and implement security improvements.

##### B. Notification of Suspicious Behavior

1. District officials and employees shall report all non-emergency or suspicious behavior to their supervisor or appropriate law enforcement agency.

##### C. Emergency Threat Assessment

1. If the threat of violence is obvious and imminent, the employee shall immediately report the emergency by dialing 911 or using

other pre-determined security measures and implement the lock down procedure.

2. In all other instances, the President, supervisor or designee shall evaluate the reported behavior or incident to determine whether a potential emergency or actual emergency exists.
3. The President, supervisor or designee shall determine the necessary action, including implementation of the lock down procedure.

#### D. Lock Down Procedure

1. To implement a lock down, an announcement of the lock down shall be made by designated personnel to instruct employees and visitors to proceed to their designated safe room or area.
2. Employees and visitors shall proceed to their designated safe room or area and secure all doors within the area.
3. Designated personnel shall report the emergency by accessing an outside line and then dialing 911.
4. Employees shall remain in their designated safe room or area until the law enforcement response team declares that an emergency no longer exists.
5. Immediately following the lock down, the official or employee implementing the lock down shall document all emergency and non-emergency incidents by completing an Incident Form. Copies shall be forwarded to the Sheriff's Office for assessment and the President.

#### V. Assistance

- A. The President, supervisor or their designees may refer employees who are victims of or who have threatened violence in the workplace for assessment by the Employee Assistance Program. Participation in the Employee Assistance Program is not in lieu of prosecution and/or disciplinary action if warranted.

#### VI. Discipline and Prosecution

- A. Employees shall be subject to discipline for the following:

1. Committing or participating in acts of violence while performing the duties of their position or while on District property.
  2. Failing to report suspicious behavior or threats against the District or its employees.
  3. Engaging in intimidating behavior or harassment.
  4. Intentionally and falsely alleging a violation of this policy.
  5. The employee may also be prosecuted under applicable federal or state law.
- B. Any non-employee who commits or participates in acts of violence or who engages in intimidating behavior or harassment against District employees while performing the duties of their position or against citizens on District property will be prosecuted under applicable federal or state law.
- C. Any employee found to be in violation of this policy shall be subject to disciplinary action up to and including termination.

## VII. Training

- A. All employees, including new hires, shall receive a copy of this policy.
- B. All employees shall attend training on recognizing, reporting and responding to potential workplace violence.
- C. The President, supervisors or their designees shall provide additional training as may be appropriate.

## **Emergency Closing Policy and Procedure**

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Except in those instances in which the President and/or Board of Trustees acts, due to inclement weather conditions, to officially close offices under its jurisdiction, employees are expected to report to work. In the event employees are unable to report to work, the employee is allowed to any available leave for such absence.

In case of absence, the employee shall so advise the supervisor as early as possible on the date of absence, preferably before starting time.

If it is determined that District offices should be closed due to severe weather or any other reason, every effort will be made to contact employees through the Code Red notification system. Notice of any closing will be broadcast on television stations WTVG (channel 13) and WTOL (channel 11).

## **Bomb Threat Procedure**

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NWSD: 2010-99 Dated July 2, 2010

The Northwestern Water and Sewer District will provide a copy of the Bomb Threat Procedure to all employees and training on same. Evacuation routes designating the tornado safe areas shall be posted.

- I. Bomb Threat Procedure
  - A. Sound page alarm
  - B. Evacuate to designated bomb / fire safe area.
  - C. Personnel report to the designated staging area to report the situation.
- II. Procedure if Bomb Threat is Received or Suspect Item Identified
  - A. Telephone Threat:

Obtain all information possible from the individual who is making the phone threat by completing the "Bomb Threat Aid" form. Card should be located directly under bottom of every phone.

- B. Suspect Item

Obtain all information regarding suspect item. Do not touch or move item.

- C. Employee receiving threat or suspect item shall immediately call 911, advise supervisor / department head of the situation, and report to the Sheriff and EMA with card for assessment.

### III. Evacuation Procedures (Bomb/Bomb Threat)

#### A. Employee Responsibility

- Prior to leaving the building, visually check your immediate work area for anything that may appear to be “unusual.”
- DO NOT touch any item that is out of the ordinary.

#### B. Report all suspicious items/activity to your supervisor immediately.

#### C. Secure all funds, workstation and office.

#### D. All personnel / visitors shall evacuate to bomb/fire safe area.

#### E. Remain at the bomb/fire safe areas as an office/department unit for further instruction from a District official or emergency response personnel.

#### F. Office/Building Monitor Responsibilities

##### 1. Each office/department shall have a primary and secondary Office Monitor who will be responsible for the following:

- Maintain a working flashlight
- Obtain an accurate count of all personnel / visitors in the office.
- Assign one person to each physically challenged person in the office.
- Direct the people in the office to the appropriate exits and control the speed of the evacuation to avoid panic.
- Report to the bomb / fire safe area.
- Conduct a second count of all personnel / visitors in the office upon reaching the bomb/fire safe area.
- Report to the designated staging area and advise the building monitor that the office has been evacuated.

##### 2. Each building shall have a primary and secondary Building Monitor who will be responsible for the following:

- Maintain a working flashlight.
- Evacuate to the bomb / fire safe area.
- Verify with the office monitors that all persons have been evacuated.
- Report employee / visitor counts to the incident commander (highest ranking Fire/Sheriff/EMA) at the staging area.

- IV. Search for Bomb (Specially designated personnel only)
  - A. By the direction of law enforcement officials, specially trained volunteers shall assist the emergency responders in the search of said facility.
  - B. All search operations will be coordinated via an Incident Command Post established within the Emergency Management Agency Office.
  - C. A representative of the effected facility shall report to the incident command post in order to provide access to building.
- V. Re-Entry
  - A. After law enforcement officials issue and “All Clear” employees / visitors may return to their office or work.
- VI. Press
  - A. Only EMA/Sheriff/Fire officers to make any statements to the press.

<u>Bomb Threat Aid</u>	<u>REMARKS/COMMENTS</u>
Place this card under your phone!	
Number at which call was received: _____	
Length of Call    Time of Call    Date of Call	
_____	
Exact wording of threat _____	
_____	
<u>QUESTIONS TO ASK</u>	
<u>When is the bomb going to explode?</u>	
<u>Where is the bomb located?</u>	
<u>What does it look like?</u>	
<u>What kind of bomb is it?</u>	
<u>What will cause it to explode?</u>	
<u>Did you place the bomb?</u>	
<u>Why?</u>	
<u>Where are you?</u>	
<u>What is your name?</u>	
<u>REPORT CALL IMMEDIATELY</u>	
<u>TO _____</u>	
<u>Caller's Sex    Caller's Age    Caller's Accent</u>	
<u>M                    F</u>	
<u>CALLER'S VOICE</u>	
<u>Check All that apply</u>	
<input type="checkbox"/> Angry <input type="checkbox"/> Soft <input type="checkbox"/> Slow <input type="checkbox"/> Stutter	
<input type="checkbox"/> Calm <input type="checkbox"/> Loud <input type="checkbox"/> Deep <input type="checkbox"/> Lisp	
<input type="checkbox"/> Laughing <input type="checkbox"/> Normal <input type="checkbox"/> Ragged <input type="checkbox"/> Familiar	
<input type="checkbox"/> Crying <input type="checkbox"/> Raspy <input type="checkbox"/> Nasal <input type="checkbox"/> Disguised	
<input type="checkbox"/> Excited <input type="checkbox"/> Rapid <input type="checkbox"/> Slurred <input type="checkbox"/> Distinct	
<input type="checkbox"/> Cracking <input type="checkbox"/> Clearing <input type="checkbox"/> Deep <input type="checkbox"/> Foreign	
Voice            Throat        Breathing	
<u>If voice sounds familiar, whose voice did it sound like?</u>	
<u>BACKGROUND SOUNDS</u>	
<input type="checkbox"/> Street <input type="checkbox"/> Music <input type="checkbox"/> House (dishes, TV)	
<input type="checkbox"/> Animal Noises <input type="checkbox"/> Voices <input type="checkbox"/> Motor (fan, AC)	
<input type="checkbox"/> Airplanes <input type="checkbox"/> Static <input type="checkbox"/> Factory Machinery	
<input type="checkbox"/> P.A. System <input type="checkbox"/> Local Calls <input type="checkbox"/> Office Machinery	
<input type="checkbox"/> Clear <input type="checkbox"/> Long Distance <input type="checkbox"/> Other –	
Specify on Back	
<u>LANGUAGE</u>	
<input type="checkbox"/> Well Spoken <input type="checkbox"/> International <input type="checkbox"/> Tapped Message	
<input type="checkbox"/> Foul <input type="checkbox"/> Incoherent <input type="checkbox"/> Message Read	
<u>TURN CARD OVER</u>	
	Name of person taking call: _____
	Position/Department: _____



## Fire Procedure

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NWSD: 2010-99 dated July 22, 2010

The Northwestern Water and Sewer District will provide a copy of the Fire Procedures to all employees and training on same. Evacuation routes designating the safe areas shall be posted.

### I. Fire Identification Procedure

- A. If a fire is suspected, the employee shall activate the fire alarm and page fire.
- B. Evacuate to designated fire/bomb safe area.
- C. Call 911 to report situation.

### II. Evacuation Procedure

#### A. Employee Responsibility

- All personnel / visitors shall evacuate to predetermined fire / bomb safe area.
- Use designated fire exits or emergency exit routes to our fire / bomb safe area.
- Remain at the fire / bomb safe area as an office/department unit for further instructions from a District official or emergency response personnel.

#### B. Office / Floor Monitor Responsibilities

1. Each office / department shall have a primary and secondary Office Monitor who will be responsible for the following:
  - Maintain a working flashlight
  - Obtain an accurate count of all personnel / visitors in the office
  - Assign one person to each physically challenged person in the office.
  - Direct the people in the office to the appropriate exits and control the speed of the evacuation to avoid panic.
  - Report to the fire/bomb safe area.
  - Conduct a second count of all personnel/visitors in the office upon reaching the fire/bomb safe area.
  - Report to the designated staging area and advise the building monitor that the office has been evacuated.

2. Each building shall have a primary and secondary Building Monitor who will be responsible for the following:

- Maintain a working flashlight
- Evacuate to the fire/bomb safe areas designated staging area.
- Verify; with the office monitors that all persons have been evacuated.
- Report employee/visitor counts to the District representative at the staging area.
- Only EMA/Sheriff/Fire officers to make any statements to the press.

III. Re-Entry

A. After an “All Clear” has been issued, employees/visitors may return to their office or workplace.

# **Tornado Watch/Warning Procedure**

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NWSD: 2010-099 dated July 22, 2010

The Northwestern Water and Sewer District will provide a copy of the Tornado Watch / Warning Procedures to all employees and training on same. Evacuation routes designating the tornado safe areas shall be posted.

## **I. Tornado Watch Procedure**

- A. Upon notification of a Tornado Watch issued by the National Weather Service the Wood County Communication Center will provide notification over the local government radio stating that a Tornado Watch has been issued for Wood County, and provide the beginning and ending times of the watch.
- B. If the Tornado Watch is extended or canceled, the Wood County Communication Center will provide notification over the local government radio.
- C. The operations personnel will notify office employees / visitors via the paging system.
- D. The operation personnel will notify field crew via cell phone / radio.

## **II. Tornado Warning Procedure**

- A. Upon notification of a Tornado Warning issued by the National Weather Service or other authorized source, the Wood County Communication Center will provide notification over the local government radio stating that a Tornado Warning has been issued for Wood County.
- B. Upon notification of Tornado Warning, operations personnel will notify office employees / visitors via the paging system.
- C. The operation personnel will notify field crew via cell phone / radio.

## **III. Evacuation Procedures ( Tornado Warning)**

- A. Employee Responsibility
  - All personnel / visitors shall evacuate to their designated tornado safe area.

- Always use emergency routes to your tornado safe area.
- Remain at the tornado safe area as an office/department unit for further instruction from a District official or emergency response personnel.

B. Office / Building Monitor Responsibilities

1. Each office/department shall have a primary and secondary Office Monitor who will be responsible for the following:
  - Maintain a working flashlight
  - Obtain an accurate count of all personnel/visitors in the office.
  - Assign one person to each physically challenged person in the office.
  - Direct the people in the office to the appropriate exits and control the speed of the evacuation to avoid panic.
  - Report to the safe area
  - Conduct a second count of all personnel/visitors in the office upon reaching the safe area.
  - Report to the designated staging area and advise the building monitor that the office has been evacuated.
2. Each building shall have a primary and secondary Building Monitor who will be responsible for the following:
  - Maintain a working flashlight
  - Evacuate to the safe areas designed staging area.
  - Verify with the office monitors that all persons have been evacuated.
  - Report employee/visitor counts to the District representative at the staging area.

VII. Re-entry

- A. After an "All Clear" has been issued, employees/visitors may return to their office or workplace.

# TRAVEL AND MOTOR VEHICLES

## Travel Reimbursement Policy

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NWSD 2006-157 Rev. 2010-94 July 22, 2010

(1) Authority for travel:

(A) All travel by District employees must be authorized in writing by the supervisor or his/her designee as appropriate District business as follows:

(i) Each employee requesting approval to travel shall complete and submit to the supervisor or his/her designee a "I want to Travel" form and a copy of an agenda, program, course description, or letter of invitation. If the travel request is approved, the supervisor or his/her designee shall sign the "I want to Travel" request.

(B) Union employee's amounts are as contained in the approved union contract.

(2) Reporting requirements:

An employee who traveled at District expense and is requesting reimbursement of his/her travel expenses by the District shall report his/her travel expenses as follows:

By the end of each pay period, employee shall promptly complete a "Travel Expense Report," covering travel expenses incurred within that pay period, and shall submit it to the supervisor or his/her designee for approval.

Employee shall obtain and provide all receipts required by this rule.

At no time shall an employee claim or be reimbursed more than his/her actual travel expenses, except meals as described below.

(3) Approval of travel expense report:

The approval of an employee's completed "Travel Expense Report" by the supervisor or his/her designee constitutes certification by the supervisor or his/her designee of the propriety of the reimbursement of such employee's travel expenses

(4) Reimbursement of expenses:

An employee shall be reimbursed for his/her travel expenses as authorized by this rule upon approval of his/her completed "Travel Expense Report" by the supervisor or his/her designee.

(A) Direct payment to vendor:

Instead of reimbursing an employee for his/her travel expenses, the District may make direct payment to a vendor who provides travel services for the employee. A direct payment shall comply with the applicable rates and requirements specified in this rule.

(B) Transportation expenses:

(i) Travel by privately owned automobile:

Travel by privately owned automobile is authorized only if the owner thereof is insured under a policy of liability insurance. Reimbursement of mileage expenses incurred on District business is authorized at the rate established annually by the Board of Trustees.

Employees shall not be reimbursed for mileage commuting from his/ her residence to his/her headquarters nor from his/her headquarters to his/her residence.

"Travel Expense Reports" shall indicate mileage between the commencement and termination of travel as well as all vicinity mileage after arrival at destination.

(ii) Travel by common carrier:

(a) Travel by common carrier is authorized. Reimbursement is authorized at the lowest available rate.

(b) District funds shall not be expended to pay for unused reservations on common carriers unless the District is satisfied that failure to cancel or use the reservation was unavoidable.

(iii) Car rental:

Reimbursement is authorized for car rental only if car rental is more economical than other modes of transportation.

(iv) Miscellaneous transportation expenses:

Reimbursement is authorized for parking charges, road tolls, and other reasonably incurred transportation expenses directly related to authorized travel. Miscellaneous transportation expenses shall be listed separately on the "Travel Expense Report."

(v) Required receipts for transportation expenses:

Except as otherwise provided, receipts are required for all service expenses incurred in connection with the operation of District-owned automobiles; all common carrier expenses; and all miscellaneous transportation expenses exceeding one dollar where receipts are readily available.

(C) Meal expenses:

Reimbursement for meals for employees is authorized and shall meet all of the applicable provisions specified below.

Reimbursement of meal gratuities is authorized at actual expense but not to exceed fifteen percent of the actual meal expense.

Reimbursement for meals for employees is limited to the following PER EMPLOYEE PER CALENDAR DAY, receipts are required:

(i) Actual cost per calendar day as follows:

In state travel with receipts:

- maximum of \$9 for breakfast; \$12 for lunch; \$25 for dinner

Out of state travel with receipts:

- maximum of \$12 for breakfast; \$18 for lunch; \$30 for dinner

Any time without receipts:

- maximum of \$7 for breakfast; \$8 for lunch; \$15 for dinner

On the day of departure or return, if the employee is on travel status for more than one of the above specified time periods, meal reimbursement is authorized in the amount of the total of the individual amounts specified for those time periods.

(D) Lodging:

(i) Reimbursement for lodging in commercial establishments is authorized per employee per calendar day at actual cost plus applicable taxes on the entire room.

(ii) Receipts are required for all lodging expenses.

(E) Miscellaneous living and business expenses:

(i) Reimbursement is authorized for reasonable miscellaneous living expenses, including laundry, dry cleaning, personal telephone calls, postage, and other expenses, if the employee is in overnight lodging for more than one week including a weekend. Reimbursement is authorized for reasonable business telephone expenses regardless of the length of stay.

(ii) Except as otherwise provided, receipts are required for all miscellaneous living and business expenses exceeding one dollar.

(iii) Miscellaneous living and business expenses shall be listed separately on the "Travel Expense Report."

(F) Conferences:

Reimbursement is authorized for conference registration fees and conference expenses as follows:

(i) Registration fees:

Conference registration fees may be reimbursed to the employee, or conference registration fees may be paid directly by the District in advance of the conference. If the registration fee includes any meals, the employee shall not be reimbursed for those same meals under paragraph (C) of this rule.

(ii) Required receipts for conference expenses:

Receipts are required for conference registration fees, conference lodging, and miscellaneous conference expenses exceeding one dollar.

(iii) Gratuities:

Reimbursement of gratuities, including, but not limited to, porter, housekeeping, and taxi, is authorized but is limited to:

(a) Actual cost up to a maximum of ten dollars per day for an overnight employee on the day of travel departure and on the day of return from travel.

(b) Actual cost up to a maximum of five dollars per day for:

(i) An overnight employee on any day of travel other than the day of departure or day of return.

(ii) Employee who is not traveling overnight.



Meal gratuities shall be reimbursed under paragraph (C) of this rule and not under this provision.

(5) Travel Advances:

Upon request by employee, the District may provide an expense advance of up to 80% of the estimated travel estimate. The minimum amount that will be advanced is \$100.

## Motor Vehicle Policy

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District:Res. 98-120 August 27, 1998

Rev: Res. 2000-131 dated November 9, 2000

Rev. Res. 2007-72 dated July 26, 2007

Rev. Res. 2013-06 dated January 3, 2013

1. This policy is promulgated to ensure the safety of all operators of motor vehicles while on District business and to maintain favorable motor vehicle insurance rates for District motor vehicles. In general the Ohio Revised Code prohibits any employee from using their “official position” (employment) to obtain a financial benefit or avoid financial detriment.
2. Employee’s insurability with the District is based on their personal driving record. Any and all activity on an employee’s driving record within the prior three years weighs equally toward driving privileges while performing duties for the District.
3. Definitions
  - A. Motor vehicles: All automobiles and off-road equipment including but not limited to lawn tractors, backhoes, excavators, gators, front-end loaders, compactors, specialty trucks such as the jet truck or tanker, etc.
  - B. Northwestern Water and Sewer District – “The District”
4. Motor Vehicle Operator Rules
  - A. All District employees operating motor vehicles owned and maintained by the Northwestern Water and Sewer District and all District employees operating a motor vehicle to perform employment duties must comply with the following requirements and procedures:
    - a. Comply with all of the rules and regulations of the State of Ohio
    - b. Possess a valid driver’s license.
    - c. Must wear safety belts while the motor vehicle is in operation whether they are a passenger or a driver.
    - d. Operate motor vehicles in a lawful manner.
    - e. Comply with Ohio’s ban on texting while driving which includes writing and sending or reading a text base communication while driving. This also includes e-mail. Also do not use a wireless device while vehicle is in motion if doing so distracts attention from driving.

- f. Sign a release permitting a driving and criminal record check at any time throughout their employment with the District. Random driving checks may be administered. The District and/or its insurance carrier will review motor vehicle operation records for the prior three years when determining driving privileges.
  - g. May not operate a District motor vehicle for personal use.
  - h. May not permit anyone other than an authorized District employee to operate a District motor vehicle.
  - i. May only transfer passengers for reasons directly related to official District business. Such passengers must wear their safety belts while the motor vehicle is in operation.
  - j. May not consume nor permit any other person to consume alcohol or drugs while in a motor vehicle on District business.
  - k. Keep District vehicles clean, maintain and repair as scheduled and paid by the District.
  - l. Make no alterations to a District motor vehicle, i.e. vehicle accessories, etc.
  - m. Maintain a copy of the District Motor Vehicle Policy, insurance identification card, and District Incident Report Form in the motor vehicle.
  - n. Shall not knowingly damage the District vehicle through neglect, misuse, carelessness, or failure to follow instructions or general common sense in the use and application of the vehicle or equipment.
  - o. If a District-owned vehicle is not available, employees operating their personal motor vehicle to perform their duties of employment, may request reimbursement for mileage, parking and toll fees, etc., if authorized prior to use. Such expenses shall be reported on a mileage reimbursement form submitted to the employee's supervisor.
  - p. If authorized to operate a personal motor vehicle, complete the "Certification of Compliance with Ohio's Financial Responsibility Law" and "vehicle usage" forms. The District's insurance carrier does not provide insurance coverage for an employee's personal vehicle while driving on District business.
  - q. If an employee is operating a District-owned (or leased) vehicle, the driver must be aware of this vehicle's legal weight limits, hauling capacity and overall capabilities.
- B. Failure to comply with items listed above may result in disciplinary action.

## 5. Accidents

- A. In the event of an accident with a District motor vehicle or a personal vehicle on District business, employees must follow the procedures below:
  - a. Stay at the scene of an accident and identify yourself and render assistance if possible.
  - b. Turn on four-way flashers and set out flags or flares, if available, to warn traffic.
  - c. Assist injured persons, if possible, giving immediate attention to severe bleeding. Do not move injured persons unless necessary for their protection against further injury. Send for an ambulance, if necessary.
  - d. Do not admit responsibility or make any offer of settlement to the other party. Representatives of the District or the District's insurance carrier are responsible for settlements involving District vehicles. The employee or his/her insurance company is responsible for settlements involving personal vehicles.
  - e. Obtain and record the name, address and license number of the other driver, car license plate number, and the name of car owner and insurance company.
  - f. When requested, give your name, address, name the District as your employer and show your driver's license to the other party.
  - g. Record names and addresses of witnesses and, if possible, get statement.
  - h. Notify the police having jurisdiction (state, county or city) where the accident occurred. Record the name and badge number of any officer present.
  - i. Sketch the location showing the position of vehicles, pavement markings, traffic control devices, witness locations and any special conditions such as obstructions, parked cars or skid marks. Show date, time of day, weather and road conditions, and any other useful information. If you have a camera or mobile device with a camera, take pictures to record damage.
  - j. Provide your supervisor with all information within 24 hours after the accident.
  - k. Complete a written Incident Report.
  - l. Complete a "Traffic Violation/Accident Notice", as per Section VIII of this policy.
  - m. Notify your supervisor if the fire extinguisher or first-aid kit has been used and replace as necessary.
- B. All supervisors must contact the District's President or Finance Director immediately upon notification of an accident. These two will notify the insurance carrier.

## 6. Fines

- A. Any fines incurred as a result of driving or parking violations shall be the responsibility of the employee for all offenses including, but not limited to safety of the vehicle.

## 7. New Employees

- A. District's President or supervisors shall obtain a traffic record check for prospective employees who may operate a motor vehicle for District related business. This check shall include any violations within the last three years. The insurance carrier will determine the driver's insurability.

## 8. Reportable Events

- A. Employees who may operate a District-owned or personal vehicle for District related business shall report any and all accidents that occur during or outside of work hours and regardless of fault, and arrests, citations, license suspensions or revocations resulting from moving violations, including, but not limited to: speeding, reckless operation, traffic control devices, assured clear distance, driving under the influence (DUI), driving under suspension, etc. Employees shall complete and return the "Traffic Violation/Accident Notice" by the next working day to their Supervisor.
- B. The Supervisor shall forward the "Traffic Violation/Accident Notice", upon receipt, to the District's President for insurance related purposes.
- C. Failure to comply with the above can result in disciplinary action up to and including termination.

## 9. Employer Action after "Reportable Event"

- A. Upon receipt of a "Traffic Violation/Accident Notice", the President, in consultation with the District's insurance carrier, will review the facts to determine whether the employee may continue to drive any motor vehicle as part of his/her employment responsibilities. In making this decision, the employer shall consider the following:
  - a. Any appropriate court determination.
  - b. Whether the employee can perform the duties of this or any other position for the District without operating a motor vehicle with or without a CDL license.

B. Review of Driving Privileges

a. Upon review, the employer may:

- a. Suspend the employee from operating a motor vehicle as part of his/her employment for one year periods, not to exceed three years.
- b. Restrict employees with a suspended license for a non DUI violation from operating a motor vehicle on District business, unless permitted by the court and/or insurance carrier.
- c. Proceed with disciplinary action, up to and including termination, if appropriate.

10. Driving Under the Influence (DUI) Convictions

- A. An employee convicted of a DUI offense shall not operate a District motor vehicle or his/her own motor vehicle on District business until he/she has completed the following requirements:
  - a. Undergo at his/her own expense an acceptable alcohol dependency assessment within two weeks of conviction or other time period determined by the court.
  - b. Release the results of the drug/alcohol assessment in writing within five working days to the President for insurance related purposes.
  - c. Complete any recommended treatment as outlined in the assessment. The employee shall provide written documentation of the successful completion of treatment within five working days of completing treatment to the President for insurance related purposes.
- B. Upon written certification of the successful completion of all assessment recommendations and if the court allows, the individual may drive his/her own vehicle while working for District, but may not operate a District motor vehicle for a three year period.
- C. Following the original DUI conviction, a second conviction of any major violation including another DUI or any other "6 point" violation or a suspension of license in the three year period

immediately following the initial conviction will result in immediate termination of the employee.

11. Court Ordered or DUI Driving Privileges

- A. Employees operating a personal vehicle on District business pursuant to court-ordered driving privileges, after a license suspension, or after a DUI conviction and required treatment must comply with the following for the duration of District employment:
  - a. Produce a personal Automobile Liability policy with limits of \$3,000,000 combined single limit, bodily injury and property damage and will cover the District from any additional liability. This policy must be with a carrier acceptable to the District's insurance carrier.
  - b. Increase insurance limits to \$5,000,000 if transporting clients.
  - c. Provide a certificate of insurance and full copy of the policy to the employer for review by the District's insurance carrier upon each period of coverage.
  - d. Driving privileges will be reviewed on an annual basis for up to three years following the date of conviction.
  - e. The District's insurance carrier reserves the right to amend the above requirements at any time. Any exception to these requirements must be approved in writing by the District's insurance carrier.

**CERTIFICATION OF COMPLIANCE  
WITH OHIO'S FINANCIAL RESPONSIBILITY LAW  
AND  
DRIVING AND CRIMINAL RECORD CHECK RELEASE**

I, \_\_\_\_\_, an employee of \_\_\_\_\_  
(Employee Name) (District)

of Wood County, Ohio, do hereby certify that when using my personal vehicle(s) for District business, I am in compliance with Ohio's Financial Responsibility Law. I understand that I have a responsibility to report any and all accidents, arrests, violations, license suspensions or revocations to my supervisor and to the District using the Traffic Violation/Accident Notice form. Failure to do so could result in disciplinary action.

I further permit the District and its insurance carriers to perform driving and criminal record checks as they relates to my operating a motor vehicle during the course of my employment.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

cc: Employee

Original to personnel file



**TRAFFIC VIOLATION/ACCIDENT NOTICE**

I am hereby submitting a notice of a reportable event as per Section VIII of the District Motor Vehicle Policy.

Name of Employee: \_\_\_\_\_

Office/Department: \_\_\_\_\_

Date Violation Occurred: \_\_\_\_\_

Violation Occurred During Work Time: Yes \_\_\_\_\_ No \_\_\_\_\_

Court Date (If applicable): \_\_\_\_\_

Conviction Date: \_\_\_\_\_

Points Applied (If applicable): \_\_\_\_\_

Description of Violation/Accident: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A copy of the violation/accident citation (if issued) must be attached.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Received by \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## CDL Substance Abuse Policy and Procedure

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Omnibus Transportation Act of 1991  
NWSD 95-125

- I. Policy: Effective January 1, 1996, all District employees in a position requiring a commercial driver's license (CDL) will be subject to alcohol and controlled substances testing in the following circumstances: Pre-employment/pre-duty testing, Reasonable suspicion testing, Post-accident testing, Random testing and Return-to-duty testing.
  
- II. Definitions:
  - A. Safety Sensitive Function
    1. All time at any facility, owned or otherwise, waiting to be dispatched unless the driver has been relieved from duty by the District. This includes any "on-call" time.
    2. All time inspecting equipment as required by the regulations.
    3. All driving time as defined by the regulations.
    4. All time, other than driving, in any commercial motor vehicle except time spent resting in a sleeper berth.
    5. All time loading or unloading a vehicle, supervising or assisting in this process.
    6. All time spent performing the requirements specified in section 392.40 and 392.41 of the regulations as they relate to accidents.
    7. All time repairing, obtaining assistance or remaining in attendance of a disabled vehicle.
    8. All time spent providing a breath or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident or follow-up testing required by this policy when directed by the District.
    9. Time spent performing any other work in the capacity of, or in the employ or service of, a common, contract or private carrier.

10. Time spent performing any compensated work for any non-motor carrier entity.

B. Illegally used controlled substances or drugs

1. "Illegally used controlled substances or drugs" are any illegal drugs or any substances identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs and use of illegally obtained prescription drugs

C. Legal Drugs

1. Legal Drugs are legally prescribed drugs and non-prescription medications. A "legally prescribed drug" means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the physician's name, the name of the substance, quantity/amount to be taken and period of authorization.

D. Alcohol

1. Alcohol means the intoxicating agent in beverage-alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

E. Commercial Motor Vehicle

1. Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
  - a. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds.
  - b. Has a gross vehicle weight rating of 26,001 or more pounds.
  - c. Is designed to transport 16 or more passengers, including the driver.

- d. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placed under the Hazardous Materials Regulations (40 CFR part 172, subpart F).

F. Driver

1. Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.

H. Refusal to Test

1. Refuse to submit (to an alcohol or controlled substances test) means that a driver:
  - a. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part.
  - b. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing.
  - c. Engages in conduct that clearly obstructs the testing process.

III. Prohibited Conduct for CDL Employees Performing Safety Sensitive Functions

A. "Prohibited conduct" addressed by this policy includes the following:

1. Perform a safety-sensitive function while having a breath alcohol concentration of 0.02 or greater.
2. Perform a safety-sensitive function within four (4) hours after using alcohol. No supervisor having actual knowledge that an employee has used alcohol within four (4) hours shall permit an

employee to perform or continue to perform safety-sensitive functions.

3. Possess any quantity of alcohol while on duty unless the alcohol is manifested and transported as part of the load. This includes any medicines, both prescription and over-the-counter, that contain alcohol, unless the packaging seal is unbroken.
4. Use alcohol while on duty including lunch periods and breaks.
5. Report for or remain on duty when his/her ability to perform assigned functions is adversely affected or when his blood alcohol concentration is 0.04 or greater.
6. When involved in an accident that requires a post-accident alcohol test, use alcohol within eight (8) hours of the accident or prior to submitting for the post-accident test, whichever comes first.
7. Use any substance that indicates that mental functioning, motor skills or judgment may be adversely affected without reporting such to his/her supervisor.
8. Perform a safety-sensitive function when the employee uses controlled substances, except when prescribed by a physician who has determined that the substance will not adversely affect the employee's ability to safely perform his/her work duties.
9. Perform a safety-sensitive function, if the employee has tested positive for controlled substances.

#### IV. Supervisor's Duty to Implement Policy and Report Criminal Drug Convictions

- A. Supervisors of District employees subject to this policy shall apply this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who deliberately misuses the policy shall be subject to disciplinary action.
- B. Supervisors shall report all violations of this policy to the President of the District.
- C. Supervisors shall record all criminal drug convictions for employees covered by this policy in the employee's personnel file and report the same to the President's office.

#### V. Testing for Prohibited Substances

- A. General Procedures

1. All employees subject to this policy shall be subject to pre-employment, post-accident, reasonable suspicion, random and return-to-duty testing.
2. Any employee who is reasonably suspected of being intoxicated, impaired under the influence or not fit for duty shall be suspended from his/her job duties pending an investigation and verification of his/her condition.
3. The District will contract for drug and alcohol testing services to comply with ODOT regulations.
4. Testing shall be conducted to assure a high degree of accuracy and reliability and will use techniques, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, and as amended.
5. Tests will be conducted for marijuana, cocaine, opiates, amphetamines and phencyclidine. Upon reasonable cause, the District will test for other illegal drugs. In such event, a second urine sample will be provided by the employee.
6. An initial drug screen will be conducted on each specimen. For those specimens that are not negative, a confirmatory gas Chromatography/ Mass Spectrometry (GC/MC) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR 40, as amended.
7. Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) - approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test.
  - a. An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will result in removal from his/her position for twenty-four (24) hours unless a re-test results in a concentration measure of less than 0.02.
  - b. During the twenty-four (24) hour period of time that an employee has been removed from his/her position, he/she will have the option of utilizing accrued leave time, i.e., sick leave, vacation

leave, compensatory time, or other appropriate time, in order to remain in a paid status. If the employee elects not to utilize his/her accrued leave, then he/she will be placed in an unpaid status.

c. If the employee has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 on any subsequent alcohol test, then he/she will be subject to termination.

8. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. Any employee who has a confirmed positive drug or alcohol (0.04 or greater) test will be removed from his/her position, informed of educational and rehabilitation programs available and evaluated by a substance abuse professional (SAP). Employee assessment by a SAP is detailed in Section IX of this policy.

## VI. When Testing is Required

### A. Pre-Employment Testing

1. Prior to the first time an employee performs safety-sensitive functions for the District, the driver shall undergo testing for alcohol and controlled substances. No driver shall perform safety-sensitive functions unless the driver has been administered an alcohol test with a result indicating an alcohol concentration less than 0.04, and has received a controlled substances test result from the medical review officer indicating a verified negative test result.
2. Exceptions to pre-employment testing shall be granted in accordance with 49 CFR section 382.301.

### B. Post-Accident Testing

1. As soon as practicable following an accident involving a commercial motor vehicle, each surviving driver shall be tested for alcohol or controlled substances, if:
  - a. He/she was performing safety sensitive functions with respect to the vehicle if the accident involved the loss of human life; or
  - b. He/she receives a citation under state or local law for a moving traffic violation arising from the accident.
2. A driver will be tested for alcohol within two (2) hours of an accident. If an alcohol test is not accomplished within two (2)

hours of an accident, then a written record shall be made stating the reasons the alcohol test was not promptly administered. If the alcohol test has not been accomplished within eight (8) hours following notification, the District shall stop its attempt to administer the alcohol test and it shall make and retain in the file a record of the reasons the alcohol test was not properly administered.

3. If a driver has not submitted a controlled substance test within thirty-two (32) hours of an accident, the District shall stop its attempt to administer the controlled substance test. It shall then make and retain in file a record of the reasons a controlled substance test was not properly administered.
4. A driver who is involved in an accident must refrain from alcohol use for eight (8) hours following an accident or until he/she undergoes a post-accident alcohol test. Drivers who leave the scene of an accident without a justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test, and they will be subject to termination.
5. A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining medical reports and other documents which would indicate whether there were any alcohol or controlled substances in his/her system at the time of the accident.
6. The District can use, by permission from the Federal Highway Administration, post-accident tests conducted by federal, state or local officials as meeting the requirements of this section under the following conditions.
  - a. The official must have independent authority to conduct the test.
  - b. The test must conform to federal, state, or local requirements.
  - c. Alcohol tests require blood or breath samples.
  - d. Controlled substance tests require a urine sample.

#### C. Random Testing

1. Except as may be charged by the Federal Highway Administration, the minimum annual percentage rate for random alcohol testing shall be 25 percent of the average number of driver positions.



2. The minimum annual percentage rate for random controlled substances testing shall be 50 percent of the average number of driver positions.
3. Employees will only be tested randomly for alcohol when they are performing safety-sensitive functions, immediately prior to, or after performing safety-sensitive functions.
4. After an employee has been randomly selected for a test, the employee must immediately proceed to the testing site upon notification of being selected.
5. If an employee, who has been randomly selected for a test is on vacation or other pre-approved form of leave, the District may either select another employee, as an alternate, or keep the original selection confidential until the employee returns to duty.

D. Reasonable Suspicion Testing

1. Alcohol: A driver must submit to urine and/or breath testing when reasonable suspicion exists that the driver has an alcohol concentration between 0.02 and 0.04 or greater or has consumed alcohol within four hours of performing a safety sensitive function. The District's "reasonable suspicion" must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.
2. Controlled substances: A driver must submit to a controlled substance test when reasonable suspicion to be that a driver has used or is under the influence of controlled substances. The District's reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver and may include indications of the chronic and withdrawal effect of controlled substances.
3. Alcohol testing is authorized by this section only if the observations required are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this part. A driver may be directed by the employer to only undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

4. Reasonable suspicion determinations will be made by a supervisor. The District will provide supervisors with a minimum of 60 minutes of training on alcohol misuse, and a minimum of 60 minutes of training on controlled substance abuse. Training shall include: physical behavior, speech and performance indicators consistent with alcohol and controlled substance use and misuse.
5. Once an employee has been notified that a reasonable suspicion test will be conducted it must take place within two (2) hours of the notification. If the test is not accomplished within two (2) hours a written record shall be made stating the reasons the alcohol test was not promptly administered. If the test has not been accomplished within eight (8) hours following notification, the District shall stop its attempt to administer the test and make and retain in file a record of the reasons the alcohol test was not properly administered.
6. A written record shall be made documenting the employee's conduct with respect to an alcohol and/or controlled substance reasonable suspicion test and must be signed by the supervisor or official who observed the behavior.

E. Return-to-Duty Testing

1. Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited Section IV of this part concerning alcohol, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.
2. Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by Section IV concerning controlled substances, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

VII. Test Related Procedures

A. Follow-up Testing

1. Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, that driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional.

2. Follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.
3. There will be a minimum of six follow-up controlled substance and/or alcohol tests in the first 12 months following re-entry to the job. Follow-up testing may be extended for up to 60 months following an employee's return-to-duty.

B. Employee Requested Split Sample Test

1. Any driver who questions the results of a required drug test may request that an additional test be conducted. This test must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are paid by the employee, unless the second test invalidates the original test.
2. The employee's request for a split sample test must be made within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

C. Refusal to Test

1. Any driver who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify the test results through tampering, contamination, adulteration or substitution shall be subject to termination.

D. Employee Assessment and Treatment

1. Any driver who tests positive for the presence of controlled substances or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be evaluated by a Substance Abuse Professional (SAP). The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse. SAP services will be provided by an appropriate certified professional who implements an employee assistance program for the District.

2. The District will consider employees who test positively to be medically unqualified and they shall be disqualified from working for the District until they have been released to return-to-duty by the SAP. Drivers will be allowed to elect rehabilitation through available sources in lieu of discipline the first time that they have a positive result on an alcohol or controlled substance test. However, rehabilitation in lieu of discipline may not be available where the offense giving rise to the discipline is so severe as to make the employee ineligible for continued employment.
3. For those seeking treatment, whether voluntarily or by reason of mandatory rehabilitation in lieu of discipline, the employee benefits that would otherwise be available to the employee shall continue--for example, sick leave, leaves of absence, vacation leave, personal business leave, compensatory leave, Family Medical Leave, and group health insurance benefits.
4. If an employee is allowed to return-to-duty, he/she must follow the rehabilitation program prescribed by the SAP. The employee must pass return-to-duty drug and alcohol tests and unannounced follow-up tests for a period of one to five years. The costs associated with any treatment for rehabilitation services shall be paid directly by the employee or his/her insurance provider.
5. Assessment by a SAP does not shield an employee from disciplinary action or guarantee employment or reinstatement with the District.

E. Employee Discipline

1. A driver with an alcohol concentration more than 0.02 or greater or a positive controlled substance test will be subject to discipline and/or termination.
2. A driver who is eligible for assessment and treatment in lieu of termination will still be subject to discipline.
3. Any driver who refuses to test for alcohol or controlled substances will be terminated.
4. Any employee who refuses or fails to comply with District requirements for treatment, after care, or return-to-duty shall be subject to termination.

5. If a driver is permitted to undergo treatment in lieu of termination and he subsequently tests positive on any alcohol or controlled substance test, he/she will be terminated.

F. Record Retention and Release

1. A Medical Review Officer (MRO) will serve as the sole custodian of individual test results and will retain individual test results for the time periods listed below:
  - a. Records maintained for a minimum of five (5) years.
    - i. Records of driver's alcohol test results indicating an alcohol concentration of 0.02 or greater.
    - ii. Records of drivers verified positive controlled substance test results.
    - iii. Documentation of refusals to take required alcohol and/or controlled substances tests.
    - iv. Driver evaluations and referrals.
    - v. Annual calendar year summaries of the results of alcohol and controlled substances testing programs.
  - b. Records maintained for a minimum of two (2) years:
    - i. Records related to the alcohol and controlled substances collection process and training.
  - c. Records maintained for a minimum of one (1) year:
    - i. Records of negative and canceled controlled substances test results.
    - ii. Alcohol test results with a concentration of less than 0.02.
2. The District will retain personnel records of only the following information:
  - a. Circumstance prompting test (e.g., random testing, post-accident, reasonable suspicion).
  - b. The date of the test.

- c. The location of the test.
  - d. The identity of the person or entity conducting the test.
  - e. Whether the test finding was positive or negative.
3. The District will notify an employee of the results of pre-employment alcohol and/or controlled substance tests, provided the employee requests said test results within 60 days of being notified of the District's decision as to whether or not it will enter into employment or lease contract with him/her.
  4. The District will notify incumbent employees of the results of random, reasonable suspicion, and post-accident alcohol and/or controlled substance tests, provided that the results are positive and will also advise the employee what controlled substance was detected or the alcohol level that was discovered.
  5. The District will not release driver testing information retained in this section except upon the written consent of the driver and except:
    - a. When requested by the Department of Transportation or any state or local officials with regulatory authority over the District or its drivers.
    - b. In the event an employee initiates a grievance, hearing, lawsuit or other action as a result of an alcohol and/or controlled substance test conducted pursuant to this policy.
  6. The annual calendar year summary of the results of the alcohol and drug testing programs must be completed by March 15 of the following year. This will be completed by the President or his designee.

#### VIII. Information from Previous Employers

- A. The District may obtain, pursuant to a driver's written consent, any of the information concerning the driver which is maintained under this part by the driver's previous employers.
- B. The District shall obtain, pursuant to a driver's consent, information on the driver's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years, which are

maintained by the driver's previous employers under Section 382.401(b)(1)(i) through (iii).

- C. The information in paragraph (b) of this section must be obtained and reviewed by the District no later than 14 calendar days after the first time a driver performs safety-sensitive functions for the District, if it is not feasible to obtain the information prior to the driver performing safety-sensitive functions. The District will not permit a driver to perform safety-sensitive functions after 14 days without obtaining the information.
- D. If the driver stops performing safety-sensitive functions for the employer before expiration of the 14 day period or before the District has obtained the information in paragraph (B) of this section, the employer must still obtain the information.
- E. The District will provide to each of the driver's employers within the two preceding years the drivers specific, written authorization for release of the information in paragraph (B).
- F. The release of any information under this part may take the form of personal interviews, telephone interviews, letters, or any other method of obtaining information that ensures confidentiality. The District will maintain a written, confidential record with respect to each past employer contacted.
- G. The District will not use a driver to perform safety-sensitive functions if it obtains information from the employee's previous employer on the driver's alcohol test with a concentration of 0.04 or greater, verified positive controlled substances test result, or refusal to be tested, by the driver, without obtaining information on a subsequent substance abuse professional evaluation and/or determination under Section 382.401(c)(4) and compliance with Section 382.309.

# GENERAL INFORMATION

## Newsletter

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The Wood County employee newsletter, “Round the Courthouse Square”, is published and distributed quarterly to all County and District employees.

## United Way

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The District sponsors an annual United Way Campaign. Employees are encouraged to make contributions. Payroll deduction is available.

## Employee Website

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A website containing links to employee related information, miscellaneous forms, and updates for employees for health insurance purposes is [www.co.wood.oh.us/employee](http://www.co.wood.oh.us/employee)

The District’s website address is [www.nwwsd.org](http://www.nwwsd.org)



# APPENDIX A

Ohio Ethics Law and Related Statutes

Latest version available at:

[HTTP://ETHICS.OHIO.GOV/ETHICSLAWREVISED.CODE.PDF](http://ethics.ohio.gov/ethicslawrevisedcode.pdf)

# **APPENDIX B**

PUBLIC RECORDS POLICY APPENDIX A - C