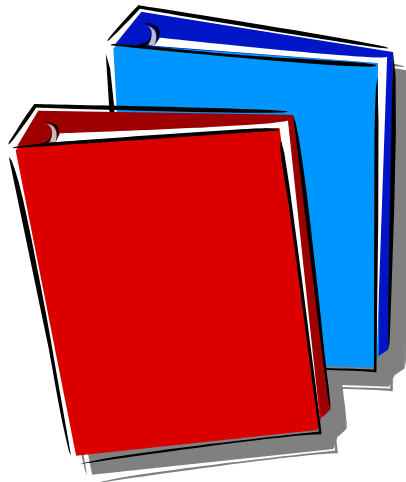




POLICY MANUAL



*Gregory J. Wilkens, P.E., P.S.
Butler County Engineer*

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MEMORANDUM

BUTLER COUNTY ENGINEER'S OFFICE



GREGORY J. WILKENS, P.E., P.S. BUTLER COUNTY ENGINEER

TO: All Employees

FROM: Greg Wilkens

SUBJECT: Cell Phone Policy

DATE: 9/10/2009

Please find attached a new cell phone policy. This policy allows BCEO to comply with current Internal Revenue Service regulations and our responsibility to the tax payers of Butler County and provides guidelines for the use of cell phones for business use.

The cell phone allowance will be a taxable benefit at the rate of approximately 16%. While you may be asked to show proof of your cell phone account, your calls are NOT considered public information according to an opinion from the Butler County Prosecutor's Office.

As stated in the policy, your Department Deputy will determine the need and level of reimbursement.

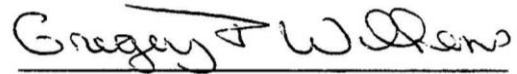
We will have a Nextel & Verizon representative here to go over rates and plans sometime in October.

SECTION 1.1

DEFINITIONS

Unless otherwise indicated in these policies, the following definitions shall apply:

- (a) Classification shall mean a group of positions that involve similar duties and responsibilities, require similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. A classification may include only one position in some circumstances.
- (b) County shall mean the County of Butler, State of Ohio.
- (c) Employer shall mean the Butler County Engineer's Office.
- (d) Position shall mean a group of duties and responsibilities assigned or delegated by the Butler County Engineer to be performed by one person.
- (e) Supervisor shall mean an individual who has been authorized by the Butler County Engineer to oversee and direct the work of lower level employees on a daily basis.
- (f) Salaried employees shall mean those employees who are paid a bi-weekly wage, rather than an hourly rate.

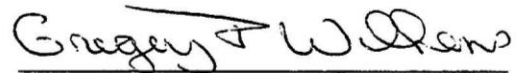


Gregory J. Wilkens
Butler County Engineer
January 2013

SECTION 1.2

CLASSIFIED AND UNCLASSIFIED EMPLOYMENT

- A. All employees of the Butler County Engineer are presumed to be classified civil servants unless the position which they occupy has been exempted from the classified service by a lawful request of the Butler County Engineer or by operation of law. After completion of a 120-day probationary period, or the probationary period designated in the classification specifications, classified employees may only be disciplined for cause and by following the procedures set forth in Chapter 124 of the Ohio Revised Code. Classified employees may not actively participate in partisan politics.
- B. Some Butler County Engineer's employees serve in the unclassified service by law or by appointment to positions which have been exempted from the classified service. Such employees serve at the pleasure of the Butler County Engineer, and may be removed at any time, with or without cause. Unclassified employees who are in the unclassified service include, but are not limited to:
 - 1. Personal exemptions for up to two secretaries, assistants, or clerks, provided the employee has been properly exempted within sixty days of the beginning of the term of elective office.
 - 2. Persons employed by and directly responsible to the Butler County Engineer, and who hold a fiduciary or administrative relationship to the Butler County Engineer. Court decisions have defined these relationships as follows:
 - i. An employee is in a fiduciary relationship with Butler County Engineer when the duties the employee is required to perform are duties that the Butler County Engineer could not be expected to delegate to the average employee with knowledge of the proper procedure for the task.
 - ii. An employee is in an administrative relationship with the Butler County Engineer when the duties the employee is required to perform are such that the Butler County Engineer must rely on the employee's personal judgment and leadership abilities.
 - 3. Students in a school, college, or university employed in student or intern classifications.
 - 4. Employees appointed to temporary or intermittent positions, as defined by this manual and civil service law.

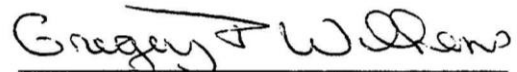


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
January 2003

SECTION 1.3

OBJECTIVES

- (a) The Butler County Engineer recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective county government.
- (b) The policies and procedures set forth in this manual are designed to:
 - 1. Promote high morale and foster good working relationships among employees of various offices and departments of Butler County by providing consistent and well-understood personnel policies, equal opportunities for advancement, and appropriate consideration of employee needs;
 - 2. Enhance the attractiveness of a career with Butler County and encourage each of its employees to give his or her best effort to the county and the public;
 - 3. Encourage courteous and dependable service of the highest quality to the public, who are both our customers and our ultimate employers.
 - 4. Provide fair and equal opportunity for qualified persons to enter and progress in the county service based on merit and fitness as determined through objective and practical personnel management methods; and
 - 5. Ensure that all operations are conducted in an ethical and legal manner so to promote Butler County's reputation as an efficient, progressive county government throughout the community and the state.

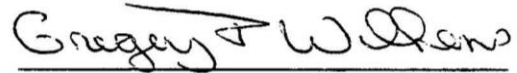


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

January 2003

SECTION 1.4.1 EQUAL EMPLOYMENT OPPORTUNITY

- A. All employees and applicants for employment will be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, disciplined, evaluated, compensated, and offered other terms and conditions of employment based upon merit, fitness, skill, experience, education, performance, ability to perform, and such other job-related characteristics and qualifications as each individual might possess. The Butler County Engineer provides all services, activities, programs, and employment opportunities without discrimination on the basis of race, color, sex, religion, national origin, age (over 40), or disability, in accordance with the Civil Rights of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, as well as similar Ohio laws. Upon request, the Butler County Engineer will consider and offer reasonable accommodation, for any qualified individual with a disability, needed to allow that individual to participate in services provided by the Butler County Engineer throughout employment, application and screening processes.

A handwritten signature in cursive script, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Revised March 2017

SECTION 1.4.2 UNLAWFUL DISCRIMINATION AND HARASSMENT

- A. Policy – The County Engineer is committed to providing a facility that is safe and free from unlawful discrimination and harassment. Unlawful discrimination or harassment is behavior directed toward an employee because of his membership in a protected class such as: race, color, religion, sex, national origin, age, ancestry, disability, genetic information, or military status. Unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.
- B. Definition – Unlawful discrimination occurs when individuals are treated less favorably in their employment because of their membership in a protected classification. An employer may not discriminate against an individual with respect to the terms and conditions of employment, such as promotions, raises, and other job opportunities, based upon that individual's membership in that protected class.

Harassment is a form of discrimination. Harassment may be generally defined as unwelcome conduct based upon a protected classification. However, harassment becomes unlawful where:

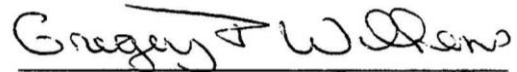
1. Enduring the offensive conduct becomes a condition of continued employment.
 2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- C. Examples – By way of example, sexual harassment is one type of unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
 3. 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. Harassment on the basis of an employee's membership in any protected classification (as set forth above) is unlawful, will not be tolerated, and must be reported.
 4. Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.
- D. Off Duty Conduct – Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy.
- E. Workplace Romances – To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform a Supervisor,

Manager or Division Deputy if they currently are, or if they intend to become romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should the County Engineer determine that a conflict exists between an employee's employment and a personal relationship with a co-worker, the County Engineer will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties must separate from employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee they directly or indirectly supervise.

- F. Complaint Procedure – Employees who feel they have been subject to unlawful discrimination or harassment by a fellow employee, supervisor, or other individual otherwise affiliated with the County Engineer's Office shall immediately report the conduct, in writing, to a Supervisor, Manager or Division Deputy, each of whom shall have the authority and responsibility to work directly with Commissioners' Office, HR Director or Prosecutor's Office to investigate and take appropriate action concerning the complaint. Similarly, employees who feel they have knowledge of discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact a Supervisor, Manager or Division Deputy. Late reporting of complaints and verbal reporting of complaints will not preclude the County Engineer from taking action. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit complaints in writing and in an expedient manner following the harassing or offensive incident. All supervisors are required to follow up on all claims or concerns, whether written or verbal, regarding unlawful discrimination and harassment. Although employees may confront the alleged harasser at their discretion, they are also required to submit a written report of any incidents as set forth above. When the County Engineer is notified of the alleged harassment, he will timely investigate the complaint. The investigation may include private interviews of the employee allegedly harassed, the employee committing the alleged harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality is not guaranteed. All employees are required to cooperate in an investigation. Determinations of harassment shall be made on a case-by-case basis. If the investigation reveals the complaint is valid, prompt attention and disciplinary action designed to stop the harassment and prevent its recurrence will be taken.
- G. Retaliation – Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. The County Engineer and its supervisors and employees shall not in any way retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels they has been subjected to retaliatory conduct as a result of actions taken under this policy, or

as a result of their relationship with someone who took action under this policy, shall report the conduct to a Supervisor, Manager or Division Deputy immediately. Disciplinary action for filing a false complaint is not a retaliatory act.

- H. False Complaints – Legitimate complaints made in good faith are strongly encouraged; however, false complaints or complaints made in bad faith will not be tolerated. Failure to prove unlawful discrimination or harassment will not constitute a false complaint without further evidence of bad faith. False complaints are considered to be a violation of this policy.
- I. Corrective Action – If the County Engineer determines unlawful discrimination, harassment, or retaliation has taken place, appropriate corrective action will be taken, up to and including termination. The corrective action will be designed to stop the unlawful conduct and prevent its reoccurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior towards an employee, who exercised a right under this policy, or a close personal friend or family member of someone who exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.
- J. Coverage – This policy covers all employees, supervisors, department heads and elected officials. Additionally, this policy covers all suppliers, subcontractors, residents, visitors, clients, volunteers and any other individual who enters County property, conducts business on County property, or who is served by County personnel.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. January 2013

SECTION 1.4.3


SOCIAL MEDIA POLICY

Butler County Engineer's Office (BCEO) supports the free exchange of information and camaraderie among employees on the internet. However, when internet blogging, chat room discussions, email, text messages or other forms of electronic communication extend to employees revealing confidential information about BCEO, Butler County, or its employees, or engaging in posting inappropriate material about BCEO, the County or its employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action.

Employees are reminded to be careful of the information they disclose on the internet, including social media sites. The following uses of social media are strictly prohibited, whether on or off duty.

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

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



Gregory J. Wilkens
Butler County Engineer
January 2013
Revised July 2019

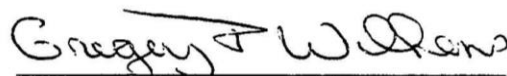
SECTION 1.5

MANAGEMENT RIGHTS

Management retains the sole and exclusive right and responsibility to:

- A. To determine matters of inherent managerial policy which include, but are not limited to, areas of discretion or policy such as the functions and programs of the Butler County Engineer, standards of services, its overall budget, including wages, utilization of technology, subcontracting, and organizational structure.
- B. To direct, supervise, assign, reassign, schedule, evaluate, hire, reward, discipline, suspend, demote, discharge, reprimand, layoff, transfer, promote, or retain employees.
- C. To maintain and improve the efficiency and effectiveness of the Butler County Engineer's operations.
- D. To determine the overall methods, process, means, or personnel, internal and external, by which the Butler county Engineer's operations are to be conducted, the location, type, and number of physical facilities, equipment, programs, and the work to be performed.
- E. To determine the size, composition, and adequacy of the workforce, as well as to make, amend, and enforce work rules, regulations, standard operating policies, and procedures.
- F. To effectively manage the work force.
- G. To determine the hours of work and work schedules.
- H. To determine the duties to be included in all job classifications.
- I. To determine and carry out the mission of the Butler County Engineer's Office.

It is agreed that the above listing of management rights shall not be deemed to exclude other proper functions not specifically listed herein or traditionally exercised by the Butler County Engineer.



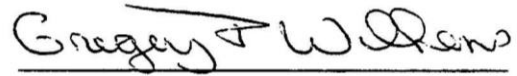
Gregory J. Wilkens
Butler County Engineer

January 2013

SECTION 1.6

SCOPE OF COVERAGE

These policies apply to all employees. With respect to unclassified employees, however, nothing in this Personnel Manual shall be construed to create any tenure right in employment, and unclassified employees remain at all times employees-at-will who serve at the pleasure of the Butler county Engineer and who may be removed, reduced (demoted), suspended, transferred, or disciplined at any time, with or without just cause. Further, these policies are guidelines only and are not intended to be, and do not constitute, a contract.

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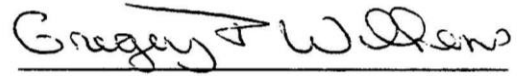
Gregory J. Wilkens
Butler County Engineer

January 2013

SECTION 1.7

DISSEMINATION

All employees shall be notified of the existence of these policies and a copy shall be readily available to all employees. An electronic version (PDF) will be provided to an employee upon request and a printed copy will be available for use in each department.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

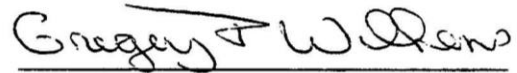
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Revised July 2017

SECTION 1.8

POLICY AMENDMENTS

As conditions warrant, these policies may be amended, revised, or deleted by the act of the Butler County Engineer. Such revisions, amendments, or deletions will be published in a conspicuous place prior to their effective date, and the Butler County Engineer shall endeavor to provide updates for inclusion in copies of the Personnel Manuals kept in each department.

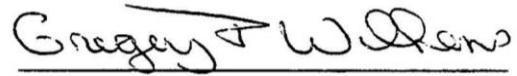
A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
Revised July 2017

SECTION 2.1 VACANCIES:

IDENTIFICATION, ANNOUNCEMENTS, & APPLICATIONS

- A. The Butler County Engineer may post vacancies which occur or are imminent within the organization for a period of ten (10) calendar days. However, the posting may be for a shorter period in cases of urgent need to fill the position quickly. In such cases the posting will specify the shorter application period. Qualified, current employees who apply for vacant positions are given preference over outside applicants whenever practicable. Notwithstanding, the Butler County Engineer shall always endeavor to select the most qualified candidate for each position, including outside applicants selected in accordance with the provisions of Chapter 124 of the Revised Code and the procedures of this Chapter.
- B. In addition to the public posting procedures set forth in subsection (A), the Butler County Engineer shall, to the extent practicable, announce available vacancies by appropriate means. In announcing the availability of job openings the Butler County Engineer should consider methods likely to increase awareness of employment opportunities for all races, colors, religions, sexes, national origins, age (over 40), or disabilities.

A handwritten signature in dark ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

January 2003
Revised – July 2019

SECTION 2.1.1

VACANCIES: SEASONAL POSITIONS

The Butler County Engineer may announce vacancies for temporary seasonal positions. A seasonal Employee works in a position, which due to the nature of the work, will only be performed during certain times of the year. Such employees may, in management's discretion, be reinstated during the next season, or the earliest possible period when there is a need for seasonal employment.

In addition to the methods and qualifications for choosing an applicant for a vacant position as specified within this policy manual, seasonal applicants must:

Fill out applications for seasonal employment and return to the Butler County Engineer's Office by March 31 of the year the positions are available. This deadline may be extended as needed if there are insufficient applicants.

Have a VALID Driver's License with 6 points or fewer.

Submit to required reference checks and drug screening.

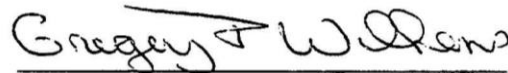
Seasonal employment is a maximum of twelve weeks unless there is a specific need and the employee is asked by their supervisor to stay longer. IF a seasonal employee plans ahead of time to be off work, the twelve weeks does not extend to accommodate that time off.

The maximum number of summers a seasonal employee may be eligible for employment is five summers with no pay increase FOR the fifth summer.

The Seasonal Employee is eligible for, and will accrue and use sick leave according to the sick leave policy Section 6.3 of this manual. When using sick leave, the employee must notify his or her supervisor before starting time of the day the leave is being used. If sick leave is to be compensated, the employee must bring a doctor's statement confirming inability to work.

Due to the structure of the work force within the Butler County Engineers organization, attendance is important. If a seasonal employee is not able to be or chooses to not be at work for three straight days, he/she may be dismissed.

Along with the specifications in this section, all Seasonal employees will be required to comply with all sections of this policy manual.

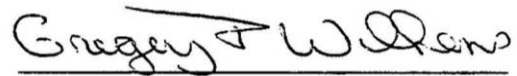


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Revised May 2017, July 2019

SECTION 2.2 EVALUATION OF APPLICANTS

- A. The Butler County Engineer or his designee may interview all job applicants, or a number of such applicants following an initial screening of applications and resumes. Applicants must submit to any required reference checks, interviews, medical examinations, background checks, performance tests, or other job-related screening procedures.
- B. An applicant shall be required to provide any information and undergo any examinations necessary to demonstrate qualification for the position sought, insofar as such information and examination is job-related.
- C. In the event any qualified person with a disability has applied for the position and requires a reasonable accommodation in order to complete any test, examination, or other selection process, the Butler County Engineer shall, upon request, evaluate the need for and provide such a reasonable accommodation. The Butler County Engineer is not required to provide any reasonable accommodation (1) that is not requested within a reasonable time prior to the test, examination, or other selection procedure involved; (2) that would represent an undue hardship to the Butler County Engineer; or (3) where the requested accommodation would impair or invalidate a test or other device that directly measures the ability to perform an essential function of the job.

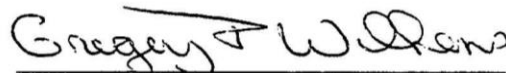
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Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
January 2003

SECTION 2.3

DISQUALIFICATION

- A. An applicant shall be eliminated from consideration if they:
1. Do not possess the knowledge, skill, or abilities necessary to effectively perform the essential duties of the vacant position; with or without reasonable accommodation.
 2. Have made a false statement of material fact on the application form or other documents or materials submitted in connection with the application and selection process, or in the course of any interview or other portion of the selection process.
 3. Have committed or attempted to commit a fraudulent act at any stage of the selection process.
 4. Are an alien not legally permitted to work in the United States.
 5. Are a delinquent or have otherwise failed to comply with an order for payment of child support in the State of Ohio or other state, to the County's knowledge.
 6. Have failed the pre-employment drug and alcohol testing.
 7. Have failed to comply with the requirement for background and reference checks.
- B. An applicant may be eliminated from consideration upon other reasonable grounds relating to job requirements. Further, less qualified applicants may be eliminated from further consideration as the selection and review process proceeds and the pool of applicants under consideration is narrowed.
- C. If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee is subject to termination for dishonesty, incompetency, or other grounds specified under Section 124.34 of the Revised Code.

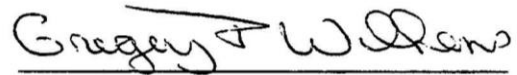


Gregory J. Wilkens, P.E, P.S.
Butler County Engineer

Rev. September 2007

SECTION 2.4 PROMOTION

- A. Promotional opportunities shall be offered to qualified current employees whenever practicable. When promotional opportunities are available within a department, the Butler County Engineer will give preference to qualified, currently employed applicants over applicants of equal qualifications from outside County service. The Butler County Engineer may, in his discretion, limit a selection process to qualified employees of the Butler County Engineer's Office, or may allow such employees preference in consideration, to the extent such is permitted by state laws.
- B. In considering applicants for promotion, the Butler County Engineer may consider all relevant factors, including but not limited to an employee's completion of any required probationary period, required training courses, skills, experience, education and training, past performance (including the employee's annual performance evaluation ratings), the employee's ability to perform the duties of the new position, including the ability to adapt to future changes, flexibility, commitment to public service and a demonstrated work ethic, and other job-related qualifications.

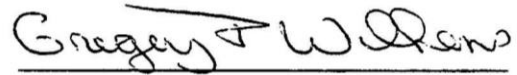
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Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

January 2003

SECTION 2.5 BASIS FOR SELECTION

A. Appointments to vacant positions shall be based solely on the applicant's demonstrated knowledge, skills and abilities, education and training, past work performance and experience, ability to perform the work in question, including the potential to adapt to future changes, flexibility, commitment to public service and demonstrated work ethic, and other job-related qualifications, as ascertained through practical, objective, and measurable indicators of performance, to the extent possible. The Butler County Engineer shall not discriminate, in selection of candidates, on the basis of race, color, religion, sex, national origin, age (over 40), or disability, in accordance with federal and state civil rights laws. Further, the Butler County Engineer shall not consider the applicant's political affiliation or activity except to the extent that political affiliation is a proper criterion for selection under applicable decisions of the U.S. Supreme Court and other federal and state courts.

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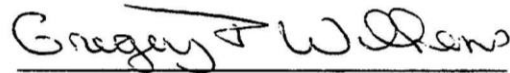
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. September 2007

SECTION 3.1

EMPLOYEE STATUS

- A. All employees of the Butler County Engineer are to be classified as full-time, part-time, temporary, seasonal, or intermittent. These terms are defined below.
1. Full-time employee – an employee who works 40 hours per week on a regularly scheduled basis.
 2. Part-time employee – an employee who works fewer than 40 hours per week, or less than the standard, full-time work week as designated by the Butler County Engineer, but on a regularly scheduled basis.
 3. Temporary employee – an employee who works in a position which is of a non-permanent nature, whether full-time or part-time. Such temporary employment may not exceed the probationary period (usually 120 days).
 4. Intermittent employee – an employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable.
 5. Seasonal employee – an employee who works in a position which, due to the nature of the work, will only be performed during certain times of the year. Such employees may, in management's discretion, be reinstated during the next season, or the earliest possible period when there is a need for seasonal employment.
 6. Co-op or Cooperative Employee – an employee who is combining work experience with formal education. A co-op receives academic credit for the time work as well as wages from the employment.
- B. Full-time, permanent employees shall be entitled to all benefits provided by Butler County. Part-time, temporary, seasonal, and intermittent employees shall not be entitled to any benefits unless otherwise specified in this Manual



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

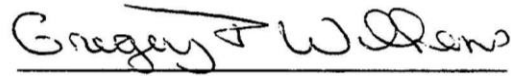
Jan. 2003

Revised July 2019

SECTION 3.2

MEDICAL EXAMINATION

- A. The Butler County Engineer may require a mental and physical examination, which may include drug screening, by a qualified physician or testing facility following a conditional offer of employment prior to the actual commencement of employment, to ensure that selected job applicants are physically and mentally able to perform the essential functions of the position, with or without reasonable accommodation. Examinations may include any medical or psychological tests or evaluations necessary to determine ability to perform job-related duties. No applicant may be required to undergo a medical examination prior to a conditional offer of employment.
- B. The Butler County Engineer shall select the physician or testing facility to administer the examination and shall pay the costs.
- C. The Butler County Engineer may require an employee to undergo a medical or psychological examination to verify the employee's ability to perform the essential duties of the position or to verify the proper use of sick leave. The Butler County Engineer shall select and pay for the physician or testing facility.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Jan. 2003

SECTION 3.3

EMPLOYEE'S TIME OF SERVICE "SENIORITY"

(a) Definition.

"Seniority" is a common concept in the private sector, and is often used to determine benefits, the order of layoff, and as a factor in promotional decisions. Within county government, the length of an employee's service determines a wide range of benefits as well, but the term "seniority" does not exist within civil service law and regulations. Accordingly, the effect of an employee's time of service must be looked at under each specific area of civil service law, and these are set forth separately below. Because the rules for considering the employee's time of service may vary based on the particular statute, this manual will not use the term "seniority".

(b) Layoff and Recall

For purposes of layoff and recall procedures, the employee's time of continuous service, defined as continuous service with the county, general health district, metro parks or the State of Ohio, is considered by the Butler County Engineer when the order of layoff within a classification is determined. Service may be transferred from one agency to another without loss of continuous service as long as no break in service of more than thirty (30) days occurs. A break in service occurs if an employee is terminated for any reason other than layoff, and is not reinstated within one (1) year of the termination date; continuous service will include all previous continuous service time, but will not be credited for the time between the separation and the reinstatement.


(c) Vacation Scheduling

Relative length of service may be considered in scheduling vacations when two or more employees request vacation and all of the requests cannot be accommodated at the time requested. This should not be construed, however, to require the employer to cancel a vacation request that has already been approved because an employee with more service time later requests the same period of vacation.

(d) Retirement

For purposes of determining retirement benefits, service time is defined by the provisions of the retirement system in which the employee participates, and may include service time purchased by the employee or the employer pursuant to the laws and regulations governing the retirement system.

(e) For all other purposes, other than those defined above, service time shall be defined as set forth in the provisions of the Ohio Revised Code.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

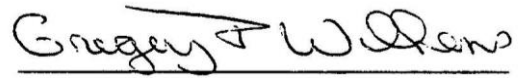
Jan. 2003
Revised July 2019

SECTION 4.1.1 ETHICS AND CONFLICT OF INTEREST

- A. The Ohio General Assembly has adopted Ohio Revised Code in order to establish ethical standards for Ohio public officials and employees. In order to further explain and define the ethical obligations of Ohio public officials and employees, the General Assembly has also created the Ohio Ethics Commission in R.C. 102.05. The definitions of the terms of art used in this policy shall be considered to be the same as the definitions given those terms in R.C. 102.01. Without question, the definitions of “public agency” and “public official or employee” (set forth in R.C. 102.01(A) and (B) respectively) include both elected and appointed persons serving in county government. Therefore, both County public officials and employees are bound by the standards set forth in Ohio Revised Code Chapter 102.
- B. The Board of County Commissioners hereby adopted the following conflict of interest policy:
- (1) No public official or employee shall use his/her official position for personal gain or shall engage in any business or shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of his/her official duties.
 - (2) No public official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the County, nor shall he/she use such information to advance the financial or other private interest of himself/herself or others.
 - (3) No public official or employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation that is interested directly or indirectly in any manner whatsoever in business dealings with the County; nor shall a public official or employee accept any gift, favor or item of value that may tend to influence him or her in the discharge of his/her duties or grant, in the discharge of his or her duties, any improper favor, service or item of value.
 - (4) No public official or employee shall represent private interests in any action or proceeding against the interest of the County in any matter wherein the County is a party.
 - (5) No public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible p. 4-3 with the proper discharge of his/her official duties or would tend to impair his/her independent judgment or action in the performance of his/her official duties. Neither shall other employment, private or public, interfere in any way with the employee’s regular, punctual attendance and faithful performance of his/her assigned job duties.
- C. Any employee having doubt as to the applicability of these provisions should consult his/her supervisor or the Prosecuting Attorney. Any employee offered a gift or favor who is not sure whether acceptance is a violation of the Code of Ethics, should inform his/her supervisor of the gift offer. The supervisor will make a decision or will refer the individual to the Prosecutor’s Office. No employee will accept from any contractor or supplier doing business with the County, any material or service for the employee’s private use.
- D. State law prohibits County employees and officials from having a financial

interest in companies that do business with public agencies, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to consult an attorney.

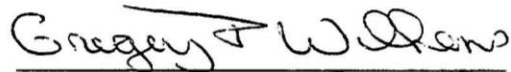
- E. For more information, see the web site of the Ohio Ethics Commission at <http://www.ethics.ohio.gov>, including a link to the actual text of the ethics laws in the Revised Code at <http://www.ethics.ohio.gov/ethicslawrevisedcode.html>. The provisions of those laws are incorporated into this Personnel Policy Manual. The Ohio Ethics Commission offers extensive education and public information written in less legalistic format at the agency's web site.

A handwritten signature in black ink, reading "Gregory J. Wilkens". The signature is written in a cursive, flowing style. The first name "Gregory" is written in a larger, more prominent script, followed by "J." and "Wilkens". The signature is positioned above a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
Revised February 2020

SECTION 4.1.2 CONFIDENTIALITY

- A. Each person who works for the Butler County Engineer holds a position of trust in the matter of access to confidential information. Every employee is expected to recognize the responsibilities entrusted to them in preserving the security and confidentiality of this information, and is required to abide by the following code:
1. An employee must not exhibit or divulge the contents of any record to any person, except in the conduct of their work assignments, or in accordance with the policies of the County and Ohio law concerning releasing information.
 2. An employee must not remove, or cause to be removed, copies of any record or report from any file from the office where it is kept, except in the performance of their duties or with the express, prior approval of management.
 3. An employee must not seek to benefit personally, or permit others to benefit personally, from any confidential information that has become available by virtue of their work assignment.
 4. An employee must not knowingly include or cause to be included in any record or report a false, inaccurate, or misleading entry.
- B. Employees are further expected to refrain from participating in any discussion or gossip about a person, or their individual circumstances, that might be perceived by others to be information obtained from Butler County records or otherwise in the scope of employment with the Butler County Engineer.
- C. Violation of any portion of this policy will result in disciplinary action such as reprimand, suspension, or termination, in accordance with the disciplinary principles described in this Manual.



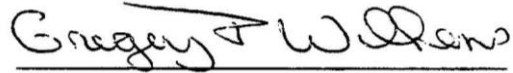
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. Jan. 2013

SECTION 4.1.3

HIRING FAMILY MEMBERS (NEPOTISM)

- a. An employee of the Butler County Engineer's Office is prohibited from using the "authority or influence of" his or her public position to secure a job for a family member per R.C. 2921.42.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

March 2010

SECTION 4.2

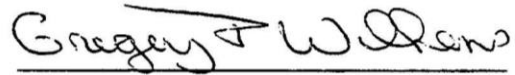
PROBATION

- A. Each newly hired or promoted employee shall serve a probationary period. Probationary periods shall be set at 120 days, unless otherwise specified by the Butler County Engineer. A longer probationary period for a classification may be imposed only with the approval of the Butler County Engineer, and in no case may such period exceed one (1) year.
- B. Supervisors use the probationary period to observe closely and review the employee's performance and aptitude for the job. By means of a mid-probationary period review, the supervisor shall endeavor to determine and communicate to the employee pertinent information concerning their progress in the new position, problems and achievements at that point, and any need for improvement in order to complete the probationary period successfully. Likewise, throughout the probationary period the employee is encouraged to bring problems to the supervisor and discuss any needs or concerns with the goal of enhancing their performance. Supervisors have a responsibility to recommend retention of those employees who meet acceptable work standards during the probationary period, and the removal of those employees who do not meet acceptable standards. The hiring process is not finalized until the probationary period is successfully completed, and the burden remains on the newly hired employee throughout that period to show that they are a suitable candidate for on-going employment.
- C. An employee may be separated for failure to complete the original probationary period successfully at any point prior to the end of the probationary period. Employees serving promotional probationary periods may be reduced to the classification and salary held prior to the promotion, upon failure to complete the promotional probationary period successfully at any point prior to the end of the probationary period. The Butler County Engineer shall review each case individually to determine the employee's fitness for the position and quality of work before accepting that the employee has successfully completed probation. Employees serve at will and remain subject to removal at any time during the probationary period, and a probationary removal is not subject to the disciplinary procedures or the complaint procedure of this Manual, nor do employees serving a probationary period have the right to appeal to the State Personnel Board of Review.
- D. Reduction for failure to complete a promotional probationary period shall not be considered a disciplinary action and shall not serve to eliminate the employee for consideration for advancement to other positions. A probationary reduction is not subject to appeal to the State Personnel Board of Review or the disciplinary or complaint procedures of this Manual.

- E. The probationary period for full-time employees and permanent part-time shall be based on calendar days from the date of original appointment. Part-time employees or employees who work irregular schedules or serve their probationary period in a transition role, shall have their probationary periods determined by the number of hours actually worked in the role they are being considered for, as follows:

Length of Probationary Period
120 days

Hours
700

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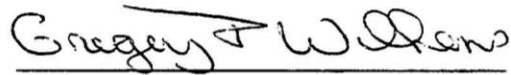
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. Jan. 2013, July 2019

SECTION 4.3

PERFORMANCE EVALUATION

- A. The Butler County Engineer and his Management/Supervisory personnel reserve the right to evaluate the performance of employees within their jurisdiction at regular intervals or when determined necessary. The intent of performance evaluations is to determine whether or not an employee is maintaining an acceptable level of performance.
- B. Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis

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Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

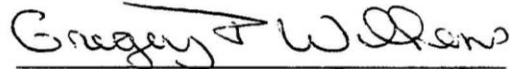
Rev. Jan. 2013, July 2019

SECTION 4.4 **TRAINING**

- A. Training Program Evaluation – The Butler County Engineer or designee shall periodically examine current and proposed training programs to ensure their relevance to both the individual employee and organizational training needs.

- B. On The Job Training (OJT) – On-the-job training prepares an employee to effectively perform the responsibilities required of their position. It allows the employee to learn their job duties, current procedures, and expected performance levels, under the immediate direction of an experienced worker. The conduct of such training is the responsibility of supervisors under the direction of the Butler County Engineer.

- C. Employees may be required to attend job-related training programs, courses, workshops, and seminars. If the Butler County Engineer requires such training, the County shall pay for the fees and expenses of the training.



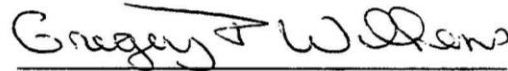
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. Jan. 2013

SECTION 5.1

CLASSIFICATION PLAN

- A. The Butler County Engineer shall administer a classification plan based on an analysis of the duties and responsibilities of positions within the organization. Classification specifications shall include a classification title, the nature of the work, and example of duties, minimum qualifications, and content-related worker characteristics.
- B. The Butler County Engineer shall review the duties and responsibilities of positions and make adjustments or revisions to the classification plan as necessary.
- C. An employee may request that their position be audited for proper classification by requesting a review through the complaint procedure. Unless duties are substantially altered on a permanent basis, the employee may not request such a review for a year from the date of the results of the last review.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

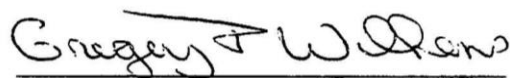
Rev. Jan. 2013

SECTION 5.2

OVERTIME / COMPENSATORY TIME

- A. With the exception of employees exempt pursuant to Section 7 and Section 13 of the Fair Labor Standards Act of 1938, as amended, 20 U.S.C. § 207,213, employees shall be entitled to overtime compensation at the rate of one and one-half (1.5) hours for each hour worked in excess of forty (40) hours in the designated work week.
- B. The Butler County Engineer shall endeavor to notify all employees exempt from overtime coverage under subsection (A) of their exempt status within thirty (30) days of the first date of work. Exemption from eligibility for overtime compensation is a function of the employee's duties, however, and is not dependent upon such notification.
1. Exempt employees are not entitled to any compensation for overtime, whether in cash or compensatory time off.
 2. Exempt employees are paid a biweekly salary on the basis of the nature and responsibility of the position held. Accordingly, hours of work for exempt employees may be subject to adjustment with the approval of the Butler County Engineer, department head, or designee, provided that the exempt employee's hours worked and hours of authorized leave in a calendar year equal or exceed the standard hours of work per year upon which the employee's salary is based.
- C. Hours used for paid sick leave shall not be considered hours worked for purposes of overtime computation except when such sick leave has been requested for an appointment scheduled and approved at least 14 days prior to the requested time off. **EXCEPTIONS:** Approved Funeral Leave as prescribed by Policy 6.3.2(e) and Pre-scheduled appoints as described in the **Supplemental Employee Policy Manual** Section 1.3(c). Hours worked for overtime computation shall include holiday leave and vacation leave used. Hours worked shall also not include:
1. Meal periods where the employee is not required to perform any duties.
 2. Travel time to and from the employee's home.
 3. Time spent overnight while traveling on County business.
 4. On-call or stand-by time where the employee is merely required to leave information as to where they can be reached or wear a paging device.
 5. Work performed contrary to the direction of the employer.
- D. Hours worked by nonexempt employees not exceeding forty (40) hours, shall be compensated at an hour-for-hour basis, unless otherwise provided by the Butler County Engineer.
- E. The designated work week for all employees shall commence Saturday at 12:00 A.M. and end the following Friday at 11:59 A.M., except as otherwise provided by the Butler County Engineer.
- F. No nonexempt employee shall work overtime without the approval of the Butler County Engineer or his designee. No employee shall, without good cause, refuse a reasonable request of the Butler County Engineer or supervisor to work overtime.

- G. Employees (other than those exempt from overtime compensation) must record their actual hours worked. The time recorded each day must be accurate, though with the supervisor's approval the employee may round the time to the nearest quarter-hour. Under no circumstances may an employee record hours worked that are not correct, or fail to record time worked, and an employee who submits an incorrect record of time worked is subject to discipline or discharge for falsification of records. Employees who record false time for another employee, such as "clocking in" on that employee's time record, time card, or sign-in sheet, are subject to immediate discharge. Employees who have claimed pay for hours not actually worked may also be subject to criminal investigation and prosecution.
- H. Employees who have accrued overtime, pursuant to subsections (A) or (D) shall be compensated according to the following requirements:
1. Employees shall be compensated for overtime worked in compensatory time off, unless the Butler County Engineer or his assigned designee approves the employee's Time Sheet reflecting that employee's desire to receive cash payment of overtime, subject to the provision of the Fair Labor Standards Act.
 2. Under federal law, employees may accrue compensatory time off, for hours worked in excess of forty (40) hours. The Butler County Engineer may set a limit for the amount of compensatory time off earned (other than by limiting the actual time worked).
 3. No employee shall be permitted to accrue more than one hundred fifty (150) hours of compensatory time, and hours of compensatory time in excess of these limits, shall be converted to cash at the employee's regular rate of pay on the date of the conversion.
- I. Upon termination of employment, the employee shall be paid for unused compensatory time at:
1. The final regular rate of pay received by the employee.
- J. It is the intention of the Butler County Engineer that this policy is an alternative policy for the compensation of overtime work to the provisions set forth in Section 4111.03 (B) and (C) of the Revised Code, adopted as provided in Section 4111.03 (D) of the Revised Code.



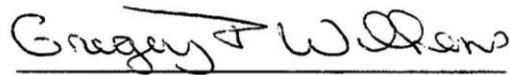
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. Jan. 2013, July 2019, Feb 2020
May 2023

SECTION 5.3

OVERTIME APPROVAL

- A. Normally, overtime must be approved by the Butler County Engineer or designee in advance of the overtime being worked.
- B. Unusual or emergency circumstances may require employees to work overtime without having prior authorization of the Butler County Engineer. Whenever such circumstances occur, the Butler County Engineer maintains the right to determine the method of compensation. Under no circumstances may a nonexempt employee work overtime without recording and being compensated for that overtime. An employee, who works overtime in violation of a directive not to do so, remains subject to appropriate disciplinary action.
- C. Scheduled overtime, which is subsequently canceled for any reason, shall not entitle the employee to overtime compensation.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

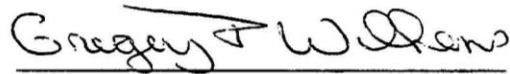
Rev. Jan. 2013

SECTION 5.4

PAYROLL DEDUCTIONS

Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee. These deductions are itemized on the employee's pay statement which accompanies the biweekly paycheck, and are available through Employee Self-Service (ESS) at <https://ess.butlercountyauditor.org/default.aspx>. Deductions include:

- A. PERS – The state law requires that employees contribute to the Public Employees Retirement System rather than Social Security. Membership in the system is compulsory upon being employed except for those specifically exempted under the provisions of Section 145.03 of the Ohio Revised Code.
- B. Income Tax – Federal and state laws and some city ordinances require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the Payroll Section of the Auditor's Office by the Ohio Department of Taxation and various Ohio cities, and such deductions vary according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Payroll Section of any dependency change promptly.
- C. Miscellaneous – Examples include garnishments, deferred compensation, child support, YMCA dues, and other authorized withholding. The employer may refuse to make deductions not required by law, or that are below certain prescribed minimum amounts, or at irregular intervals, or for other cause which the employer deems not in the best interests of the county. All requests for payroll deductions must be arranged through the Butler County Auditor's Office, which has sole discretion to approve or disapprove the request.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Revised May 2017

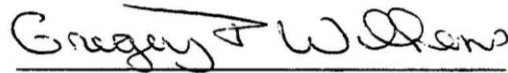
SECTION 5.5

RETIREMENT PLAN

All employees of the County are required by law to participate in the Ohio Public Employees Retirement System (PERS). This program is entirely independent of the federal Social Security System. This program is not a Butler County program but is established by state law and administered by an independent state agency. All questions of coverage and benefits are determined exclusively by PERS.

- A. Employees are required to contribute 10% of their gross pay, a percentage established by state law which is deducted each pay period. This amount is more than matched by a contribution of 14% from the County for most employees. These rates are subject to change by state law.
- B. If employees or their dependents have any questions regarding this program, they should call or write to the address below, and include their Social Security number. The address is:

Public Employees Retirement System
277 East Town Street
Columbus, Ohio 43215
PH: (800) 222-PERS



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. April 2009

SECTION 5.6

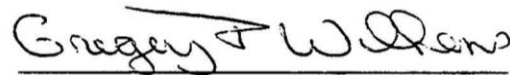
WORKERS' COMPENSATION

State law provides that every county employee is eligible for workers' compensation for injuries or occupational illness arising out of or in the course of their employment. For purposes of workers' compensation coverage, the Butler County Commissioners is the statutory employer for all employees of Butler County offices, boards, departments, and agencies. The Personnel Department of the Commissioners' Office administers the County's workers' compensation program, and has sole authority to certify or reject workers' compensation claims filed by County employees. Some of the guidelines issued by that Department are set forth below.

- A. If an employee is injured during the course of employment with the County, they must *immediately* notify the supervisor and complete all required paperwork at the earliest practicable opportunity. The supervisor shall notify the Butler County Engineer or designee and shall ensure that an injury report is completed promptly. If medical treatment is sought, the supervisor or department must also notify the Managed Care Organization (MCO) designated by the County immediately as well. The injury report must be completed, regardless of the apparent seriousness of the injury or whether medical attention is required, and if medical attention is required, the MCO must receive a copy of this report via facsimile. Such report shall be forwarded to the Butler County Engineer no later than twenty-four (24) hours after the injury.
- B. Should an employee's injury require medical attention, the supervisor or department head must provide the employee with information about seeking medical care under workers' compensation, and provide the employee with an identification card for the Butler County designated MCO. It is the employee's responsibility to notify the caregiver that the injury is work-related and to provide the caregiver with the employer/MCO information on the identification card, so that the necessary workers' compensation paperwork can be initiated. In the event the employee is physically incapable of notifying the caregiver of the nature of the injury, their supervisor shall do so. Employees and supervisors are encouraged to use medical services for work-related injuries designated by the MCO in order to ensure prompt treatment and to control costs.
- C. The injured employee's supervisor shall notify the Butler County Engineer of their designee of the injury immediately, so that, if necessary, an investigation may be initiated.
- D. The Butler County Engineer must be advised and continually updated if an employee continues to be absent due to work-related injury. Employees are responsible for providing to the Butler County Engineer their expected date of return (if known).
- E. Any documents received from the injured employee, his physician, hospital, or the State in connection with workers' compensation claims, must be immediately forwarded to the Butler County Engineer for transmittal to the Commissioners' Personnel Department, together with the First Report of Injury (FROI) form and

Supervisor's Accident Report used by the Personnel Department. While information gathered by the Butler County Engineer and its recommendation as to whether or not the claim should be certified will be given due weight, the Personnel Department has the sole authority to certify or deny claims for any County employee. The County's decision to reject a claim is not a final decision, but sends the claim to a hearing before a state hearing officer, who will ultimately decide whether or not the claim is allowed.

- F. Employees who are injured in the line of duty and must leave work before completing their work period shall be paid at their regular rate of pay for the balance of time left in their scheduled work day.
- G. An injured employee may elect to use accrued sick leave and vacation leave prior to receiving temporary total compensation (TT) from workers' compensation. Employees are prohibited, by Ohio law, however, from receiving payment for sick leave simultaneously receiving temporary total compensation (TT) benefits from workers' compensation. Accordingly, an injured employee must make an election between use of sick leave for the period of injury and an application for temporary total compensation. An employee's absence will be covered through paid sick leave, if available, unless the employee specifically requests unpaid sick leave in order to apply for temporary total compensation (TT) benefits. Butler County will not enter into "buy-back agreements" allowing employees to "repurchase" sick leave after an award of temporary total compensation.
- H. The Butler County Engineer may elect to restructure the work duties of the injured employee's position in order to accommodate the employee's medical limitations during a period of transitional work. An employee who refuses an offer of transitional work consistent with the employee's limitations may forfeit any eligibility for temporary total compensation (TT) benefits.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Feb. 2003

SECTION 5.7

TRAVEL AND EXPENSE REIMBURSEMENT

Pursuant to Sections 305.17 and 325.20 of the Ohio Revised Code and Internal Revenue Code Section 62(a)(2) and 62(c), this Travel and Expense Reimbursement Policy is intended to serve as a guide for proper processing of various travel activities of county employees. Employees who travel on behalf of the County are expected to use good judgment and to make related expenditures in a prudent manner, consistent with both the highest ethical standards and the need to expend funds in a frugal and economical manner.

a. Authorization:

1. **General Governing Law:** Except as provided by law, no elected county officer and no deputy or employee of the county shall attend, at county expense, any association meeting, convention, or training sessions (except such meetings conducted pursuant to section 901.10 of the Revised Code), unless authorized by the Board of Commissioners.
2. **Exceptions to the General Governing Law:** Travel and training which is not to be paid at “county expense” is excluded from the Board’s approval authority.

b. Mileage:

1. Employees shall be reimbursed for actual miles traveled in the employee’s personal vehicle on official business, at the mileage reimbursement rate set by the Board of County Commissioners. An employee traveling in his or her personal vehicle from his or her home shall be reimbursed for mileage starting either from the Employee’s home or from the Employee’s workplace, whichever produces the shortest distance traveled, to the travel destination and shall receive identical mileage for the return trip. If an employee is covered by a collective bargaining agreement that sets a higher or lower rate, then that rate will govern. This payment shall be considered full compensation for all vehicle-related expenses, including fuel, oil, and depreciation. Mileage allowance will only be paid to one of two or more employees traveling on the same trip and in the same vehicle. No mileage reimbursement will be paid from travel between the employee’s home and office or work site, including reporting a different work site or training program located within Butler County or another location in the Cincinnati/Butler County/Dayton metropolitan area. For purposes of this policy, the metropolitan area shall be defined as Butler, Hamilton, Preble, Warren, Montgomery, Clermont, Clinton, and Green Counties in Ohio, and any Indiana or Kentucky county directly bordering on any of these counties. Mileage between different job sites once the employee has reported to work, however, even if within Butler County, may be submitted for reimbursement. Mileage reimbursement requests should be submitted in a timely manner, and December mileage must be turned in before the end of January of the following year. No prior authorization is necessary for mileage in the normal course of business or for meetings as stated in Paragraph (c).

2. Elected officials may only claim mileage reimbursement or use county vehicles for official business, including meetings or programs which the official was asked to appear as a representative of his or her office or otherwise in an official capacity, and not for political or campaign purposes.
3. Any employee driving or riding in a vehicle on County business, whether the Employee's personal vehicle or a County vehicle, must wear seat belts and shoulder restraints provided. Further, employees driving a motor vehicle on County business should restrict the use of cellular telephones, personal data devices, or other electronic equipment that may distract the driver. Smoking is prohibited in any County-owned or leased vehicle.
4. Employees who travel on County business, whether in their own vehicle or in a County vehicle, must meet the insurability standards established by the County's insurance carrier or be subject to a ban on all driving on County business in accordance with the insurer's policy. Where driving is an essential function of the employee's position, the employee may be subject to appropriate disciplinary action, including removal from employment.

c. Travel Allowances:

1. Travel by air, bus, train, or other common carriers shall be undertaken at the lowest rate reasonably available. Air travel must be "coach" or economy rates, and not business or first-class. An official or employee may travel first or business-class, provided he or she pays the full difference between the cost of that ticket and the lowest available economy fare. Airfare, hotel costs, and registration may be prepaid by the County provided that it has been approved prior to the travel pursuant to this policy; all other expenses may only be paid after the travel on a reimbursement or direct billing basis. Employees who have directly purchased tickets for approved travel, such as air fare purchased through a web site, may be reimbursed prior to the actual travel on presentation of a copy of the printed receipt for the purchase; provided, that, if the employee later cancels that travel, the appointing authority may determine that he or she is liable to reimburse the cost to the County. Employees should note that many travel agencies, hotels, and sponsors will bill the County for expenses. This billing is allowable provided prior approval has been granted. As an alternative to common carrier (air, bus), private vehicles may be used.
2. When an employee can obtain a significantly lower airfare rate by staying over on a Saturday, the employee may be reimbursed the cost of lodging and meals for that period of time if the aggregate cost of lodging and meals is less than the amount of airfare saved.

d. Lodging:

1. Lodging expenses are reimbursable in accordance with the provisions set forth below:
 - i. Employees are required to request and use a hotel room at the lowest available rate, including the government rate, where available.
 - ii. The County will reimburse the lowest available "conference rate" for lodging on-site for a conference, meeting, or training program, or the equivalent amount for a room at another hotel.
 - iii. If the employee stays with a friend or family member in lieu of using a

hotel room, the County will reimburse the employee for \$25.00 per day as an incentive for reducing travel costs.

- iv. The County will only reimburse the cost of Internet access in connection with a hotel stay when the employee uses the access to read and respond to e-mails in the course of County business. Otherwise, this is a personal and non-reimbursable expense. Employees are responsible for claiming reimbursement for this expense only in accordance with this provision.
2. Employees are expected to use good judgment in obtaining room rates which reflect the proper use of public funds. Many conferences and hotels will bill rooms to the County, and when possible, employees are encouraged to avail themselves of this service after receiving approval. When a non-employee spouse or other guest accompanies an employee on business travel, only the stated, single rate will be reimbursed.
3. Employees staying at hotels overnight on County business within the State of Ohio should, whenever possible, obtain tax-exemption form and pay for the lodging using a County warrant in order to avoid state sales tax. The Auditor's Office may decline to reimburse employees for the state sales tax if they fail to do so.

e. Meals:

1. The cost of a meal is reimbursable when overnight lodging is required. The employee may be reimbursed at the per diem reimbursement rate approved by the Internal Revenue Service (IRS) for that location, the rate for which can be found at www.gsa.gov/perdiem. No receipts will be required for payment of the per-diem allowance. Again, prudent use of tax dollars should be a concern for all employees.
2. The per-diem rate for individual meals when travel only involves a portion of the day must be broken down as a portion of the overall per diem rate, using the tables found at www.gsa.gov/mie as a guide.
 - i. Breakfast: 20%, rounded to closest whole dollar.
 - ii. Lunch: 30%, rounded to closest whole dollar.
 - iii. Dinner: 50%, rounded to closest whole dollar.

Employees must deduct from the per-diem rate any meal not consumed because of the travel involved only a portion of the day, specifically, no reimbursement will be made for breakfast when the travel did not begin from the employee's home or the office prior to 6:00 am, and no reimbursement will be made for dinner when the travel concluded with the employee's return home or to the office prior to 7:00 pm. The Per Diem Rate will be reduced for meals provided as a part of the cost of the conference or accommodations according to the portion of a day provision above.

3. Under IRS regulations, reimbursement for meals for travel and meetings not involving overnight lodging expenses within the Cincinnati/Butler County/Dayton metropolitan area would be taxable income. For that reason and because of the administrative burden imposed, such meal expenses are not reimbursable. In addition, meals for travel outside of the metropolitan area are not reimbursable if not involving overnight travel. The only exception is when the meal occurs during a working meal period where business is being

actively conducted or when a meal is provided as part of a trade or professional meeting, conference, or convention. Meals outside of the business meeting, conference or convention venue will not be reimbursable even though business conversations may occur during the meal. These charges should be reported on the form provided by the County for reimbursement, and may not be directly invoiced to the County, except as part of an overall registration fee. Meals for travel not involving expenses for overnight accommodations shall be compensated at the per-diem rate. As stated above in subparagraph 2, employees must deduct from the per-diem rate for any meals consumed during the portion of the day outside of the travel period, or for breakfast or dinner when the travel did not commence before 6:00 am or end after 7:00 pm. Employees should be aware that reimbursement for meals not involving overnight travel may be considered to be compensation that is taxable income to the employee. Further, employees traveling to a training program or a work site within Butler County or a county in the Cincinnati/Butler County/Dayton metropolitan area, as defined in Paragraph b1 of this policy, are not entitled to be reimbursed for meal expenses because the employee remains in the local area and this travel does not place the employee in a substantially different position having a meal during the normal course of work.

f. Receipts:

1. Receipts are required for the following:

- i. Air travel (for which only airline tickets, travel agency invoices, or printed itineraries or receipts showing purchase and confirming the identity of the employee for whom the ticket was issued are acceptable);
- ii. Bus travel;
- iii. Train travel;
- iv. Taxis, airport shuttles, or other ground transportation;
- v. Hotel rooms (including telephone and internet-access charges);
- vi. Parking over three dollars (\$3.00);
- vii. Conference registration

g. Registration:

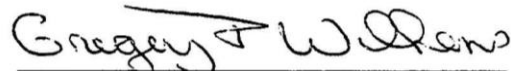
Registration fees for seminars and conventions are reimbursable and may be billed directly to the County. Registration fees may either be paid by the employee or official and be reimbursed, or may be prepaid by the County with proper verification and the approval of the appointing authority and the Board of Commissioners. Some miscellaneous costs (e.g., printing, long distance calls) not specifically covered, may be approved by the appropriate appointing authority and the County Administrator.

1. Dry cleaning;
2. Cosmetic needs;
3. Car repairs;
4. Alcoholic beverages;
5. Personal telephone calls;
6. Expenses incurred by or for persons who are not county employees.

- h. Employees or officials may be reimbursed for reasonable and customary tips (not to exceed 20%) for meal service or for taxicabs or other similar ground transportation. The receipt should show the tip payment either separately or as part of the overall total amount paid. Where employees are reimbursed for meal costs on a per-diem basis under this policy, of course, no receipt is required. Tips for other purposes, including but not limited to baggage handlers or hotel bellhops, are not eligible for reimbursement under this policy.
- i. Reimbursement to County for Expenses Paid Just Prior to Separation.
Any County official or employee who resigns, retires, or leaves office within ninety (90) days of any program, meeting, or conference involving overnight lodging for which the individual received reimbursement pursuant to Paragraphs c, d, and e of this policy shall be required to repay the full amount of such reimbursement to the County, and if such repayment is not made, the County may withhold the required repayment from the final paycheck or other funds due the employee or official. Further, the Board of County Commissioners will not approve any request for out-of-town travel submitted by or on behalf of an employee or official who is scheduled to resign, retire, leave office, or otherwise separate from County service within ninety (90) days of the requested travel. The Board of County Commissioners, may, by resolution, waive the provisions of this Paragraph in a specific case when it is otherwise in the public interest to do so, or where its enforcement would have an unjust effect in a particular case.
- j. Any request for reimbursement under this policy must be submitted no later than sixty (60) days after the travel in question, or the receipt of an invoice for expenses for such travel, whichever is later. Any request submitted after such period is not eligible for reimbursement.
- k. All county officials and employees must use the travel expense reimbursement form issued by the County when requesting payment of expenses under this policy.
- l. County-issued credit card – Use and Expense Reporting.
 - 1. At the discretion of the County Administrator, some officials and employees will be permitted to use a County credit card for business and travel expenses. Upon proper authorization for use, the credit card will be used only to pay work-related food, transportation, gasoline and oil, minor motor vehicle maintenance, emergency motor vehicle repair, telephone, and lodging in accordance with Ohio Revised Code, Section 301.27(B).
 - 2. All work-related transactions charged with the credit card during the authorized travel event must be reported on the employee's travel expense statement (reimbursement request). All such amounts shall be designated by drawing a circle around the charge amount. The charge amounts of the transaction must not be included in any sub-totals for reimbursement due the employee. The employee is to attach photocopies of the credit card receipts and merchant receipts to the employee expense statement (reimbursement request). All original credit card receipts and merchant

receipts must be returned to the Accounting Supervisor with the credit card.

3. The credit card cannot be used to fuel non-county motor vehicles. Non-county vehicles or use of private vehicles for work-related transportation must be reimbursed through standard mileage rate. Although the credit card can be used to fuel a county vehicle, such is discouraged. County vehicles should be fueled with use of gasoline credit card normally assigned or used for the vehicle. If the credit card is inadvertently used to fuel a private vehicle, then the full amount of the fueling charge must be “deducted” on the employee expense statement from the employee’s mileage expense for the work-related travel event.
4. The credit card may be used for meals while on travel status, but such use is discouraged. In the event the credit card is used for a meal transaction, the value of the transaction shall be “deducted” from the person’s per diem on the employee’s expense statement. For reporting purposes, the employee should report the gross per diem on one line of the expense statement and show the reduction on the next line. The value of this charge transaction must be deducted from the amount for reimbursement due the employee. Photocopies of the credit card receipt and merchant receipt are to be attached to the employee’s expense statement. The original copies are to be returned promptly to the Accounting Supervisor along with the credit card.
5. The credit card is not be used for the purchase of alcoholic beverages.
6. All original credit card and merchant receipts are to be promptly returned to the Accounting Supervisor. The Accounting Supervisor will accumulate and safeguard the receipts until a billing is received from the credit card issuer and will compare the receipt to the billing statement for each transaction to verify the amount of the transaction. Any unresolved discrepancy between receipts and the billing statement is to be immediately reported by the Accounting Supervisor, in writing, to the agency or department head. In the event a user does not return original receipts on a timely basis to the Accounting Supervisor, and causes the County to incur a finance charge, the employee shall reimburse the County for such charges.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

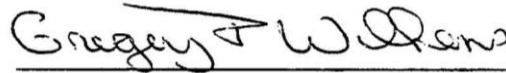
Revised March 2017

SECTION 5.7.1 CREDIT CARD USE

The use of the credit card held by the Butler County Engineer is restricted by Section 301.27 of the Ohio Revised Code and shall be used only to pay for work-related expenses limited to the following:

1. Food expenses
2. Transportation expenses
3. Gasoline and oil expenses (county vehicles only)
4. Minor motor vehicle maintenance (county vehicles only)
5. Emergency motor vehicle repairs (county vehicles only)
6. Business telephone expenses
7. Lodging expenses
8. Internet service provider expense

Employees who utilize the credit card held in the name of the Butler County Engineer for items or expenses other than those listed above, will be subject to appropriate disciplinary action up to and including discharge.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

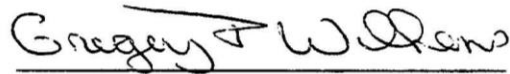
February 2006

SECTION 5.7.2

FREQUENT FLYER MILES/TICKETS

- a. It is the policy of Butler County that no public official or employee shall accept, solicit, or use his/her position to secure, for personal travel, discounted or free air travel tickets or other benefits based upon mileage accrued while traveling in his/her official capacity as a county official or employee.
- b. It is furthermore the policy of the County, until such time as a system is put in place to automatically capture any frequent flyer miles or other rebates earned while traveling by air, that County officials and employees traveling by air at public expense and earning frequent flyer miles or other rebates are to use one of two methods to account for such miles:
 1. Traveler may change the address of his/her frequent flyer account to his/her department address, and the traveler and/or an employee so designated in the department may track the miles for that department's future use.
 2. Traveler may set up a new frequent flyer account strictly for County or "business" travel, separate from a similar program for personal travel. Points accumulated in the business account would be redeemable by the department.

In either scenario, it is the traveling official's and employee's responsibility to track and report the miles earned to his/her department for that department's future redemption. County officials and employees booking personal travel at their own expense are not obligated to report miles earned from personal travel.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Revised January 2013

SECTION 5.8

EDUCATION REIMBURSEMENT

- A. Butler County offices and the BCEO are authorized to offer a program of tuition reimbursement for full-time, nonbargaining-unit employees who qualify in accordance with the provisions of this Section, contingent upon the availability of funds within that office or departments tuition reimbursement account.

B.A. mount

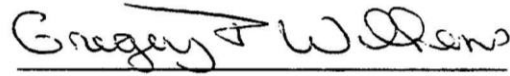
1. Upon the prior approval of the Butler County Engineer, the employee is entitled to be reimbursed for tuition reimbursement in the amount not to exceed \$5,000. The term “academic year” shall be defined according to the schedule of the institution attended. An employee may not apply for reimbursement for more than seventy-five percent (75%) of the tuition cost in any quarter or semester. The seventy-five percent (75%) limitation shall be applied after deducting the amount of funds received by third-party sources, such as grants and scholarships, but not loans that must be repaid.
2. The aggregate total of tuition reimbursement for all employees within the Butler County Engineer’s Office thereof shall not exceed the aggregate tuition reimbursement account in the budget approved for the Butler County Engineer’s Office for that fiscal year. If the total funds available are insufficient to meet the amounts requested, the Butler County Engineer may determine who shall participate based on the standards of subsection C.
3. Reimbursement under this section is available for tuition and fees (other than parking, transportation, recreation, books and materials) for programs in an accredited two-year or four-year college or university, based on fee statements submitted by the college or university. While tuition reimbursement may be approved for long-distance learning programs through accredited colleges and universities, reimbursement is not available for correspondence courses.
4. An employee shall be reimbursed only upon satisfactory proof of the successful completion of the course with a grade of “C” or higher, or a grade of “pass” in a system that offers “pass/fail” grades.
5. Nothing in this section shall require the Butler County Engineer to grant release time, with or without pay, to attend courses for which the employee is receiving tuition reimbursement pursuant to this Section. Any request for the use of flexible work schedules shall be considered in the sole discretion of the employer.

C. Application and Qualification

1. Prior to beginning the course for which reimbursement is requested, the employee must submit to their supervisor a Request for Tuition Reimbursement. This request must be approved by the supervisor, the employee's division or department director, and the Butler County Engineer. The discretion to grant or deny final approval lies solely with the Butler County Engineer.
2. The Butler County Engineer shall consider the request under the following criteria:
 - i. The relevance of the course content to the employee's job duties or those of a position within the office or department that the employee may reasonably hope to attain; provided that the Butler County Engineer may, in his sole discretion, approve tuition reimbursement for core courses in a basic education requirement for a degree program that does not meet this relevance standard.
 - ii. The employee's performance, including performance evaluations, disciplinary action, timelines and up-to-date status of work, and commendations received.
 - iii. Whether the employee has regular and consistent attendance (excluding any FMLA leave).
 - iv. The Butler County Engineer's special need for additional education or training among particular classifications, positions, or employees.
 - v. The availability of funds within the tuition reimbursement account in the budget and other pending requests for tuition reimbursement within the available funds.

- D. An employee who has applied for tuition reimbursement pursuant to this Section must, as a condition for such reimbursement, enter into a written agreement with the Butler County Engineer to continue employment with the Butler County Engineer's Office for a minimum of five full pay periods for each quarter or seven pay periods for each semester for which any reimbursement has been received. The employee's work commitment will begin to be discharged after the completion of the quarter or semester, and the work commitment for any other quarter or semester must be served consecutively and not concurrently. Only if an employee works for the full number of consecutive pay periods without receiving any tuition reimbursement under this Section shall the employee be deemed to have discharged the work obligation for one quarter or semester of reimbursement. An employee who does not complete the work commitment prior to terminating employment, whether through resignation, retirement, or discharge, is required to return funds received under this Tuition Reimbursement Program to Butler County. The amount of the funds to be returned shall be pro-rated to reflect the portion of the work obligation that the employee has discharged prior to termination of employment, and such funds may be withheld from remaining paychecks or other funds due the employee.

- E. The granting or denial of tuition reimbursement is a prerogative management, and is not subject to the complaint procedure. The Butler County Engineer may, upon notice to the employees affected, reduce the individual and/or aggregated limits on tuition reimbursement, limit the number of credit hours for which reimbursement may be sought, or limit the program to those employees or classifications where the learning needs are most critical to the Butler County Engineer.

A handwritten signature in dark ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.

Butler County Engineer

Rev. 8/07

Rev. 8/23

SECTION 6.1 HOLIDAYS

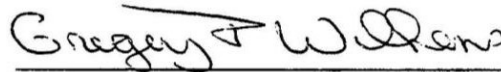
A. Employees are entitled to the following holidays as observed by the Employer:

New Year's Day	First day of January
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Fourth Monday in May
Juneteenth	Observed as a floating Holiday
Independence Day	Fourth day of July
Labor Day	First Monday in September
Columbus Day	Observed day after Thanksgiving Day
Veteran's Day	11 th day of November
Thanksgiving Day	Fourth Thursday in November
Christmas Eve	24 th day of December
Christmas Day	25 th day of December

In the event a scheduled holiday falls on a Saturday, it shall be observed on the preceding Friday; in the event it falls on a Sunday, the holiday shall be observed on the following Monday.

- B. Columbus Day is a paid holiday but is observed on the Friday following Thanksgiving.
- C. Juneteenth is also a paid holiday but can be observed on any regular scheduled working day during the calendar year (floating holiday) and must be observed on a single day (all 8 hours). Time for this holiday cannot accumulate or roll over into another year. The observance of this holiday must be pre-scheduled with your supervisor like a vacation day. New employees hired prior to June 19th are eligible for the holiday in the current year, those hired after that day will not be eligible until the following year.
- D. In observance of the above holidays, employees will normally be scheduled off and paid their regular rate of pay for the holiday. However, if employees covered by this agreement are required to work on any of the above holidays, they will be compensated in compensatory time or in cash at the time-and-one-half rate, irrespective of the number of hours worked in the remainder of the work week.

- E. If a holiday falls during an employee's vacation, the holiday shall not be included in the calculation of vacation leave used.
- F. Upon request of the supervisor, an employee must produce a satisfactory physician's statement to verify any use of sick leave on the workday before or the workday after a holiday. Failure to produce such a requested statement shall result in denial of both holiday and sick leave pay. Employees that have exhausted their paid leave and are absent the day before or after a paid holiday (using leave w/o pay) will not be eligible to receive holiday pay.
- G. Temporary employees and intermittent employees are not entitled to earn or receive any holiday pay. However, student co-ops (interns) shall be paid for the regularly scheduled hours off for the holiday. Because Student co-ops (interns) do not accrue vacation leave, they may obtain approval ahead of time from their Supervisor or Manager to take off the day before or after the holiday (without pay) and still receive pay for the holiday.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. March 2017
Rev. November 2022
Rev. November 2024

SECTION 6.2

VACATION

- (a) After 6 months of service, employees will have earned, and will be credited with forty hours of vacation leave with full pay. Six months of service shall be computed on the basis of thirteen biweekly pay periods. After six months of service, vacation will be accrued bi-weekly at the following rates:


<u>Service Time</u>	<u>Accrual Rate</u>	<u>Annual Vacation</u>
0 - 5 years of service	3.1 hours	two weeks
After 5 years of service	4.6 hours	three weeks
After 10 years of service	6.2 hours	four weeks
After 20 years of service	7.7 hours	five weeks

(b) Vacation Accrual

- (1) Any employee claiming prior service for purposes of vacation accrual is responsible for obtaining verification of this prior service from his or her prior employing jurisdiction, by means of an original letter signed by an authorized official of the jurisdiction within 90 days of initial employment. If the service is for Ohio National Guard time, the NGB Form 23 Must be submitted as verification of service time. Vacation accrual based upon prior service will only be granted to the employee prospectively from the date upon which the employee has provided such written verification from the prior employer.
- (2) A year of service is defined in ORC, by the OAG opinion, and by Butler County Prosecutor opinion as being 26 bi-weekly periods. Therefore, the written verification required above must indicate the number of bi-weekly periods worked, or it must be easily determined by BCEO Human Resources. If not stated in terms of bi-weekly periods, BCEO Human Resources will make a good faith effort to determine bi-weekly periods and credit the employee accordingly.
- (3) “Years of Service” includes prior service with Butler County or any political subdivision of the State of Ohio (not federal service, military service (except the Ohio National Guard) or service in other states). Any employee who comes to Butler County with more than one year of prior service with this county or any other political subdivision of the state starts earning vacation immediately and can use it as it is earned (ORC).
- (c) Permanent part-time employees are eligible for vacation benefits at a prorated rate, based on the number of hours worked divided by eighty (80) hours, multiplied by the appropriate hours earned per pay period. Temporary employees, intermittent employees, and casual employees are not entitled to earn or receive any vacation leave.
- (d) Vacation will be scheduled at the discretion of the employer based on the

workload requirements. Vacation of one (1) day or less, prior approval of the employee's supervisor is required; one (1) day but not more than one (1) week, at least fourteen calendar days advance notice is required. All other requests for vacation, at least thirty (30) calendar days advance notice is required. All requests for vacation approval must be submitted to the employee's immediate supervisor and are subject to final approval or disapproval of the Butler County Engineer or his Designee. The supervisor shall grant or deny the requested vacation as soon as practicable. These time limits may be waived at the discretion of the Butler County Engineer.

- (e) In no case may an employee take his or her vacation early, prior to the actual accrual of the vacation credit as provided in this Section. In other words, no employee may be advanced vacation. Vacation is considered to have accrued at such time as it is posted to the "Vacation, Comp and Sick Time" sheets that are distributed each pay period.
- (f) Vacation leave is earned while on vacation, sick leave, or compensatory time, but additional vacation leave is not accrued through the accumulation of paid overtime.
- (g) No vacation leave shall be carried over for more than two (2) years, unless special written permission to do so has been granted by the Butler County Engineer. Under no circumstances may an employee carry vacation leave over for more than three (3) years, and any vacation accrued in excess of the amount provided under this Section is forfeited.
- (h) An employee who retires, resigns, or has otherwise terminated his or her employment, and who has not been discharged for theft, falsification of records, destruction of employer equipment, or mistreatment of members of the public or other employees, and who has not received the vacation pay to which he or she is entitled, shall receive said vacation pay at the next regular pay period.
- (i) If an employee transfers from one appointing authority to another, whether within Butler County or to a state agency, state civil service law requires that all accrued but unused vacation credit be cashed out as if the employee had separated from employment.
- (j) Donation of vacation leave - see Section 6.3 (N).



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Revised March 2017, July 2019
June 2022

SECTION 6.3

SICK LEAVE

- (a) An employee may request sick leave for absence, provided he or she completes the “Application for Leave” form as described in this manual. Sick leave may be requested only for the following reasons:
 - 1. Illness or injury of the employee or a member of his or her immediate family. Immediate family is defined in Paragraph (e) of this policy.
 - 2. Death of a member of the employee’s immediate family, as provided in Section 6.3.2.
 - 3. Medical, dental, or optical examinations or treatment of employee or a member of his or her immediate family.
 - 4. Pregnancy, childbirth, or related medical conditions. Accrued sick leave may be used during the period of the employee’s medical disability, as certified by a licensed physician. The employee may also use any accrued vacation leave or compensatory time off. Male employees may use sick leave to care for the employee’s wife and/or newborn child during the period following delivery; such sick leave shall be limited to not more than five (5) consecutive days, absent unusual medical complications. Sick leave is limited to the period of the pregnant employee’s disability from pregnancy, childbirth, and recovery from childbirth, and may not be used for child care purposes. An employee who wishes to use additional leave for purposes of child care must request this as provided in Section 6.7 (Leave Without Pay) and Section 6.8 (Family and Medical Leave Act).
- (b) Per section 124.38 of the Ohio Revised Code, an employee shall furnish a satisfactory written, signed statement to justify the use of sick leave (blue sheet). If medical attention is required, a physician’s statement or other medical documentation from the health care facility or medical provider may be required to justify the use of sick leave. In the case of an illness or injury resulting in an absence of more than three consecutive days, the employee may not return for duty or be paid sick leave without certification from a licensed physician verifying the employee was unable to work and is now fit to return to duty.
- (c) At the employer’s discretion and with prior notice, an employee may be required to provide a physician’s certificate for each and every use of sick leave. The employer may also require an employee to provide additional documentation from the medical provider to verify that the employee’s presence was needed for a family member or that the employee was present for the family member’s treatment, to verify proper use of sick leave.
- (d) Medical, dental or optical examinations that cannot be scheduled outside normal working hours require the following:
 - 1. A manager may request a physician’s statement or other medical documentation from the healthcare facility or medical provider, including

time of appointment for all scheduled appointments.

2. Use of sick leave to care for a family member is allowed on a need basis only. Employees using sick leave for the illness or injury to a member of the employee's immediate family as defined in paragraph (e) of this policy or for scheduled medical, dental, or optical examinations or treatment to or for a member of the employee's immediate family (paragraph (e)) of this policy, must provide proper documentation to the employee's appropriate supervisor explaining the need for the employee's presence. Allowance of sick leave under this provision is subject to the approval of the employee's supervisor, deputy and/or the Engineer.
 3. Documentation must be provided to the employee's appropriate supervisor before sick leave is approved for payment.
 4. Failure to provide proper documentation will result in no pay for the time missed and may result in disciplinary action for an unexcused absence.
- (e) "Immediate family member" shall be defined, for purposes of this section, as the spouse, child, stepchild, grandchild, parent, legal guardian, or other person who stands in place of a parent, or other relative who normally resides in the employee's home. The Engineer reserves the right to broaden the definition of "Immediate family member" if, in his opinion, special circumstances exist that warrant the inclusion of someone else. This is at the sole discretion of the Engineer and on a case-by-case basis. There is no appeal process to the Engineer's determination in this matter.
- (f) For each completed pay period in active pay status, full time employees earn a maximum of 4.6 hours of sick leave. This accrual rate is prorated for employees who work fewer than forty (40) hours per week. For purposes of this calculation only, active pay status includes hours worked, hours on vacation, hours on holiday leave, hours on compensatory time off, and hours on paid sick leave. Hours over 80 per pay period are not computed for sick leave purposes.
- (g) Part-time employees accrue sick leave on a proportionate basis to the hours paid each pay period.
- (h) Sick leave accrues without limit.
- (i) Sick leave shall be charged in minimum amounts of one-quarter (1/4) hour.
- (j) A maximum of four (4) hours may be used for routine office visits. In any case in which the need for leave is foreseeable based on planned treatment or supervision, the employee should make a reasonable effort to schedule the treatment so as not to unduly disrupt the employer's operation.
- (k) Employees absent on paid sick leave shall be paid at their regular rate of pay.
- (l) An employee requesting sick leave shall inform his or her supervisor no later than 15 minutes after his or her scheduled starting time on each day of the absence, unless the employee is hospitalized or has provided a physician's statement

containing an expected date of return. The employee must speak with the supervisor personally by telephone. It is not acceptable to have family members or friends make a call for the employee or to leave a voice mail message or messages with co-workers or the answering service. If the supervisor is not available at the time of the call, the employee may telephone, in this order, their Supervisor, their Manager, their Deputy, the HR Manager. Failure to comply with these notification procedures will result in denial of sick leave for the absence and disciplinary action.

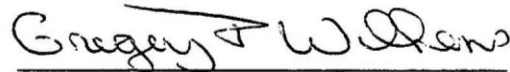
- (m) Upon exhaustion of accrued sick leave, the employee may request to use accrued vacation leave in accordance with the existing vacation policy. If an employee presents a physician's statement that a disability is not likely to exceed six (6) months, sick leave without pay or benefits up to a period of six (6) months may be granted. If the employee's physician cannot certify likely recovery within six (6) months, or if the employee remains unable to return to work after the expiration of the six-month leave, the employee shall be placed on a disability separation. The employee may request reinstatement to his or her prior classification or any lower classification in the same classification series within a period of two (2) years from the date the employee was placed on disability separation or unpaid sick leave.
- (n) An employee may donate vacation leave to another employee who has exhausted all paid sick leave, vacation and compensatory time off, where the donee employee or a member of that employee's immediate family is suffering from a life-threatening injury or illness.
 - 1. The employee must have been absent for a period equal to at least thirty (30) consecutive calendar days.
 - 2. The employee's absence must result from a life-threatening injury to the employee or a member of the employee's immediate family, as determined by the Butler County Engineer. The Butler County Engineer's determination as to whether or not an injury or illness is "life-threatening" within the meaning of this policy is the employer's sole discretion and is final, and this determination is not subject to appeal under the complaint procedure or any other grievance procedure.
 - 3. The decision of individual employees whether or not to donate vacation leave to another employee must be free and voluntary, and no official, supervisor, or employee shall pressure or coerce any employee, directly or indirectly, to donate leave to another employee. Any violation of this subsection shall be considered grounds for disciplinary action, including discharge.
 - 4. Employees may only donate vacation leave to those employed by the Butler County Engineer. No employee shall donate more than forty (40) hours of vacation leave to other employees in any one calendar year. No employee shall be eligible to receive more than four hundred eighty (480) hours of donated vacation leave during the course of that employee's

service with Butler County.

5. The employee donating the vacation leave must provide written notice of the donation to the Butler County Engineer at least seven (7) calendar days in advance of its use by the transferee employee. Such notice shall include both the identity of the employee to whom the leave is donated and statements that the employee donating the leave is forever waiving his or her claim to such vacation leave. Upon receipt of the notice, the Butler County Engineer shall credit the vacation leave balance of the transferee employee with the donated time. The employee receiving the donation may not use the leave to cover any absence prior to seven (7) days after the receipt of this notice.
- (o) An employee who fraudulently obtains sick leave; who falsifies sick leave requests, documentation, or records; who misrepresents the reason for a sick leave request; or who uses sick leave for improper purposes shall be subject to disciplinary action, including discharge. Further, an employee may be disciplined for excessive use of sick leave, whether or not the employee has exhausted all available paid sick leave, based on indications of inappropriate use of the leave or the inability of the employee to perform the essential functions of his or her position. Employees are expressly prohibited from engaging in either of the following, during a paid or unpaid sick leave:
1. Any paid employment of any kind, or
 2. Other activities, whether or not paid, inconsistent with the claimed inability to work or the claimed need to care for a seriously ill member of the immediate family.

Sick leave is a benefit to be used solely for illness and funeral purposes, and intentional misuse will be considered theft of public funds.

- (p) Altering a physician's certificate or falsification of a written, signed leave statement shall be grounds for immediate dismissal.

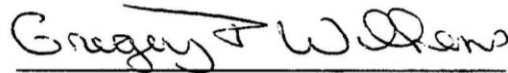


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Revised March 2017, July 2019

SECTION 6.3.1 SICK LEAVE CONVERSION

- a. Upon retirement from active service with the County Engineer, and with ten or more years of service with the County, the State, or any political subdivision of the State, the employee shall be paid for one-fourth of his or her accrued but unused sick leave credit, not to exceed forty (40) days' pay. The payment shall be based upon the employee's rate of pay at the time of retirement and eliminates all sick leave credit accrued but unused by the employee at the time of retirement.
- b. An employee shall be deemed to have retired, under Section (a) of this Article, if he or she is eligible, at the time of termination, for payment of retirement benefits from the Public Employees Retirement System of Ohio and has applied for payment of such benefits.
- c. The sick-leave conversion payment shall be based on the employee's hourly rate of pay at the time of retirement, and shall eliminate all sick leave credit accrued by the employee.
- d. An employee who dies with ten (10) or more years of service with the County, the State, or any political subdivision of the State shall be eligible to have his or her balance of sick leave converted to cash, under the provisions of Section 1, as if the employee had retired on the date of death. The payment shall be made to the employee's spouse, or, if none, to the employee's estate.

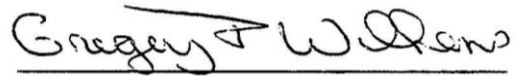


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Feb. 2006

SECTION 6.3.2 FUNERAL LEAVE

- (a) Any eligible employee may be granted usage of sick leave, upon approval of the Butler County Engineer, for a maximum of five (5) working days in the event of a death of an immediate family member (or a maximum of three (3) working days in the event of a death of the employee's mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law). For purposes of this policy the "immediate family" is defined as only: mother, father, brother, sister, child, spouse, grandparent, grandchild, legal guardian or other person who stands in the place of the employee's parent. Step-parents, step-children, and step-siblings are included only when the relationship dates back to childhood, such as a step-parent who raised a child, a step-child who was raised by the employee, or step-siblings who grew up in the same home.
- (b) In the event of the death of a member of the employee's family not included in the above definition of "immediate family," the Butler County Engineer may, at his discretion, approve vacation, compensatory time off, or unpaid leave for the employee to attend the funeral.
- (c) In circumstances of unusual distances of travel or extreme weather conditions the Butler County Engineer may, at his sole discretion, grant up to an additional two (2) days of unpaid leave for the employee to travel to the funeral of a relative in the family as described in subsection (a).
- (d) In the event of a death of a relative other than those in the immediate family as described in subsection (a) above, the Butler County Engineer may, at his sole discretion, grant one (1) day of sick leave so that the employee may attend the funeral.
- (e) Sick leave used for funeral leave shall not affect overtime earned in that pay period.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. 4/09

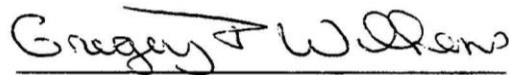
SECTION 6.3.3 WELLNESS INCENTIVE PROGRAM

- A. The Wellness Incentive Program allows full-time employees to convert a specific amount of accrued unused sick leave from the previous twelve-month period (January 1, through December 31) to either a cash payment or to an equal number of Personal Leave hours. Cash payments will be at 75% of the total value of converted hours. Employees must be employed for the entire calendar year to qualify of the Wellness Incentive Program.
- B. Once the conversion is made, the hours are eliminated from the sick leave balance. Employees who choose to convert sick leave hours to Personal Leave hours must use those Personal Leave hours within the next January 1 – December 31 wellness period. At the end of that period, any unused converted Personal Leave balance will be deleted and there will be no cash payment for those hours.
- C. The number of sick leave hours that you use in a twelve-month wellness period determines the number of hours that you may be eligible to convert. Sick hours that you use as the result of funeral leave as defined in Section 6.3.2 will NOT be counted against you.
- D. This is a voluntary program. Even if you are eligible you do not have to convert hours; instead, you may keep them as part of your accrued sick leave balance.
- E. Personal time that was awarded prior to January 1, 2014 can be cashed at 100% of the value or may be carried separately from the time awarded after January 1, 2014.

Sick Leave Conversion Table

<u>Hours used between Jan. 1 – Dec. 31</u>	<u>Hours Converted to Dollars or Personal Leave</u>
Use 8 hours or fewer of sick leave	May convert up to 40 hours
Use between 8.25 and 16 hours of sick leave	May convert up to 32 hours
Use between 16.25 and 24 hours of sick leave	May convert up to 24 hours
Use between 24.25 and 32 hours of sick leave	May convert up to 16 hours
Use between 32.25 and 40 hours of sick leave	May convert up to 8 hours

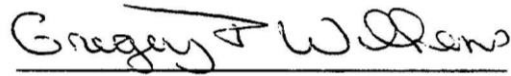
*NOTE: This policy is effective beginning January 1, 2014 for the next wellness period
Rev. April 2017*



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

SECTION 6.3.4 **OUTSTANDING EMPLOYEE PERFORMANCE AWARDS**

- A. The Butler County Engineer's Office offers a program to recognize outstanding employee performance for full-time, non-bargaining unit employees who have successfully completed their probationary period, contingent upon the availability of funds.
- B. Performance awards may be granted to employees in recognition of exceptional service, outstanding accomplishments, special acts or services, or other meritorious efforts that contribute to the quality, efficiency, or improvement of Engineer's Office operations, or are otherwise in the public interest. Performance awards may take the form of cash payments, additional paid leave, or other additional benefits as the Engineer deems appropriate.
- C. A cash award under this section is a one-time lump sum payment subject to all applicable tax rules, including income tax and PERS withholding. In no instance shall a cash award exceed five percent (5%) of an employee's base annual salary, or \$2,000.00, whichever is greater.
- D. Additional paid leave granted under this section shall be considered personal time subject to the same request and scheduling requirements for vacation leave as noted in Section 6.2 (E) and 6.3.3 (B).

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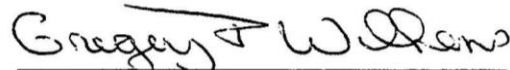
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. Jan. 2004

SECTION 6.4

UNPAID PREGNANCY-RELATED LEAVE

- (a) Following exhaustion of accrued sick leave, vacation leave, and compensatory time off, an employee may request a leave of absence without pay for pregnancy-related purposes by submitting such request in writing to the Butler County Engineer along with a signed physician's statement. Sick leave (with pay) and pregnancy-related leave (without pay) shall be used only for that period in which the employee is unable to perform the substantial and material duties of her position because of her pregnancy, recovery from childbirth, or related medical conditions, including reasonable pre-delivery, delivery, and recovery time, as certified by a licensed physician.
 - (1) Unpaid pregnancy-related leave of absence will begin on the date the physician states that the employee can no longer perform the essential duties of her position, provided that all paid leave has been exhausted.
 - (2) Unpaid pregnancy-related leave of absence will end on the date on which the physician releases the employee as medically able to return to work.
 - (3) Within thirty (30) days of the due date of pregnancy, the employee shall provide a written statement from her attending physician stating the period for which the employee is unable to work and the projected date on which she will be able to return to work. Lack of such notification shall be considered a resignation. Employees who desire to return to work shall be placed in their original position or a similar position at the same pay, consistent with the Family and Medical Leave Act of 1993.
- (b) Unpaid pregnancy-related leave of absence shall in no event exceed six (6) months, as is true with unpaid sick leaves generally. If the employee is unable to return to work within six (6) months, the employee shall be placed on Disability Separation.
- (c) Unpaid pregnancy-related leave of absence shall not include time requested for purposes of child care following the employee's recovery from childbirth or other termination of pregnancy. Leave without pay for parental or child care purposes must be requested under the provisions of Section 6.7 (Leave Without Pay) or Section 6.8 (Family & Medical Leave). If FMLA has not been used, it will be applied concurrent with the Unpaid Pregnancy-Related Leave.



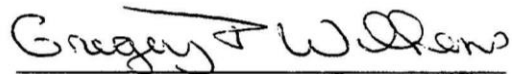
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Revised April 2017

SECTION 6.5

MILITARY LEAVE

- (a) Active Duty: Military leave is governed by Chapter 5923 and Section 124.29 of the Ohio Revised Code. In general, any permanent employee with more than ninety (90) days tenure who voluntarily enters any of the Armed Forces of the United States shall be granted a military leave of absence without pay. An employee not accepted for active duty shall be reinstated to his or her former position without change in status or reduction in pay. Following honorable discharge, or discharge under honorable conditions, an employee who completes an active duty obligation (without voluntarily re-enlisting or extending that obligation) is entitled to his or her previous county position within thirty (30) days of written request, provided the employee is physically and mentally able to do the work required, and reports for work within ninety (90) days of such discharge for a period of not more than one (1) year. In the event the employee's former job no longer exists, he or she shall be employed in such a capacity for which he or she is qualified at a salary comparable with that formerly received. Employees returning to previously held status, rank, rating, increments, and qualifications, as though they had continued their county employment. This does *not* require that benefits for vacation and sick leave accrual be applied as part of total length of service.
- (b) Reserve Training: Section 5923.05, Ohio Revised Code, requires that Ohio National Guard, Defense Corps, Naval Militia, and all U.S. Armed Forces reserve component members be authorized up to 22 working days (154 hours per year) leave *with pay* per calendar year for training purposes. Employees are required to submit the necessary documentation and complete the necessary leave papers with requests for such leave. Time off for the purposes of attending military reserve training will not be considered as vacation leave.



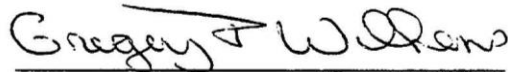
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Nov. 2002

SECTION 6.6

COURT LEAVE

1. All employees, who have completed their probationary period and who are called (not volunteered) to serve as jurors, will receive their regular pay less their pay as a juror for a period not to exceed fifteen (15) work days. Any additional jury duty pay will be at the discretion of the Employer.
2. An employee testifying as a witness pursuant to a lawful subpoena of a court or agency, in a proceeding in which the employee is not a party shall receive his or her regular pay less any compensation received as a witness for the period of such testimony.
3. Employees who are required to appear in court on personal matters, or on matters unrelated to their employment with the County, must use approved vacation leave or unpaid leave of absence.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. March 2013

SECTION 6.7 **LEAVE WITHOUT PAY**

- A. The Butler County Engineer may grant a leave of absence to any employee for a maximum duration of six (6) months for any personal reason(s) of the employee. Such a leave may not be renewed or extended beyond six months.
- B. Leave without pay may be granted for a maximum period of two (2) years for purpose of education, training, or specialized experience which would be of benefit to the county service by improved performance at any level; or for voluntary service in any government-sponsored program of public betterment.
- C. The decision whether to grant a leave of absence without pay lies in the sole discretion of the Butler County Engineer, and is not subject to the complaint procedure of this Manual.
- D. The granting of any leave of absence is subject to the approval of the Butler County Engineer. Except for emergencies, the employee must advise the Butler County Engineer sixty (60) days prior to commencement of the desired leave, so that appropriate plans may be made for assignments and coverage during the employee's absence.
- E. Upon completion of a leave of absence, the employee is to be returned to the position formerly occupied, or to a similar position of the employee's position no longer exists. Any replacement in the position while the employee is on leave may be terminated upon the reinstatement of the employee from leave. The terminated employee may be considered for other vacancies if available, provided that he or she is qualified for the vacant position.
- F. An employee may return to work before the scheduled expiration of the leave if requested by the employee, subject to approval of the Butler County Engineer. If an employee fails to return to work at the expiration of an approved leave of absence, the employee may be removed for absence without leave or be placed on disability separation, as may be appropriate.
- G. An employee may request unpaid leave without pay for purposes of child care following childbirth, but such leave shall be combined with the leave of absence for pregnancy-related purposes and limited to a maximum of six months total. Such unpaid leave of absence shall be approved at the discretion of the Butler County Engineer, based on the workload of the individual department.
- H. Any employee, regardless of sex, may request unpaid leave for purposes of child care following the birth or adoption of a child, or the placement of a foster child, under the provisions of paragraph (G) above, and under the provisions of the Family and Medical Leave Act of 1993 (see Section 6.8).



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Nov. 2002

SECTION 6.8

FAMILY AND MEDICAL LEAVE ACT

I. INTRODUCTION

On February 2, 1993, President Clinton signed into law the Federal Family and Medical Leave Act providing unpaid leaves to employees for the birth, adoption or foster placement of a child, the employee's own serious illness, or the serious illness of a child, spouse or parent.

II. WHEN EFFECTIVE

- A. Non-Organized Employees. The Act is generally effective August 5, 1993
- B. Employees covered by a Collective Bargaining Agreement. For the employees covered by a collective bargaining agreement, the effective date is the earlier of the date the collective bargaining agreement expires or February 5, 1994.

NOTE: any leave taken prior to the effective date of the Act may not be counted as leave for FMLA purposes.

III. DEFINITIONS

- A. "Son or Daughter" means biological, adopted, or foster child, a stepchild, a legal ward or a child or a person standing in loco parentis ("in place of a parent") who is either less than 18 years of age, or who is 18 years of age or older and is incapable of self-care because of a physical or mental disability. "Incapable of self-care" means the individual requires active assistance or supervision to provide daily self-care in several of the activities of daily living, including: grooming, hygiene, bathing, dressing, eating, taking public transportation, maintaining a residence, etc.
- B. "Spouse" means a husband or wife as defined or recognized under State law, including common-law marriages in Ohio entered into on or before October 9, 1991. Domestic partners are not covered, however.
- C. "Health Care Provider" means any of the following license or certified professions: a doctor of medicine or osteopathy, podiatrists, dentists, clinical psychologists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct subluxation as demonstrated by x-rays to exist), nurse practitioners and nurse midwives, and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee relies on a Christian Science practitioner the employer may require a second opinion from a medical doctor.
- D. "Parent" means the biological parent or a person who stood in loco parentis to the employee. Parents-in-law are not included.
- E. Twelve-month period for determining whether 12 week entitlement has been exhausted means the period established by the employer. The Board of Butler County Commissioners establishes a twelve (12) month period measured

backward from the first date of the FMLA as the method of computing this 12-month period.

IV. COVERAGE

A. Employers

All Butler County agencies will be covered by the FMLA

B. Employees

To be eligible for FMLA benefits, an employee must have worked for the employer in the following capacity:

1. For at least 12 months (the 12 months of employment need not be consecutive and the employee need not work full-time. Any week in which an employee was on the employer's payroll for any part of the week counts toward the 12 months' employment. Further, the 12 months employment need not immediately precede the leave)
2. Worked at least 1,250 hours during the 12 months immediately preceding the start of the leave.

C. Health Conditions Covered

The threshold question for the medical leaves under the Act is whether a "serious health condition" exists.

1. Serious health condition means an illness, impairment, or physical or mental health conditions that involves:
 - a) Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, residential medical care facility, or a hospice
 - b) Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three consecutive calendar days, that also involves continuing treatment by or under the supervision of a health care provider
 - c) Any period of incapacity due to a chronic serious health condition, defined as a condition that:
 - i. Required periodic visits for treatment by a health care provider, or nurse or physician's assistant under the health care provider's supervision
 - ii. Continues over an extended period of time, including recurring episodes of a single underlying condition
 - iii. May cause episodic rather than a continuing period of incapacity, such as asthma, diabetes, epilepsy, and similar conditions
 - iv. For prenatal care

Examples of “serious health conditions” cited in the Senate record and the Department of Labor (DOL) comments include: heart attacks, heart bypass operations and procedures, “most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries from serious accidents, ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth and recovery from childbirth”. An employee is unable to perform the duties of the job if the employee is unable to work at all or is unable to perform any of the essential functions of the job as defined by the Americans with Disabilities Act (ADA).

2. Continuing Treatment

The continuing treatment by a health care provider means one or more of the following:

- a) The employee or family member is treated two or more times for the injury or illness by a health care provider or by a provider of health care services under direction of a health care provider
- b) The employee or family member is treated by a health care provider on at least one occasion and is given a regimen of continuing treatment under the supervision of the health care provider
- c) The employee or family member is under the continuing supervision of a health care provider for a long-term or chronic condition or disability which is permanent or long-term and for which treatment may not be effective.

V. LEAVES AVAILABLE

The employee is entitled to up to twelve weeks of “family leave” in any 12 month period for any of the following events.

A. Birth, Adoption, or Foster Care

1. An employee is entitled to unpaid leave for:
 - a) Birth of the employee’s child
 - b) Placement of child for adoption or as precondition to adoption
 - c) Placement of a child in foster care.
2. Entitlement expires 12 months after birth, adoption, or placement
3. Spouses who are both employed by Butler County are only entitled to 12 weeks combined, aggregate leave for the birth, adoption, or foster care of a child. The two employed parents may split the time in any manner they choose, however, upon the employer’s approval.

B. Care of Child, Spouse, or Parent with Serious Health Condition

1. An employee is entitled to leave to care for the employee's child, spouse, or parent who has a "serious health condition".
2. To "care for" includes caring for either physical or psychological needs. The employer may request verification that the employee is needed to provide care or that the employee's presence will be beneficial to the family member.

C. Employee Personal Illness

An employee with a "serious health condition" that renders the employee unable to work is entitled to "FMLA leave".

VI. PROCEDURAL REQUIREMENTS

A. Medical Certification

1. Requirement. When an employee requests personal medical leave for a serious health condition or leave to care for a seriously ill child, spouse, or parent, the employer may require an employee to provide medical certification from an appropriate health care provider. The information that may be required in this certification under FMLA includes:
 - a) The identity of the medical professional and the types of practice
 - b) The date the serious health condition commenced and its probable duration
 - c) The certification of which part of the definition of "serious health condition", if any, applies to the patient's condition, and the medical facts which support the certification, including a brief description of how the medical facts meet the criteria of the definition
 - d) A description of the treatment, including the number of visits, and the nature, frequency, and duration of treatments.
 - e) An indication whether inpatient hospitalization is required
 - f) If the requested leave is for a serious health condition of the employee, a description of the extent to which the employee is unable to perform his or her job duties, including the likely duration of the employee's incapacity
 - g) If the requested leave is to care for a seriously ill family member, a statement that the employee is needed to care for the employee's spouse, child, or parent, and the amount of time needed to provide the care
 - h) If the employee is requesting partial or intermittent leave, information regarding the need for and the schedule of treatment.

The Certification of Health Care Provider (Form WH-380) should be completed and attached to the Request for Leave Form.

2. **Additional Certification.** For employee medical leave the County may, at the County's expense, require the employee to obtain the opinion of a second health care provider chosen by the employer. If the two health care providers disagree about any of the information in the certification, the parties may mutually select a third medical provider at the employer's expense. The decision of the third provider shall be final and binding.
3. **Recertification.** The employer may request recertification at reasonable intervals, but not more often than every 30 days. The employer may request more often, however, if the employee requests an extension, circumstances change, or the validity of an initial certification is questioned.
4. **Fitness for Duty**
 - a) The employer may have a uniformly applied policy or practice that requires all employees who take leaves for similar purposes to obtain certification of fitness to return to work. If state or local law or the collective bargaining agreement governs an employee's return to work, those provisions all apply.
 - b) The employer may deny return to employment until the certification is submitted.

B. Scheduling Leave

1. **Advance Notice**
 - a) **Foreseeable or Planned Leave.** An employee must provide the employer with at least 30 days' notice of the need for leave for birth, adoption, foster care or planned medical treatment when the need for the leave is foreseeable.
 - b) **Unforeseeable.** Where circumstances make 30 days' notice impossible, the notice must be given as soon as practicable, typically within one or two days of the employee learning of the need for the leave.
 - c) **Form of Notice.** The employee should provide notice either in person, by telephone, by telegraph, by fax or by other electronic means. Notice may be given by an employee representative if the employee is unable to do so.
2. **Not Unduly Disruptive.** In any case in which the need for leave is foreseeable based on planned treatment or supervision, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the employer's operation.
3. **Partial Absences.** The law provides that leave can be taken intermittently or on a reduced schedule. Thus, employees may take leave in non-continuous increments, e.g., every afternoon, two days per week, one week each month.

- a) Family leave for birth, adoption or foster care can only be taken on an intermittent or reduced basis if the employer and employee agree.
- b) Medical leave may be scheduled as medically necessary.
- c) The employer may temporarily transfer an employee taking intermittent or reduced schedule leave to a position more suitable for recurring periods of absence to better accommodate the leave. Employees cannot be penalized by the transfer. Therefore, the wages and benefits remain the same.

C. Employer Action

- 1. The employer may deny a requested leave if the employee fails to provide proper advance notice, unless the employee was unable to comply because of the need for emergency health care.
- 2. The employer may deny a requested leave if the employee does not provide the required medical certification within 15 calendar days after being requested to do so unless the employee was unable to comply because of the need for emergency health care.

VII. SUBSTITUTION OF EMPLOYER-RELATED LEAVE FOR STATUTORY LEAVE

A. Substitution. The County will require substitution of any unused, accrued paid leave under the following circumstances:

- 1. Sick leave or vacation otherwise available must be used for any portion of statutory leave for personal or family illness. The County is not required, however, to provide paid sick leave in any situation in which the employee would not be eligible for paid leave in the absence of the FMLA.
- 2. For any other purpose for which the employee may be eligible for FMLA leave, the employee will be required to exhaust all paid vacation leave, or other available paid leave (other than compensatory time off) prior to using unpaid leave under the FMLA.
- 3. If an employee has filed a claim under workers' compensation for an occupational injury or illness, and the employee has lost work time for which he or she plans to file for temporary total compensation (TT) from the Bureau of Workers' Compensation, the employee will not be required to use paid sick leave, vacation, or other paid leave before using unpaid FMLA leave.

B. Leave Credited. Where the employee has substituted paid leave for all or a portion of a FMLA leave, the paid leave will be counted toward the employee's annual allotment of 12 weeks of FMLA leave.

VIII. OTHER RIGHTS AND BENEFITS

A. Rights and Benefits During Leave

- 1. Wages or Salary. The Family and Medical Leave Act (FMLA) provide only for unpaid leave; and the employer is not required to pay the

employee while on statutory family and medical leave. As noted in Part VII above, however, under some circumstances there may be substitution of accrued paid leaves.

2. Health Insurance. While an employee is on family and medical leave the County must maintain coverage under any group health plan for the duration of the family and medical leave at the same level and under the same conditions as that coverage would have been provided if the employee had continued in employment from the date the employee commenced the family and medical leave until the date the employee was restored to employment. An employer may require the employee to continue to make any contribution to a group health plan that the employee would have made if the employee had not taken family or medical leave. If an employee is unable or refuses to make the contribution to the group health plan, the employee shall forfeit the health plan benefit until the employee is restored to employment.

- a) An employee has no obligation to continue health insurance benefits during the leave. If the employee chooses not to continue, the employer must provide re-enrollment without additional qualifying requirements, e.g., physical exam.
- b) The employee can be required to pay the employee's share of premiums if the employer requires the same of the other employees on leave of absence and if the employer gives the employee written notice to make the payment in any of the following ways:
 - i. Pay the employer or insurance carrier at time of regular payroll deductions.
 - ii. Pay on COBRA schedule (but with no administrative fee).
 - iii. Prepay at employee's option.
- c) If the insurance lapses for nonpayment of premiums, the employee must be allowed to re-enroll without limitations or qualifications.
- d) Note that the County may recover employer-paid premiums if the employee fails to return from leave except when the failure to return is because of a continuing serious health condition or circumstances beyond the employee's control.

3. Accrual of other Benefits. With the exception of group health coverage, an employee is not entitled to accrue any other employment benefit while on unpaid family or medical leave.

B. Rights and Benefits Upon Return From Leave

1. Return to Former Position. An employee returning from family or medical leave is entitled to the position held before the leave began, if the position is vacant. If, however, the former position is not vacant, the employee must be returned to "an equivalent position having equivalent

employment benefits, pay, and other terms and conditions of employment”. If an employee would have been terminated during statutory leave for legitimate business reasons, such as a layoff or other reduction in force, the employee has no reinstatement right.

2. Nonforfeiture. Accrued benefits cannot be forfeited. However, if benefits would have been changed had the employee not taken leave, the change can take effect.

IX. KEY EMPLOYEES

Under very limited circumstances, an employee who is identified as a “key” employee make be denied restoration to employment.

- A. Key Employee Defined. A key employee is an employee who is salaried, and is among the highest paid 10% of the employees employed within 75 miles of his or her worksite. To determine who is the highest paid 10%, year-to-date earnings as of the date leave is requested are considered.
- B. Denial Restoration. An employer may deny restoration to a “key employee” only if necessary to prevent substantial and grievous economic injury to the operations of the employer.
- C. Rights to Key Employees. The employer has a number of obligations to a key employee:
 1. The employer must notify the employee of key employment status
 2. The employer must inform the employee if the employer believes there is a possibility the employee will not be restored at the end of the leave
 3. If the key employee elects not to return to work upon receiving the employer’s notice, the employer must continue to maintain health benefits without recovery of employee shared premiums during the period of the leave.
 4. The key employee may request reinstatement at the end of the leave. If reinstatement is denied at that time, the employer must notify the employee, in writing, that substantial and grievous economic injury would result.

X. PROHIBITIONS

- A. Non-Interference. Employers are prohibited from interfering with, restraining, or denying the exercise by employees of any rights under the Act.
- B. Non-Discrimination. Employers are prohibited from discharging or discrimination against persons who oppose practices that are unlawful under the Act. Employees have the right to:
 1. Oppose a prohibited practice.
 2. File, institute, or cause charge to be instituted.
 3. Assist or intend to assist investigation or proceeding
 4. To testify.

XI. NOTICE REQUIREMENT

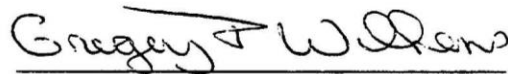
Covered employers must post a notice describing the Act's provisions. The County is also furnishing additional notice and information by including the federal family medical leave benefits description in personnel manuals, employee handbooks, and other written materials.

XII. RECORDKEEPING

An employer must make, keep, and preserve records regarding compliance with the Family Medical Leave Act. The records need not be kept in any particular order or form but must include:

1. Basic payroll and identifying employee data.
2. Dates FMLA leave is taken, including hours of leave, if applicable.
3. Copies of all written notices.
4. Any documents describing employee benefits or employer policies regarding paid and unpaid leaves
5. Premium payments of employee benefits.
6. Records of any employer/employee disputes over the FMLA

Employers are not required to submit records to the government unless specifically requested to do so by the Department of Labor.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev. November 2002

Medical Certification

For Fit For Duty

Highway Service Worker

Employee Name: _____ Date of Report: _____

Please Indicate the statement that best describes your opinion

_____ The above employee is under my care. At this time, it is my opinion that the patient is able to return to active duty and perform all of the essential functions as provided in the attached Position Descriptions without accommodation.

_____ The above employee is under my care. At this time, it is my opinion that the patient is NOT able to return to active duty and perform all of the essential functions as provided in the attached Position Descriptions with or without accommodation.

_____ The above employee is under my care. At this time, it is my opinion that the patient is able to return to active duty and perform all of the essential functions as provided in the attached Position Descriptions with the following accommodation: [Please identify specifically what accommodation will be needed. Use additional pages if needed]

Treating Physician Name _____

Facility Name _____

Address. Cotuc state ZIP _____

Signature: _____ Date Signed _____

SECTION 6.8.2 **LIGHT DUTY FOR A SERIOUS MEDICAL CONDITION**

- I. **PURPOSE:** To establish procedures for an effective light duty program to address return to work from an on the job injury or serious medical condition and to provide for a means to allow an employee to return to work prior to a full medical release thus allowing an employee to return to productive employment as soon as he or she is physically able. In no case does this policy guarantee an employee that a light duty position will be available if they are injured or have a serious medical condition. Any offer of Light Duty Work is subject to availability of a position at the given time.
- II. **BACKGROUND:** It is necessary to standardize the procedures used by each department within the Butler County Engineer's office (BCEO). In order to provide a uniform and fair application of a program for light (limited) duty among the various departments the following policy is hereby adopted and made applicable to all departments of BCEO except those employees that are members of a collective bargaining unit and are covered by a collective bargaining agreement that differs from this policy.
- III. **DEFINITIONS**
 - A. **LIGHT DUTY.** For the purposes of this policy "Light Duty" means job duties that are required to perform a particular job that involves restrictions to the duties that are required under the Job Description of the employee's regular job title.
 - B. **SERIOUS MEDICAL CONDITION.** For the purpose of this policy "Serious Medical Condition" means an illness, impairment or physical health condition that involves any period of incapacity requiring absence from work for a period of more than three consecutive scheduled work days.
 - C. **JOB INJURY.** For the purpose of this policy "Job Injury" means any injury that was sustained while performing regular prescribed duties in the scope of employment by BCEO, that results in an employee being unable to perform the duties outlined in their job description and requires absence from work for a period of more than three consecutive scheduled work days.
 - D. **RETURN TO WORK.** For the purpose of this policy "Return to Work" means that the employee has received approval from their medical care provider to perform a prescribed list of tasks. **RETURN TO WORK UNRESTRICTED** means that the employee has received approval from their medical care provided to perform the list of tasks associated with their normal position.
 - E. **DATE CERTAIN.** For the purpose of this policy "Date Certain" means a date that the medical provider believes it is reasonably certain that the employee will be able to **RETURN TO WORK UNRESTRICTED**.
- IV. **PROCEDURES:** **LIGHT (Limited) DUTY POLICY.**

- A. All employees injured while in the scope and performance of their duties with BCEO or under a physician's care for a serious medical condition are expected to strive to return to work unrestricted for BCEO as soon as possible with the treating physician's concurrence. The employee is expected to request that the physician return them to unrestricted duty as soon as possible and request that the physician evaluate the employee for a light duty assignment as outlined in this policy.
- B. Upon being released by a physician to return to work on a light duty basis, the injured employee will immediately report to the Human Resources Manager or the Deputy of their department with a form furnished by BCEO and completed by his physician indicating any restrictions.
- C. The Departmental Deputy and Human Resources Manager will interview the employee and review his/her physical restrictions to determine his/her ability to perform sufficient tasks as to qualify them for a light duty assignment.
- D. If the department in which the employee is normally employed does not have a Light Duty Position available, the Human Resources Manager will contact the Deputies of the other BCEO departments to determine if the injured employee can be utilized in any other department within BCEO. In all cases, the department to which the injured employee is permanently assigned will have priority in utilizing the employee while the employee is in light duty status.
- E. If there are no meaningful tasks available that the injured employee is capable of performing, the injured employee will be sent home subject to being called back should appropriate light duty become available. A light duty assignment is not guaranteed to an injured employee and in no event will a position be created for the sole purpose of utilizing the injured employee in a light duty status nor shall a modification of job duties be made which allows the employee to perform in a light duty capacity.
- F. Wage and benefit cost of the injured employee will continue to be paid by the division to which the injured employee is permanently assigned.
- G. An employee who is assigned to light duty **SHALL NOT** be assigned any duties, even temporarily, that would require the employee to engage in activities not approved by his/her physician.
- H. An employee who is assigned to light duty will be required to periodically furnish a written statement, from his or her treating physician or the physician designated by BCEO that he or she is incapable of performing his or her normal duties.
- I. Light Duty assignments are limited to 6 weeks of light duty except as provided below. On completion of 5 weeks of light duty the employee will be required to furnish a written statement from his/her physician that indicates a "DATE CERTAIN" that the employee will be able to return to his/her normal duties. The period of light duty shall not be extended unless the "Date Certain" provided by the employees physician does not exceed an additional 6 weeks of light duty, this period cannot be further extended.

- J. If the “Date Certain” is past the maximum number of weeks allowed for light duty [(6) plus any allowed extension (6 weeks)], the employee will be required to return to a Temporary Total Disability status under either Butler County’s Worker’s Compensation program or the Butler County Engineer’s Leave policy.
- K. Employees assigned to light duty will typically not be placed “on-call” as they may be required to perform duties outside of the scope of the light-duty assignment approved by the treating physician. If circumstances warrant, this provision could be inapplicable if there is no possibility of violating the light-duty restrictions approved by the treating physician.

V. Limited Duty Operations

- A. Working Supervisor. In as much as the Working Supervisor Position by its nature involves both physically demanding tasks and tasks that are less physically demanding, some of the tasks of the Working Supervisor Limited Duty would remain the same.
 - 1. Planning. The working supervisor will be able to perform planning tasks as normal while on Light Duty.
 - 2. Time Keeping. The working supervisor is responsible for their crew’s time sheets on a daily basis, and would be able to continue to perform in that capacity on Light Duty.
 - 3. As required the Working Supervisor normally works alongside the Highway Service Worker, Heavy Equipment Operator or Mechanic as assigned. The working supervisor will likely not be able to perform most of these functions while on Light Duty. However, some of those functions would be part of the Light Duty assignment for a Working Supervisor. Some or all of the following activities would be included in a Light Duty assignment for a Working Supervisor depending on the severity of the injury or serious medical condition...
 - a. Transport tools, supplies, and materials to and from jobsites;
 - b. Flag for traffic control and site safety;
 - c. Perform upkeep and care of the facility;
 - d. May be required to use cutting torch and welder;
 - e. Fill in for building and ground activities as needed;
 - f. Operate fork lift truck as needed;
 - g. Assist mechanics with the light-duty maintenance of vehicles and equipment.
- B. Highway Service Worker or Heavy Equipment Operator. In as much as Highway Service Worker or Heavy Equipment Operator are engaged in physically demanding job tasks on

a regular basis, Light duty availability may be more limited. Light duty for these positions will include some of all of the following tasks.

- a. Transport tools, supplies, and materials to and from jobsites;
- b. Flag for traffic control and site safety;
- c. Perform upkeep and care of the facility;
- d. May be required to use cutting torch and welder;
- e. Fill in for building and ground activities as needed;
- f. Operate fork lift truck as needed;
- g. Assist mechanics with light-duty maintenance of vehicles and equipment;
- h. Assist the Working Supervisor with paperwork and time keeping functions;
- i. Assist the Manager with light-duty tasks as assigned.

C. Construction Inspector

In keeping with the provisions of this policy, it is possible that an accommodation might be made for light-duty for an employee who is unable to perform the essential functions of their job in this department. The availability of a light-duty position will consider both if the amount of work needed merits a light-duty person, as well as the severity of the serious medical condition and the extent the employee would be able to perform the essential functions listed below.

Following is a list of functions that would be included in light-duty positions depending on the severity of the serious medical condition.

- a. Plan Review;
- b. Create Bid Documents (Calculate Quantities, Write Proposals, Write Estimates)
- c. Document Filing and Scanning;
- d. Visual Inspection of Projects with no climbing, walking on uneven surfaces, entering confined spaces or other activity that could be deemed detrimental to the recovery of the serious medical condition. This would include Daily reporting of the Construction Inspections;
- e. Roadway Distance Measurements (DMI).

D. Engineering

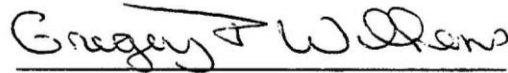
In as much as most of these positions are not very physically demanding, if an employee is unable to perform their regularly assigned duties, it is unlikely that they will be able to perform any essential functions. In keeping with the intent of this policy, that a position will not be created simply to allow someone to have a Light Duty assignment, it is highly unlikely that any Limited Duty Position will be available for any of the following Engineering positions. It is possible that some of these may be considered Light Duty where minor accommodations would be needed to allow the employee to RETURN TO WORK.

- a. Design Engineer

- b. Traffic Engineer
- c. Engineer Technician
- d. Right of Way Specialist
- e. Storm Water Coordinator
- f. GIS Specialist
- g. CAD Technician
- h. Tax Map Clerks
- i. IT Specialist
- j. Records Specialist

E. Administrative Positions. In as much as most of these positions are not very physically demanding, if an employee is unable to perform their regularly assigned duties, it is unlikely that they will be able to perform any essential functions. In keeping with the intent of this policy, that a position will not be created simply to allow someone to have a Light Duty assignment, it is highly unlikely that any Limited Position will be available for any of the following admin positions. It is possible that some of these may be considered Light Duty where only minor accommodations would be needed to allow the employee to RETURN TO WORK.

- a. Secretaries
- b. Finance Department Personnel
- c. Receptionist
- d. Public Relations

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

April 2017, July 2019

Medical Certification

For Fit For Duty

Operations Manager

Employee Name: _____ Date of Report: _____

Please Indicate the statement that best describes your opinion

_____ The above employee is under my care. At this time, it is my opinion that the patient is able to return to active duty and perform all of the essential functions as provided in the attached Position Descriptions without accommodation.

_____ The above employee is under my care. At this time, it is my opinion that the patient is NOT able to return to active duty and perform all of the essential functions as provided in the attached Position Descriptions with or without accommodation.

_____ The above employee is under my care. At this time, it is my opinion that the patient is able to return to active duty and perform all of the essential functions as provided in the attached Position Descriptions with the following accommodation: [Please identify specifically what accommodation will be needed. Use additional pages if needed]

Treating Physician Name _____

Facility Name _____

Address. City State ZIP _____

Signature: _____ Date Signed _____

SECTION 6.9 **DISABILITY SEPARATION**

This section outlines the conditions, under which Disability Separation may be granted and the procedures governing its use.

- (a) Voluntary Reduction – When an employee through illness or injury becomes physically or mentally unable to perform the essential duties of their position, but is still able to perform the essential duties of a vacant, lower position, he or she may request voluntary reduction to the lower level position. Such request must be in writing, stating the reason for the request, and is subject to the approval of the Butler County Engineer.
- (b) Personal Leave – An employee whose illness renders them unable to perform the essential duties of the position, and who has exhausted their accumulated sick leave and for whom voluntary reduction is not practicable, may request up to six (6) months of unpaid leave *only* if they can present evidence as to the *probable date* on which the employee will be able to return to the same or similar position within the six-month period. Such request shall be submitted in writing to the Butler County Engineer with a copy of the physician's statement attached.

- (c) Disability Separation Procedure – A disability separation may be granted when an employee has exhausted their accumulated sick leave and any authorized vacation or compensatory time, and:

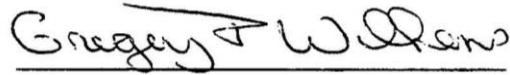
The employee is hospitalized or institutionalized, or on a period of convalescence following hospitalization or institutionalization as authorized by a physician at the hospital or institution; or

Has been declared incapable of performing the essential duties of their position after examination by a licensed physician designated by the Butler County Engineer. Such an examination normally is requested by the Butler County Engineer when the employee is unable or unwilling to admit their incapacity; the costs thereof are paid by the Butler County Engineer.

Any appointment made to a position vacated by disability separation is subject to displacement by the returning employee, and such employee should be made fully aware of the possibility.

- (d) Reinstatement Procedure – Reinstatement rights following disability separation extend for three (3) years from the date such leave is granted or from the commencement of an unpaid sick leave, if the employee failed to return from the unpaid leave and were thereafter placed on disability separation. Such employee is to be reinstated to the same or similar position within thirty (30) days after making written application and passing a medical examination showing the employee's ability to perform the essential duties of the position, with or without reasonable accommodation. The examination shall be conducted by a physician designated by the Butler County Engineer, and the costs shall be paid by the employee. If continuing disability precludes reinstatement, the employee may wish to apply to PERS for disability retirement. If approved, the disability retirement must be reported to the Butler County Engineer. If an employee is placed on PERS disability retirement, the period of reinstatement extends to five (5) years.

- (e) The Butler County Engineer shall endeavor to send a written reminder to the employee at least two weeks prior to the expiration of their disability separation. The failure to send such a notice shall not affect the validity of a disability separation. An employee who does not return from disability separation, normally resign, or take disability retirement, shall be finally separated with the notation "Failure to Return from Disability Separation."

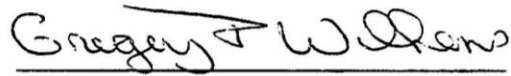
A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Nov. 2002

SECTION 6.10: SEPARATION PAY

- a. Upon separation from employment for any reason, an eligible employee shall be paid for any unused vacation or compensatory time earned but not yet used as of the date of such separation.
- b. Eligible employees who retire with ten (10) or more years of service with the County, the State, or any political subdivision of the State shall be paid for one-fourth (1/4) of their accrued sick leave balance up to a maximum of forty (40) days' pay. *See* Section 6.4.1 (Sick Leave Conversion).
- c. Final payments upon separation will be made within thirty (30) days of the separation.
- d. It is illegal under Ohio law for County employees to be paid severance pay beyond these statutorily required payments upon separation from employment.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

November 2002

SECTION 6.11: WEATHER EMERGENCIES

1. The County Engineer recognizes that on rare occasions it may be impossible for scheduled employees to report to work because of excessive snow, ice, or other weather or disaster emergencies. Because such weather conditions are part of a normal winter in Ohio, employees are expected to come into work whenever possible. If, in the judgment of the County Engineer, however, extreme emergency weather or disaster conditions exist, the provisions of Plans A and B herein govern payment of wages on such days.

Plan A

In the event of emergency conditions not involving the closure of County Engineer's facility, scheduled non-exempt employees who are unable to come into work because of the extreme weather shall have the option of taking leave without pay or using time from substitution hours of available vacation, personal or compensatory time off to account for the time missed, or when possible and approved by the employee's supervisor, by flexing hours in the remainder of the work week. The duration of such pay, during emergency conditions closure, shall be determined at the discretion of the County Engineer.

Plan B

If the office is closed, meaning the Butler County Engineer's Office has officially shut down operations due to inclement weather or other emergency and employees are sent home or told not to come in at all, the employer is still obligated to pay all employees their full rate providing such non-exempt employees are available for work during the period of closure. The Engineer's Office will remain open during a level 2 snow emergency.

NOTE:

An employee who is already scheduled to be off work on an approved vacation, sick leave, compensatory time off, or other paid leave, at the time of a weather or emergency closure, shall be charged for the hours of the leave as previously scheduled, and the employee may not substitute hours of pay authorized for all or part of lost hours after the leave has commenced.

EMERGENCY SERVICE EMPLOYEES:

BCEO Operations Department employees and other designated emergency service employees are required to report to work except with the express approval of their respective department heads. Such emergency service employees shall be paid at their normal rate of pay for the actual hours worked. Each head of a department having need for employees designated to respond, shall establish its own list of employees, and shall notify all affected employees in advance of an emergency of their status. The list may include, but not limited to, Construction Inspectors, Bridge and Drainage Engineers, Bridge Inspectors, Finance and Accounting, GIS, Tax Map, IT and Public Information Personnel, depending on the type and extent of weather emergency. Operations Department employees will be required to report in all levels of snow events or emergencies. If the employee remains unable despite best efforts to report for work, and all other alternative methods have been exhausted, the employee shall contact the supervisor, who may then arrange for the employee to be picked up at home.

COLLECTIVE BARGAINING: The pay of non-exempt employees, who are subject to collective bargaining agreements in connection with their employment in Butler County, shall be controlled as to weather or disaster emergency compensation by their respective collective bargaining agreements with Butler County.

If a level 3 snow emergency is declared, only those employees identified as Emergency Service Employees will be required to report to work and shall be paid accordingly.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

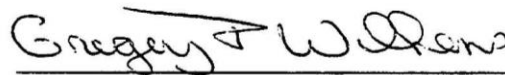
Revised April 2017

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SECTION 6.12

BACK-UP DRIVER PROGRAM

- a. To provide emergency “back-up” drivers to supplement and support regular operations’ drivers in the event of a resource-exhausting incident, non-operations’ employees are encouraged to obtain and maintain a Class B Commercial Driver’s License.
 1. Those who choose/volunteer to make themselves available for back-up duties will be required to attend a training session once a year which will include seat time in a commercial vehicle.
 2. Back-up drivers will have their names added to the roster of safety-sensitive employees subject to random drug and alcohol screens throughout the year and seasonal testing will not be permitted.
- b. To encourage non-operations’ employees to participate in the “back-up driver” program, the BCEO will offer the necessary training and vehicle use needed to acquire a Class B CDL during work hours.
 1. Anyone acquiring a Class A or B CDL after January 1, 2005 will receive a one-time grant of 20 hours of personal time to offset the cost of obtaining the CDL and will be eligible to sign up for back-up duty and the potential to earn compensatory time. All costs of obtaining and renewing the CDL will be at the employee’s expense.
- c. Back-up drivers will be used only when drivers are needed and regular operations drivers are not available.
 1. Back-up drivers will not carry pagers or receive on-call pay and it will not be mandatory for back-up drivers to respond after hours. However, regular shift use of back-up drivers and subsequent overtime may be mandatory depending on the severity of the storm or emergency.

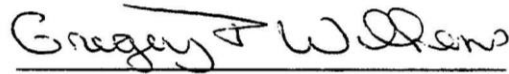


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Rev April 2017

SECTION 7.1 **ATTENDANCE**

- (a) The Butler County Engineer shall establish daily work schedules and maintain daily employee attendance records, including actual hours worked and the duration of any lunch or other meal break.
- (b) Regular attendance is an essential function of every employee's job, and both management and co-workers count on every employee to be at work every day. Accordingly, barring illness and emergency, employees not on prior authorized leave are expected to be in attendance each working day. Any employee who is not able to report to work because of illness, injury, inclement weather, or other extenuating circumstances shall inform their supervisor of the fact no later than 15 minutes after their scheduled starting time. Procedures to be followed if any employee is unable to report to work are set forth in greater detail in Section 6 of this Manual.

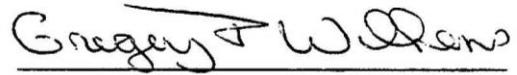
A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Nov. 2002

SECTION 7.2 **TARDINESS**

Tardiness is inexcusable and shall not be tolerated. Tardiness is defined as any situation where an employee reports to work after his or her scheduled starting time or returns late from a meal or other break period. Whenever an employee is tardy, that employee may be subject to a reduction in pay corresponding to the amount of time he or she was late, unless he or she offers to the supervisor a written reason for being late found acceptable by the supervisor. In addition, if an employee is tardy, that employee may be subject to appropriate disciplinary action.


A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E. P.S.
Butler County Engineer
March 2003

SECTION 7.3

LUNCH OR MEAL PERIOD

- A. All employees working a full work shift will, to the extent practicable, receive a meal period with the length designated by the Butler County Engineer. Lunch or meal break scheduling is subject to approval by the employee's immediate supervisor.
- B. Approved lunch or meal periods are not considered as work time; therefore, each employee shall be completely relieved, if possible, from work duties for that time period. Lunch or meal periods do not include approved breaks discussed in Section 7.4 (Break Periods).
- C. Lunch or meal periods which are uninterrupted by call to duty are excluded from compensable time. Lunch or meal periods which are interrupted by authorized calls to duty must be counted as compensable time, since the employee has not been relieved of all duties.
- D. Employees who are completely relieved from call to duty during their approved lunch period are not required to request permission to leave their work premises during their scheduled lunch period.

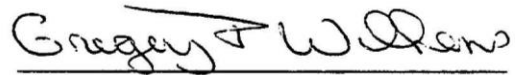


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
March 2003

SECTION 7.4

BREAK PERIODS

- A. Employees assigned to a work station with continuous demand for attention and service, such as a receptionist, shall be granted two (2) fifteen-minute break periods per each full work day, one in the first half of the shift, and one in the second half of the shift. Break periods are scheduled in the sole discretion of the supervisor and may be granted only to the extent practicable without interference with normal work operations.
- B. For employees not covered under subsection A, each department head may specify whether formal break periods shall be used or an informal break policy allowing employees the discretion to use reasonable work breaks for purposes such as using the bathroom, purchasing refreshments, and other personal needs. No employee may abuse personal breaks for excessive time away from the work station, including for smoking.

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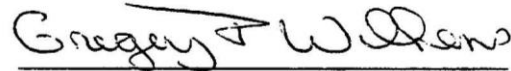
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
March 2003

SECTION 7.5 **SAFETY AND HEALTH**

Employee safety and health are the Butler County Engineer's primary concern. For that reason, the Butler County Engineer views the performance of all work assignments in a safe and healthy manner a shared responsibility of both supervisory and non-supervisory personnel. It is the Butler County Engineer's responsibility to provide a workplace free of all recognized hazards and, in doing so, to provide all required supervision, training, and safety equipment necessary to protect our employees from job-related hazards. In addition, it is the responsibility of each employee to use all required safety equipment and to follow all safe work practices, policies, rules, and regulations. Failure to do so will result in disciplinary action up to and including discharge.

- A. All employees and, in particular, supervisory personnel, shall report the existence of any hazardous condition or unsafe work practice observed in the workplace to either the employee's immediate supervisor or the Safety Director. Supervisory and management employees must then make every effort to abate the unsafe or hazardous condition or to correct the unsafe work practice immediately, or as soon as is possible.
- B. Supervisors bear special responsibility to ensure that the Butler County Engineer's workplace is safe, and a supervisor found to be negligent in correcting unsafe work conditions or work practices, or in the use of prescribed safety equipment or in the enforcement of safety rules and regulations will be subject to appropriate disciplinary action, up to and including discharge.
- C. Any employee found to be careless or deliberately destructive in their operation of equipment or vehicles shall be subject to appropriate disciplinary action, up to and including discharge.
- D. Any employee or supervisor who intentionally violates or disregards safety rules, requirements, or procedures shall be subject to immediate termination from employment.
- E. All employees who drive County vehicles or personal vehicles on County business shall maintain the appropriate speed limits and traffic regulations and wear safety belts provided at all times. Violators are subject to disciplinary action, up to and including termination.
- F. Employees working on road, bridge, or other construction or maintenance crews are required to wear the prescribed safety equipment as directed (e.g., hard hats in areas of overhead hazard, and orange hats and vests in vehicle traffic areas. Flaggers are required to wear orange hats and vests at all times).
- G. Any accident occurring during working hours, whether or not it appears that injuries were incurred, shall be reported to the immediate supervisor at once. The supervisor shall, in turn, notify his or her manager or deputy at the earliest opportunity. In cases involving personal injury or occupational illness regardless

of how minor, the Butler County Personnel Department must be notified no later than the next scheduled work day. Upon completion of the above notification requirements, the supervisor must complete a supervisor's accident report as soon as possible, no more than twenty-four (24) hours after the occurrence, in order to properly document the event for both workers' compensation purposes and for compliance with state OSHA requirements. This report must be sent to the Butler County Personnel Department.

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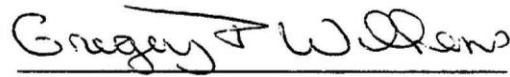
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
March 2003

SECTION 7.5.1 **DRUG-FREE WORKPLACE**

In accordance with the requirements of federal law, and in recognition of the scourge that illegal drugs and substance abuse pose to our society, the Butler County Engineer is committed to maintaining a workplace free of drug abuse as well as the abuse of all intoxicating substances. The safety of coworkers and the public, as well as the productivity of our services, is fundamentally compromised and threatened when employees abuse drugs or alcohol during working hours. Such conduct will not be tolerated.

- a. The unlawful manufacture, distribution, dispensing, possession, or use of an illegal or controlled substance is prohibited in the workplace or during working hours.
- b. The use of an illegal or controlled substance or alcohol prior to beginning work or during meal or break periods, such that the employee remains under the influence of such substance or alcohol during working hours, is prohibited.
- c. Any illegal use or abuse of a legal drug is prohibited.
- d. The Butler County Engineer has a zero tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using marijuana with a valid prescription are NOT EXEMPT from this policy in any way. The use of marijuana in any form, with or without a valid prescription will be treated the same as use of all other Schedule I Controlled Substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule I controlled substances or illegal drugs, including marijuana with a valid prescription, are still subject to all provisions of this policy and may be subject to discipline up to and including discharge for such use.
- e. The use of alcohol at the workplace or during working hours is prohibited. The possession or distribution of alcohol at the workplace is prohibited, except for unopened containers on the worksite intended as a gift or for transport to an event outside the workplace.
- f. If the Butler County Engineer has reasonable grounds to believe that an employee may have violated paragraphs (a)-(d), he may require the employee to undergo tests for the use of drugs or alcohol, and may impose disciplinary action upon an employee who refuses such a test, up to and including discharge.
- g. An employee who must use a prescribed medication during work hours that may impair his or her safety or the safety of others or may otherwise impair the employee's ability to perform shall so notify the supervisor or manager. The Butler County Engineer may then, at his discretion (1) place the employee on sick leave, (2) reassign the employee to duties posing no such risk, or (3) have the employee's ability to work without impairment evaluated by the employee's physician or a physician selected and paid for by the Butler County Engineer.

- h. Notwithstanding any other provision of personnel policy, an employee who violates the provisions of paragraphs (a)-(f) shall be subject to appropriate disciplinary action, up to and including discharge for the first offense. The Butler County Engineer may, at his discretion, condition or limit disciplinary action for a violation of this policy contingent upon the employee's completion of an appropriate program for the treatment of alcoholism or chemical dependency.
- i. Nothing in this policy shall require or be deemed to bar the Butler County Engineer from instituting a program of pre-employment, routine, or random drug-testing of employees or applicants to the extent permitted by applicable federal and state law.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Revised April 2017

SECTION 7.5.2 **SAFETY GLASSES**

a. **Purpose**

The purpose of the Safety Eyeglass procedure is to easily facilitate the purchase and provisions of safety glasses that meet American National Standards for Occupations and Educational Eye and Face Protection, Z87.1, to all full time and permanent part-time employees who have the potential for exposing their eyes to injury from flying objects or electrical flash. BCEO will reimburse half of the purchase price of one pair of glasses, up to \$100.00 per person, no more than once every 24 months.

b. **Procedure**

1. Each employee as stated above may purchase prescription safety eyeglasses which are in compliance with OSHA standards (ANSI Code Z87.1).
2. The employee will need to get pre-approval from his/her supervisor prior to purchasing the eyeglasses.
3. The employee will be responsible for purchasing his/her own eyeglasses and submit proof of purchase to their supervisor or department manager within 30 days of purchase.
4. Upon receipt of proof of purchase, the supervisor or department manager will submit a purchase requisition and subsequent expense reimbursement for each employee in their department. Proof of purchase must be original receipt and be accompanied by tag certifying the eyeglasses are in compliance with OSHA standards (ANSI Code Z87.11).
5. The employee will be reimbursed half of the purchase price (up to \$100 for one pair) for prescription lenses and frames. Reimbursement will not include special training, designer frames, no-line bifocals, accessories or eye exam. All of these costs are the employee's responsibility.

c. Employees shall wear safety eye protection on the job where there is a potential danger of injury to the eyes from electrical flash or flying objects. The wearing of safety eyeglasses alone does not constitute protection where full goggles or other suitable type of eye protection must be worn.

d. Employees are responsible for repairs or replacement of prescription safety eyeglasses and are responsible for maintaining a reserve pair of prescription glasses for use when prescription safety glasses are damaged or lost. If this pair does not meet the specification of ANSI Z87.1, an appropriate pair of safety goggles or a face shield shall be worn over the glasses during operations requiring safety glasses.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
March 2016

SECTION 7.5.3 **DRUG AND ALCOHOL USE AND TESTING**

A. PROHIBITION OF DRUG AND ALCOHOL ABUSE

In recognition of the scourge that illegal drugs and substance abuse pose to our society, BCEO is committed to maintaining a workplace free of drug abuse as well as the abuse of all intoxicating substances. The safety of co-workers and the public, as well as the productivity of our services, is fundamentally compromised and threatened when employees abuse drugs or alcohol during working hours. Such conduct will not be tolerated.

- (1) The unlawful manufacture, distribution, dispensing, possession, or use of an illegal or controlled substance is prohibited in the workplace or during working hours.
- (2) The use of illegal or controlled substance or alcohol prior to beginning work or during meal or break periods, such that the employee remains under the influence of such substance or alcohol during working hours, is prohibited.
- (3) Any illegal use or abuse of a legal drug is prohibited to the same degree as the use of an illegal drug.
- (4) The use of alcohol at the workplace or during working hours is prohibited. The possession or distribution of alcohol at the workplace is prohibited, except for unopened containers on the worksite intended as a gift or for transport to an event outside the workplace.
- (5) If the employer has reasonable grounds to believe that an employee may have violated paragraphs (1) – (4), the employer will require the employee to undergo tests for the use of drugs or alcohol, and the employer will impose disciplinary action upon an employee who refuses such as test, up to and including discharge.
- (6) A stand-by duty employee who is impaired or may be impaired must disclose this information when contacted by BCEO and is prohibited from reporting to work. Any employee assigned to primary stand-by is prohibited from consuming alcohol or controlled substances during the stand-by duty period.
- (7) An employee who must use a prescribed medication during work hours that may impair his or her safety or the safety of others or may otherwise impair the employee's ability to perform shall so notify the supervisor or department head. The employer may then, at its discretion (1) place the employee on sick leave, (2) reassign the employee to duties posing no such risk, or (3) have the employee's ability to work without impairment evaluated by the employee's physician or a physician selected and paid for by the employer.
- (8) An employee who has been convicted of a violation of a criminal drug statute in the workplace or while on duty shall notify his or her department head no later than five (5) days after such conviction. The employer may impose appropriate disciplinary action, up to and including discharge for the first offense.

- (9) Notwithstanding any other provision of personnel policy, an employee who violates the provisions of paragraphs (1) – (6) shall be subject to appropriate disciplinary action, up to and including discharge for the first offense. The employer may, at its discretion, condition or limit disciplinary action for a violation of this policy contingent upon the employee's completion of an appropriate program for the treatment of alcoholism or chemical dependency.
- (10) Nothing in this policy shall require or be deemed to bar the employer from instituting a program of pre-employment, routine, or random drug testing of employees or applicants to the extent permitted by applicable federal and state law.

B. DRUG AND ALCOHOL TESTING

The purpose of this policy is to establish an alcohol and controlled substances testing program to help prevent the use and misuse of these substances by employees. Consequently, BCEO has established the following drug testing program to prevent alcohol and misuse and drug abuse, and is committed to enforce the policy for its employees, through education, testing, rehabilitation, and disciplinary action where appropriate. This policy is in addition to and separate from the drug and alcohol testing of holders of a Commercial Driver's License.

(1) DEFINITIONS

For purposes of this policy, the following definitions shall apply:

- (a) The term illegal drug means drugs and controlled substances, the possession or use of which is unlawful, pursuant to federal, state, or local laws or regulations. For purposes of this document, illegal drug specifically includes such drugs as may have been determined by the State of Ohio to be legal for certain medicinal uses but remains illegal under Federal Law. (This pertains to medicinal use of Marijuana under ORC 3796)
- (b) The term controlled substance includes any illegal drug and any lawful drug that is being used in an illegal manner, such as a prescription drug that was not legally obtained or is not used for its intended purposes or in its prescribed quantity. The term does not include any legally obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform his or her job duties.
- (c) The term illegal use includes excessive or improper use of alcohol, use of illegal drugs (See B.1(a)), and the improper use of prescribed drugs, other than for prescribed purposes, in a prescribed manner, and in the prescribed quantity.

(2) REQUIRED TESTS

Refusal to take a required test will result in removal of that employee from the assignment(s) and discipline for insubordination, up to and including discharge. Testing will be conducted in the following situations:

(a) Reasonable Suspicion Testing

- (1) A supervisor or other management-level employee may order an employee to submit to testing based on a reasonable suspicion that the employee is using or under the influence of alcohol or controlled substances. This determination will be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion testing is authorized during, just preceding, or after a period of the work day in which the employee is required to be drug or alcohol free.
- (2) The required observation for reasonable suspicion testing will be made by any supervisor or management-level employee who is trained in accordance with the requirements of this policy. "Reasonable suspicion" also includes receipt of information about an employee's impaired behavior from alcohol or drug use where such information is from a reliable source that has been substantiated by a trained supervisor or which has other indications of reliability.
- (3) Once the employee has been removed from his job, the supervisor should contact the Human Resource Manager or the Safety Supervisor. If contact cannot be made at that time, the supervisor is to proceed through the next step of this procedure and make contact with the Human Resource Manager or the Safety Supervisor as soon thereafter as possible.
- (4) The supervisor will then transport the employee to the collection site for drug and/or alcohol testing immediately, but no later than eight (8) hours for alcohol testing after having observed the behavior. If the alcohol test is conducted more than two (2) hours but less than eight (8) hours after the supervisor determines there is a reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances, the supervisor will complete a report explaining the reason for the delay in conducting the alcohol test. The supervisor is to wait at the clinic with the employee until the breath test has been completed

or the urine sample has been taken. Because tests for controlled substances are not as time sensitive, the drug test will be scheduled within a reasonable time of the observed behavior.

- (5) Once the drug or alcohol testing has been completed and if a positive confirmatory test for alcohol result has been received (0.02 percent or above), or for drugs at the specified threshold, the employee will be strongly encouraged not to drive his or her own vehicle home at that time, including a warning that the employee will be reported to local law enforcement authorities if he or she insists on attempting to drive a vehicle. The employee must make alternative transportation arrangements in order to leave the collection site or employment site, and the supervisor will assist in this process if needed, including arranging for transportation if needed to or from the testing site or to the employee's home. If the employee insists on attempting to drive the vehicle, the supervisor should not attempt to physically restrain the employee. Instead, the supervisor will immediately notify the medical authorities and appropriate law enforcement agencies that a possibly impaired person is driving a motor vehicle. Further, this refusal to comply with the supervisor's directive not to drive under these circumstances may also constitute independent grounds for discipline up to and including discharge.

(b) Follow-up Testing

Employees who are reinstated after problems associated with alcohol misuse and/or use of controlled substances shall be subject to unannounced follow-up testing as directed by a substance abuse professional. Such testing will include a minimum of six (6) tests during the first twelve (12) months after the return to work.

(c) Post-Accident Testing

As soon as practicable after an accident, an employee may be tested for alcohol and controlled substances. Testing is required in any accident where the driver receives a citation under state or local law for a moving traffic violation arising from the accident, or has otherwise been determined to have been responsible, in whole or in part, for the accident or any other kind of accident involving bodily injury or damage to property in which there is indication of employee fault or responsibility. Testing is ALWAYS

required where there is a death involved (even if there is no indication of fault of the driver or operator. An employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed by BCEO to have refused to submit to testing. The required testing shall not delay necessary medical attention for injured persons following an accident or prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

C. CONSEQUENCES FOR VIOLATING ALCOHOL AND DRUG PROHIBITIONS

- (1) Any employee who has engaged in conduct prohibited by this policy shall be subject to appropriate disciplinary action, up to and including discharge. If the employee is not terminated, he or she shall be advised by BCEO of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals (SAP) and counseling and treatment programs.
- (2) Alcohol Following a determination that the employee has violated the alcohol prohibitions, including having a test result of 0.02 BAC or greater, the employee must be removed from, and cannot be returned to, a safety-sensitive position until, at a minimum:
 - (a) The employee undergoes and completes:
 - (1) An evaluation for addiction, dependence, or abuse of alcohol and/or controlled substances from a qualified substance abuse professional to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substance use;
 - (2) Where necessary, the employee completes an appropriate treatment program by a substance abuse professional for rehabilitation within ninety (90) days of the initial positive tests;
 - (b) A substance abuse professional determines and signs a statement that the employee has successfully complied with any required rehabilitation and is fully able to return to work;
 - (c) The employee undergoes a return-to-duty test administered by BCEO with the result of less than 0.02 BAC; and
 - (d) The employee undergoes follow-up testing, administered by BCEO after the return to work as directed by the substance abuse professional (a minimum of six (6) tests in the first twelve (12) months following the return to work).

- (3) Drugs Following a determination that an employee has misused controlled substances, as determined through testing, this policy requires that an employee be removed from work in a safety-sensitive position until, at a minimum:
- (a) The employee undergoes and completes:
 - (1) Evaluation for addiction, dependence, or abuse or alcohol and/or controlled substances from a substance abuse professional to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use; and
 - (2) Where necessary, the employee completes an appropriate treatment by a substance abuse professional for rehabilitation within ninety (90) calendar days in the initial positive test;
 - (b) A substance abuse professional determines that the employee has successfully complied with any required rehabilitation, after which the substance abuse professional must sign a statement indicating the employee is fully able to return to work and the employee must take, at his or her own expense, a return-to-duty test with a verified negative test result.
 - (c) The employee undergoes, at his or her own expense, follow-up testing administered by BCEO after the return to work, as directed by the substance abuse professional (a minimum of six (6) tests in the first twelve (12) months following the return to work).
 - (d) All drug tests are reviewed and interpreted by a physician (medical review officer or MRO) before they are reported to the employer. If the testing laboratory reports a positive result to the MRO, the MRO shall contact the employee, in person or by telephone, and conduct an interview to determine if there is an alternate medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that it is a legitimate medical use of the controlled substance, and that the employee remains able to work, the drug test result shall be reported as negative to the employer.
 - (e) BCEO is not liable for the cost of any assessment, treatment or rehabilitation, return-to-duty testing, or follow-up testing under subsections C.2. and 3. of this policy except for costs that are otherwise covered under the County's employee assistance program or health-insurance coverage.

- (4) Nothing in this section shall be construed to limit BCEO's authority to discipline employees for violations of this policy, reassign employees to duties not involving safety-sensitive responsibilities when practicable, placing employees on unpaid suspension if no such alternative assignments are available, or to require treatment and rehabilitation in addition to otherwise appropriate discipline.

D. PREScription DRUGS

- (1) Before performing work-related duties, an employee must notify the supervisor if he or she is taking any legally prescribed medication, therapeutic drug, or any non-prescription drug which carries a warning label indicating that the employee's mental functioning, motor skills, or judgment may be adversely affected by the use of this medication. A written report of this notification is to be filed by the supervisor with the Human Resource Manager, who is responsible for drug and alcohol testing with BCEO. It is the responsibility of the employee to inform his or her physician of the type of work that the employee performs in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of BCEO equipment. As required by this policy, however, any employee who tests positive for alcohol will be removed from his or her position, even though the reason for the positive alcohol test is the fact that the employee's prescription medication contains alcohol.
- (2) A legally prescribed drug is one for which the employee has a prescription or other written approval from a physician for the use of the drug in the course of medical treatment. The prescription must include the patient's name, the name of the substance, the quantity and the amount to be taken, and the period of time for which the use of the medication is authorized. The misuse or abuse of legal drugs while performing BCEO business is prohibited. An employee whose proper use of prescribed drugs affects his or her ability to perform the duties of the position in a safe and effective manner may be subject to reassignment, transfer, or temporary demotion or suspension, consistent with the requirements of applicable state and federal law.

E. CONFIDENTIALITY OF RECORDS

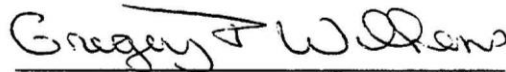
- (1) BCEO respects the confidentiality and privacy rights of all of its employees. Accordingly, the results of any test administered under this policy and the identity of any employee participating in the County's employee assistance program (EAP) or other assessment or treatment program will not be revealed by the County to anyone except as required by law. An employee may direct BCEO to release the employee's records by an express written consent authorizing the release to a specified person. In addition, BCEO will take reasonable steps to ensure that the laboratory or agency used to conduct the testing under this policy will maintain the

confidentiality of employee test records. The laboratory or testing agency will, however, disclose information related to a positive drug or alcohol test of an individual as follows: the individual being tested; BCEO; the decision maker in a court proceeding, administrative investigation or hearing, grievance or arbitration hearing, or other proceeding by or on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as otherwise required by law, including public records laws, or otherwise in compliance with court orders or subpoenas.

- (2) The medical review office (MRO) will not reveal individual test results to anyone except BCEO and its authorized agents unless the MRO has been presented with a written authorization from the tested employee. The MRO may reveal to BCEO, without an authorization, relevant information as to whether the employee is qualified to perform his or her job or whether the employee has tested positive for alcohol or a controlled substance.
- (3) All records related to drug and alcohol tests of individual employees will be maintained in individual files separate from the employee's personnel file. These records will be stored in a locked cabinet.

F. QUESTIONS

Any employee having questions with respect to the scope of this policy and its contents may contact the Human Resource Manager.

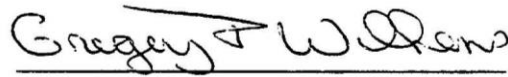


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Revised April 2017, July 2019

SECTION 7.6 TOOLS, SUPPLIES, EQUIPMENT, VEHICLES AND TELEPHONES

- A. When tools, supplies (telephones) and equipment needed to perform job duties are provided by the Butler County Engineer, it is the responsibility of supervisors and employees to see that they are properly used and maintained.
- B. Misuse, neglect, theft and abuse of tools, supplies, equipment, or telephones are prohibited. Accidents involving misuse (or abuse) of tools, telephones or equipment will be cause for disciplinary action. If an employee loses tools or damages telephones or equipment, he or she may be required to pay for those items lost or damaged, at the discretion of the Butler County Engineer. Excessive personal use of telephones or long distance telephone calls for other than business purposes without prior supervisory approval, shall result in disciplinary action as provided in Section 8.

A handwritten signature in dark ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
March 2003

SECTION 7.6.1 CELL PHONE ALLOWANCE

- a) Butler County will not purchase or provide cell phones to individual employees. Employees whose job duties include the frequent need for a cell phone may receive a cell phone allowance to offset business-related costs. No further reimbursement for cell phone costs is available to employees who have such an allowance.
- b) Cell phones should not be selected as an alternative to other means of communication (e.g. landlines, pagers, and radio transmissions) when such alternative would provide adequate and less costly service to the county.
- c) Effective December 1, 2009 the Butler County Engineer will not purchase cell phones for individuals, nor will any existing cell phone contracts be renewed or extended. Butler County may identify the types of phones and carriers that qualify for an allowance under this policy.

d) Cell Phone Allowance

- 1) If an employee's duties include the need for and frequent use of a cell phone, then the employee may be eligible for an allowance to offset cell phone expenses. Determination of the employee's eligibility for a cell phone allowance and the dollar amount of the allowance is made by the Department Deputy or Engineer. The following amounts have been established.

\$20.00 per pay for 24 pay periods for an employee with high volume, high demand.

\$10.00 per pay for 24 pay periods for an employee with minimal usage.

- 2) This allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, etc.
- 3) The dollar amount of the cell phone allowance is intended to offset an employee's projected business-related use only. Cost of equipment, upgrades to equipment (special cosmetic or technical features, etc.), maintenance items (batteries), or personal use is not considered.

e) Use of Phone

- 1) An employee must retain an active cell phone contract/plan as long as a cell phone allowance is in place. Because the cell phone is owned personally by the employee, and the allowance provided is taxable

income, the employee may use the phone for both business and personal purposes. The employee may add extra services or equipment features at his or her own expense.

- 2) Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse and will result in immediate termination of the cell phone allowance.

f) Documentation and Review Requirements

- 1) An employee eligible for a cell phone allowance must submit a copy of the initial contract/invoice to the Department Deputy or his or her designee for review. The employee must provide the Department with his or her cell phone number and keep the office informed of any changes while receiving this benefit. The benefit will appear on the employee's paycheck following proper submission of required documentation.
- 2) To ensure that cell phone allowances are appropriate, administered as intended and to certify that the employee has purchased equipment/service for which this benefit was intended, audits will be conducted as needed to ensure compliance. An employee receiving this benefit may be required to submit copies of the cell phone statement to the Deputy or his or her designee for verification. Failure to properly submit required documentation may result in a loss of the benefit. Receiving the cell phone allowance without an available cell phone and plan is prohibited and grounds for disciplinary action.
- 3) The Department Deputy is responsible for a periodic review of employee business-related cell phone use to determine if the existing cell phone allowances from (d), (1) should be continued unchanged, discontinued, or otherwise modified.

g) Fees for Contract Changes or Cancellations

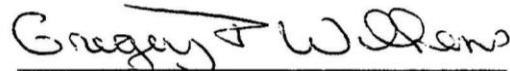
- 1) If, prior to the end of the cell phone contract/plan, a personal decision by the employee, employee misconduct, or misuse of the phone results in the need to end or change the cell phone contract/plan, an employee will bear the cost of any fees associated with that change or cancellation.
- 2) If, prior to the end of the cell phone contract/plan period, a Department decision (unrelated to employee misconduct) results in the need to end or change the cell phone contract/plan, the Department will bear the cost of any fees associated with that change or cancellation.

h) Reimbursement Procedure

- 1) If an employee who qualifies for a cell phone allowance has an inordinate number of business-related calls which causes the employee to incur exceptional expenses not covered by their cell phone allowance, that employee may request reimbursement and the Deputy may choose to increase that employee's allowance in order to cover the increased call volume.
- 2) An employee seeking reimbursement should make personal payment to the provider and then must submit a Travel Expense Reimbursement Voucher requesting reimbursement from the County. The Travel Expense Reimbursement Voucher should list the employee as the payee. A copy of the invoice should be attached to the Travel Expense Reimbursement voucher with the separate business-related charges clearly marked with an explanation for each call received or made. If the plan bills by the minute, then the actual charges for the calls and minutes must be marked. If it is a pool of minutes plan, then it will be reimbursed as a percentage of minutes used for business calls versus total pool of minutes available. Requested reimbursements will be reviewed and approved by the Deputy of his or her designee.

i) Pool Phones

In some instances the need for a "pool" phone may be necessary. A pool phone is assigned to a vehicle, crew or department and is strictly limited to Department business. A phone log that includes date, time, and telephone number called or received, purpose of call, and employee name must be submitted monthly to the Deputy or his designee in a timely manner for comparison to the actual cell phone bill. Any discrepancies will be reviewed with the appropriate manager for resolution. No personal phone calls either incoming or outgoing may be conducted on a pool phone. The Deputy or his or her designee will audit pool phone records quarterly to ensure compliance. An employee using a pool phone for personal use will be subject to discipline.

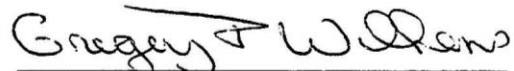


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
September 2009

SECTION 7.7

USE OF VEHICLES

- A. Use of County-owned motor vehicles shall be strictly controlled by the Butler County Engineer and shall be restricted for business purposes only.
- B. Employees operating a motor vehicle must have a proper and valid *Ohio* motor vehicle operator's license, or commercial driver's license (CDL), appropriate to the vehicle.
- C. Employees who are eligible to operate motor vehicles shall notify their supervisor immediately, but no later than the next work day from the date the employee knew or should have known of the change in the status of or suspension of their Ohio operator's license, including any citations, suspensions, arrests, or violations issued to him or her. Failure to do so may result in disciplinary action.
- D. Any employee who operates a County vehicle shall refrain from taking any prescription, non-prescription or therapeutic drugs which carries a warning label indicating that the employee's mental functioning; motor skills or judgment may be adversely affected. It is the employee's responsibility to notify their supervisor immediately of any substance, condition or circumstance that could adversely affect the employee's ability to safely complete their assigned duties.
- E. The Engineer reserves the right, at his sole discretion to place a GPS tracker device on any or all county vehicles. The Engineer is under no obligation to inform any operator of any vehicle as to the placing or existence of a GPS tracker. Every operator of any county vehicle under the discretion of the County Engineer should assume that the vehicle is equipped with one of these devices.
- F. Employees are required to use privately-owned vehicles or public transport for purposes of getting to and from work. County vehicles are not be used for this purpose unless explicitly authorized by the Butler County Engineer. Use of County vehicles for home-to-work travel may result in additional income tax liability.
- G. Any employee who operates a County vehicle shall exercise caution and responsibility and shall adhere to all laws and safety regulations including use of seat belts and harnesses and speed limits. Reckless, careless, or other inappropriate operation of vehicles is grounds for disciplinary action. It is the responsibility of the employees to notify the employer or supervisor of any suspension or out of service order per 49 CFR Part 40 and 382, or any disqualification or conviction pursuant to Section 4506.16 of the Ohio Revised Code or any BMV license suspension.
- H. Any accident involving County vehicles or otherwise in the course of performing County services must be reported to the supervisor immediately.



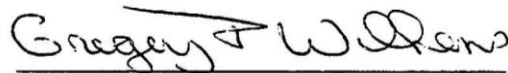
Gregory J. Wilkens, P.E., P.S.

Butler County Engineer

SECTION 7.8

OUTSIDE EMPLOYMENT

- A. Under no circumstances shall an employee have other employment which conflicts with the policies, objectives, interests, or operations of the BCEO. Further, no employee shall become indebted to a second employer who interests might be in conflict with those of the BCEO.
- B. Employment conflicts, as set forth in this policy, are defined as a situation in which a second job impairs the employee's ability to perform the duties of his or her position with the BCEO.
- C. Full-time employment by the BCEO shall be considered the employee's primary occupation, taking precedence over all other occupations.
- D. "Outside" employment or "moonlighting" is prohibited only if it adversely affects the job performance of the employee's BCEO job. Two types of conflicts which may arise are:
 - 1. Time Conflict – Defined as when the working hours required of a "secondary job" directly conflict with the scheduled working hours of an employee's job with the BCEO; or when the demands of a secondary job prohibit adequate rest, thereby adversely affecting the quantity or quality of the employee's job performance with BCEO.
 - 2. Conflict of Interest – Defined as when an employee engages in "outside employment" that tends to compromise his or her judgment, actions, or job performance with the BCEO, or that otherwise creates a conflict of interest under applicable ethics law, or that creates the appearance or perception of a conflict of interest.
- E. If the Butler County Engineer determines that an employee's outside employment is adversely affecting the employee's job performance, the Butler County Engineer may direct that the employee refrain from such activity. If the employee's continued outside employment either creates a conflict of interest or time conflict as defined in subsection (D), the Butler County Engineer may impose appropriate action, up to and including discharge.

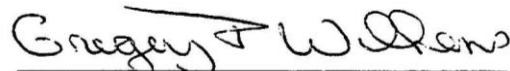


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
March 2003

SECTION 7.10 **POLITICAL ACTIVITY**

- A. The purpose of this policy is to provide the Butler County Engineer and employees with guidelines concerning political activity. Employees in the classified service are prohibited by Section 124.57 of the Revised Code from engaging in political activity.
1. “Classified Service” means all persons in the classified civil service of the County, whether in certified or provisional status. Unless specifically exempted from the classified service in accordance with the Revised Code, an employee shall be considered to be in the classified service for the purposes of this policy.
 2. “Political Activity” and “Politics” refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- B. 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.
- C. 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
 6. Acceptance of a party-sponsored appointment to any office normally filled by partisan election
 7. 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

8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate
 9. Solicitation of the sale or actual sale of political party tickets
 10. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues.
 11. Participation in political caucuses of partisan nature
 12. Participation in a political action committee which supports partisan activity
- D. An employee in the classified service who engages in any of the activities listed in paragraphs (C) (1) to (C) (12) of this policy is subject to discharge. The Butler County Engineer may initiate such removal action in accordance with the procedures in Section 124.34 of the Revised Code.
- E. Employees in the unclassified service who serve at the pleasure of the Butler County Engineer are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional statutory provisions.
- F. Notwithstanding, the general prohibition against partisan activity or appointment to partisan office, Section 124.57 of the Revised Code does specifically permit classified employees to serve as a precinct election official for a primary, special, or general election, and the employee may, with the prior approval of the Butler County Engineer, use vacation leave, compensatory time off, or unpaid leave so to serve.
- G. 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.
- H. If any person holding public office or employment is convicted of violating the Revised Code provisions, prohibiting abuse of political influence such office or position shall thereby be rendered vacant.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
March 2003

SECTION 7.11 **WORKPLACE VIOLENCE**

A. ZERO TOLERANCE

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

B. PROHIBITED ACTS OF VIOLENCE

Prohibited acts of workplace violence include, but are not limited to the following:

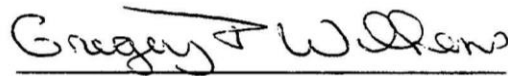
1. Hitting or shoving.
2. Threatening harm to an employee or his family, friends, associates or property.
3. Intentional destruction of property
4. Harassing or threatening telephone calls, letters or other forms of written or electronic communications, including email and website or social media posts.
5. Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, and policy or work rule.
6. Willful, malicious and repeated following of another person, also known as “stalking” and/or making threats with the intent to place another person in reasonable fear for their safety.
7. Suggesting or otherwise intimidating that an act to injure persons or property is “appropriate” without regard to the location where the suggestion or intimidation occurs.
8. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on County property.

C. WARNING SIGNS AND RISK FACTORS

The following are examples of warning sign, symptoms and risk factors that may indicate an employee’s potential for violence. In all situations, if violence appears imminent, employees should take precautions necessary to assure their safety and the safety of others. An employee should immediately notify management if they witness violent behavior, including, but not limited to the following:

1. Hinting or bragging about knowledge of firearms.
2. Making intimidating statements such as “You know what happened in Oklahoma City, I’ll get even”, or “You haven’t heard the last from me”.
3. Keeping records of other employees the individual believes to have violated departmental policy.

4. Physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech.
5. Acting out violently either verbally or physically.
6. Excessive bitterness by a disgruntled employee or an ex-employee.
7. Being a “loner”, avoiding all social contact with co-workers.
8. Have a romantic obsession with a co-worker who does not share that interest.
9. History of interpersonal conflict.
10. Domestic problems, unstable/dysfunctional family.
11. Brooding, depressed, strange behavior.

A handwritten signature in black ink, reading "Gregory J. Wilkens". The signature is written in a cursive style with a horizontal line underneath.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
Revised April 2017

SECTION 7.12 **EMPLOYEE PRIVACY, CONFIDENTIALITY, AND USE OF COUNTY WORK SPACE OR EQUIPMENT**

As a public employer, the Butler County Engineer may be called upon to balance the employees' interests in privacy and confidentiality with the employer's interest in ensuring that the public's work is being done appropriately and that inappropriate or unlawful conduct is not occurring during work hours or at County work sites. Further, the Butler County Engineer must ensure that publicly owned equipment and resources are used for public purposes.

A. USE OF COUNTY COMPUTERS AND ELECTRONIC MAIL

1. County-owned or leased computer equipment is intended to be used for work purposes only. Employees may be permitted to use computers for personal purposes only with the express, prior approval of the supervisor, during non-working hours (e.g., lunch breaks or before or after duty hours), and using personal supplies, such as data-storage disks and printing paper. It is never acceptable, however, for an employee to use County-owned equipment, including telephones, computers, or Internet access, in connection with the employee's personal gain or profit, for an outside business, or for other purposes prohibited by this policy. Employees shall not store personal data on a County computer without the express, prior approval of the supervisor, and any personal data stored on the computer are subject to search and retrieval, without notice to the employee.
2. Employees shall not place passwords or other access limitations on the computer unless the Butler County Engineer authorizes such limitations, and upon request, the employee shall promptly disclose the password to enable access.
3. Employees shall not use electronic mail (e-mail) for personal purposes. Personal use of electronic mail is limited to isolated and incidental use, similar to the use of telephones for occasional and brief personal calls, and any employee who abuses this access may have e-mail use restricted or terminated. E-mail is for business purposes only and is **neither private nor confidential**. Accordingly, the Butler County Engineer may, at any time, search and retrieve the contents of any e-mail sent or received within the Butler County Engineer's e-mail system. Employees are expected to communicate in a professional manner that will reflect positively upon them and upon Butler County. The content of the e-mail sent through the Butler County Engineer's system should be appropriate for a business environment and devoid of material that could bring discredit upon the County. Employees should be aware that e-mail messages, whether transmitted through the internet network or via the Internet, are generally public records subject to disclosure in the same manner as any other memorandum, letter, or document, and that the messages are generally retained on the server even when deleted from the employee's own computer. Accordingly, no employee should use language in an e-mail that the employee would not use in a standard business memorandum or letter.

4. Circulation in the work place of indecent material or material that ridicules or offends a reasonable person on the basis of sexual content or race, color, religion, ethnic or national origin, disability, or any other personal characteristic not related to job performance, is strictly prohibited. Employees who originate, forward, or circulate such material in the work place are subject to severe disciplinary action, up to and including discharge for the first offense. It is specifically prohibited to use County facilities, equipment (including computers and photocopiers), communication channels (including e-mail and inter-office mail), and work time to disseminate such material.
5. Internet access through Butler County Engineer's computers is provided for business purposes, and all employees' use of the Internet is subject to limitation and monitoring accordingly. The purpose of granting employees' access to the Internet is to increase productivity, provide access to information that would be useful in the course of work, and to provide opportunities for professional growth. Specifically, the Butler County Engineer does not provide Internet access in order to create a public forum of any kind or for general, personal use. Employees may only use the Internet for personal purposes on a limited basis and solely under the following conditions, and each employee accepts these restrictions as a pre-condition for any personal use:
 - i. The employee must not engage in any personal communications or postings on news groups or other Internet sites that identify Butler County in any way, without the express, prior approval of the employee's supervisor or the Butler County Engineer, except in business-related news groups or sites, such as professional organizations to which the employee belongs. Postings identifying the Butler County Engineer may create the mistaken impression that the employee has the authority to speak for the Butler County Engineer. This restriction does not apply to e-mail otherwise permitted within this policy.
 - ii. The volume of the employee personal use of the Internet must not, in the aggregate, interfere with or compromise the access of other users of the Internet for business purposes.

Authorization of this limited, personal use of the Internet on non-duty time is a discretionary privilege and is not the right of any employee, because the equipment and access are provided by the Butler County Engineer and remain subject at all times to Butler County's control. Accordingly, the Butler County Engineer or employee's supervisor may terminate permission for non-duty personal use at any time for any reason. Further, notwithstanding this limited approval for personal use, any use of Butler County computers or the Internet is

neither confidential nor private in nature, and management may review or search any Internet site accessed or information transmitted, received, or accessed on any Butler County computer or data-processing system for any reason at any time, without notice to the employee. Employees must avoid using this privilege in a way that would bring embarrassment or disrepute upon the County Engineer, and should follow this simple guideline: if the employee has to contemplate or ask if a particular site is inappropriate, then that site should not be visited using Butler County computers. Employees who are uncomfortable or unwilling to abide by these restrictions are directed to avoid any non-businesses of Butler County Internet access, because compliance is an absolute condition of personal use. Employees should also be aware that computers and the central server generally record all sites that each employee accesses on the Internet and that such personal use may be easily monitored by the Butler County Engineer. Any information produced, stored, accessed, transmitted, or received on or through Butler County computers remains Butler County property, even if produced or accessed during personal use on non-duty time, and no employee should have any expectation of privacy with respect to such information, notwithstanding passwords or security devices that may be provided or used.

6. Employees who use the internal network or the Internet through Butler County computers or servers at any time, whether or not during duty hours, must follow the following additional restrictions:
 - i. Employees are prohibited from using the County's internal network or Internet connection for private gain or profit, including but not limited to gambling, private investment, or outside business activities, or for soliciting donations, contributions, or fund-raising of any kind.
 - ii. Employees may not violate the privacy of others and must be sensitive to the fact that Internet news group postings as well as certain e-mail messages, sites on the World Wide Web, and various other communications on the Internet are public.
 - iii. Employees may not at any time use obscene language, or language that would disparage or reasonably offend others on the basis of race, color, religion, sex, national origin, age, disability, or other personal characteristic not related to work, or otherwise includes offensive, personal insults or slurs.
 - iv. Employees may not use either the internal network or the Internet in a way that violates the law or the property rights of others, including infringement of copyrights, trademarks, licenses, or other protected property rights, or disseminating or receiving proprietary data, trade secrets, or other confidential information of the Butler County Engineer or

any other person or company. This prohibition is particularly important when downloading programs or copying other information from the Internet. If material is copyrighted or otherwise protected, you must request the permission of the owner before downloading or copying that information.

- v. Employees may not transmit or forward threatening, obscene or indecent, or harassing messages or materials, personal attacks, or defamatory information through Butler County computers, e-mail, or Internet access. Messages are considered to be harassing when they are sent with the intention to annoy or distress another person. If a person tells you to stop sending messages, then stop.
 - vi. Employees may not share with others their assigned passwords for computer, Internet, or internal network access or other authentication devices, except as directed by their supervisors. An employee who believes that others have learned a password or who otherwise believes that the security of the Butler County Engineer's computers or networks has been compromised in any way must immediately notify their supervisor or the Information Service Department.
 - vii. Employees may not use e-mail, the internal network, or the Internet to send chain letters, joke lists or other inappropriate materials.
 - viii. Employees may not read, view, disseminate, or otherwise access the e-mail of co-workers, supervisors, or other Butler County Engineer's employees or officials without that employee's permission or the express authorization from management.
 - ix. Obviously, employees may not use Butler County Engineer's computers or connections to the internal network or the Internet to gain unauthorized access to any computer system (known as "hacking"), to create or spread computer viruses, or to otherwise disrupt or damage the computers or data of Butler County or any other person, office, or company.
 - x. Butler County Engineer's policy on Solicitation and Distribution, Section 7.9 of this Manual, applies to communications and use of Butler County Engineer's computers, e-mail, internal networks, and the Internet.
- 7. Employees are responsible for learning the etiquette applicable to the use of the Internet and e-mail for using the access in an appropriate and non-disruptive way.
 - 8. Employees may not download programs that must be opened or executed after downloading, including screen-savers, onto Butler County Engineer's computers, without the express permission of the Information Services Department.
 - 9. A wide variety of information exists on the Internet. Some persons may find part of that information to be offensive or otherwise objectionable. Much information

is also of dubious accuracy or reliability because of the lack of any system of “quality control” over Internet sites or postings. According, employees should be aware that the Butler County Engineer’s Office has no control over or responsibility for the content of information on the Internet, other than what the Butler County Engineer’s Office places on the web site.

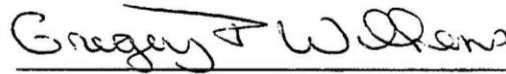
10. Butler County Engineer’s Internet host computers are easily traceable to the Butler County Engineer’s Office by outside users, and no employee using the Butler County Engineer’s computers or servers to access the Internet should assume that they are provided any degree of anonymity whatsoever. Accordingly, employees remain responsible at all times for the systems, including personal use on non-duty time under this policy.
11. Employees should also be aware that e-mail messages and other transfers of information over the internal network and especially over the Internet are not secure. Accordingly, privileged or confidential information should not be sent through the Internet because it is subject to possible interception by others.

B. EMPLOYEE DESKS AND WORK AREAS

1. In order to maintain security and to operate efficiently, the Butler County Engineer’s management must reserve the right to have unfettered access to all Butler County Engineer’s work areas, property, offices, and equipment. Accordingly, employees who store personal items in County-owned desks, lockers, cabinets, storage areas, or vehicles do so at their own risk, and should have no expectation of privacy for items maintained in these areas. The Butler County Engineer reserves the right to have access to any County-owned or leased property, including employee desks, lockers, cabinets, storage areas, or County-owned or leased vehicles used by employees for any business purpose, including search and retrieval of items found therein. This is true even if locks are provided or the employee uses his or her own lock.
2. No employee may intrude into an employee’s or official’s personal work area, including desks, work stations, and lockers, without a legitimate business purpose and without the prior approval of an appropriate management representative. This prohibition does not extend to items in plain view observed while the employee is in the area for a legitimate business purpose, but employees are cautioned that unauthorized looking through papers or effects of others is prohibited.

C. PRIVACY OF EMPLOYEE CONVERSATIONS

1. No employee, including supervisors or managers, may surreptitiously tape-record or video-record conversations involving employees, officials, customers, or other persons, either in person or by telephone, without the knowledge of all parties to the conversation. This prohibition applies both to conversations to which the employee making the recording is party and to third-party conversations. Employees who engage in such unauthorized recordings are subject to immediate discharge. This provision does not bar tape or video-recording as part of a duly authorized investigation of allegations of employee misconduct or criminal violations where otherwise permitted by law. The Butler County Engineer or deputy must expressly approve any such tape or video-recording in advance, unless the monitoring is directed by court order, such as duly issued warrant.
2. The Butler County Engineer may choose to monitor and tape-record employee conversations with customers as part of a program of quality assurance and control only if the employees are prior notified that such monitoring may occur and the customers are so notified by means of a recorded disclaimer or other express notification.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
March 2003

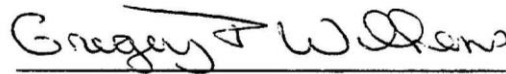
SECTION 7.13

CONCEALED CARRY

Consistent with the Ohio Revised Code, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or ordinance into a County-owned building. A valid concealed carry license does not authorize an individual to carry such a weapon into a County-owned building. Law enforcement officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon.

County employees are prohibited from carrying firearms any time they are working for the County or acting within the course and scope of employment. These situations include, but are not limited to attending training sessions or seminars, wearing a County identification badge, uniform, or other County issued paraphernalia that an employee is required to wear relative to their employment sites off County premises. Except for law enforcement officers, no employee or member of the public may carry a concealed weapon in a County-owned vehicle.

Employees possessing a valid license to carry a concealed weapon may bring their weapon with them onto a County parking lot. However, the employee must leave the weapon in their vehicle. Employees are neither permitted to remove their weapon from their vehicles while in a County parking lot nor are they permitted to bring a concealed weapon into a County-owned building. The employee's weapon must be stored in the vehicle in accordance with storage provisions of the Concealed Carry statute.

A handwritten signature in black ink, reading "Gregory J. Wilkens". The signature is written in a cursive style with a horizontal line underneath.

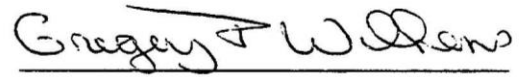
Gregory J. Wilkens, P.E., P.S.
January 2013

SECTION 8.1

DISCIPLINARY PRINCIPLES AND APPLICABLE LAW

- A. Under Ohio civil service law, employees in the classified service who have successfully completed their probationary periods have “tenure during good behavior”, and may be “reduced in pay or position, suspended, or removed... only for incompetency, inefficiency, dishonesty drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violations of such sections (of the Revised Code) or the rules of the director of administrative services...., or any other acts of misfeasance, malfeasance, or nonfeasance in office” [Ohio Revised Code § 124.34]. In other words, employees in the classified service who have successfully completed their probationary period may only be disciplined for just cause.
- B. Ohio civil service law incorporates the principle of progressive discipline, which provides that disciplinary penalties are proportionate to the offense and takes into account prior discipline that may not have effectively corrected performance deficiencies. Progressive discipline is not a rigid ladder of steps and penalties, and progression through the range of disciplinary penalties will vary depending on a number of factors, including but not limited to the nature and severity of the offense; whether the offense is intentional or negligent; the impact of the offense on coworkers, members of the public, or delivery of services; the employee’s prior disciplinary record; whether or not the employee knew or should have known of the performance expectation yet failed to meet it; whether or not the discipline is inconsistent with that imposed on other employees under similar circumstances; and other aggravating or mitigating circumstances. Discipline may include verbal or written warnings, suspensions without pay, suspensions involving deletion of accrued vacation or working suspensions (for overtime-exempt employees only, because of restrictions under the Fair Labor Standards Act), demotions or other reductions in pay or position, and discharge from employment.
- C. Unclassified employees serve at the pleasure of the Butler County Engineer, and may be removed at any time, with or without cause. Accordingly, the disciplinary procedures of this Personnel Policy Manual do not apply to unclassified employees.
- D. Employees exempt from overtime compensation under the Fair Labor Standards Act (FLSA) may not have their pay reduced within any work week for disciplinary reasons except for violations of major safety rules. Accordingly, any disciplinary suspension of an exempt employee for infractions other than violations of a major safety rule must be in increments of one (1) or more work week, to the extent required by the Fair Labor Standards Act.

In the case of overtime exempt employees, the employer may also impose a suspension of a number of days to be deducted from the employee's accrued vacation, or impose working suspensions that will be considered the equivalent of suspensions without pay for purpose of progressive discipline, because these alternative forms of discipline are consistent with the restrictions under the FLSA.

A handwritten signature in black ink, reading "Gregory J. Wilkens". The signature is written in a cursive style with a horizontal line underneath it.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
July 2003

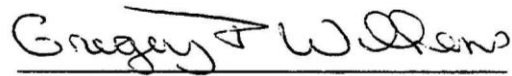
SECTION 8.2

PRE-DISCIPLINARY CONFERENCE PROCEDURES

- A. As provided in the decision of the United States Supreme Court in *Cleveland Board of Education v. Loudermill*, a classified employee who has completed his or her probationary period and who, thus, has tenure rights in employment, must be afforded an opportunity for an informal hearing before any discipline involving a loss of pay or employment, i.e., a suspension, demotion or reduction, or discharge. At this pre-disciplinary conference, the employee is entitled to:
 - 1. Notice of the charges against him or her.
 - 2. An explanation of the evidence supporting the charges.
 - 3. An opportunity to respond before the decision is made.
- B. An unclassified employee or employee service in a probationary period is not entitled to a pre-disciplinary conference before adverse disciplinary action is taken. Pre-disciplinary conferences will not be held prior to a layoff of an employee or the termination of employment for a temporary, seasonal, or casual employee, or a student intern.
- C. Prior to the pre-disciplinary hearing, the Butler County Engineer will send a written notice to the employee informing him or her of the opportunity for the conference. The notice may also contain a written summary of the charges to be considered at the hearing. The written notice will be given to the employee at least 72 hours in advance of the hearing. The pre-disciplinary conference is for the employee's benefit, to allow the employee to supplement the investigatory records with his or her response to the allegations before a decision is made on any disciplinary action. Accordingly, the employee may waive the pre-disciplinary conference if he or she chooses, in which case he or she should deliver written notice of the waiver to the Butler County Engineer in advance of the hearing. Failure of the employee or his or her representative to appear at the appointed time of the hearing will be deemed a waiver of the pre-disciplinary conference, and the Butler County Engineer will proceed to a decision based on the other information available.
- D. The pre-disciplinary conference may be conducted by the Butler County Engineer or any designee, such as a department head or deputy. There is no requirement that the conference be conducted by an administrator outside the department in question, although the hearing should not be conducted by a person who is either a key witness to the events in question or who conducted the investigation of the allegations. Any objection to the designation of a pre-disciplinary hearing officer must be made prior to the time set for the hearing. The final decision as to who will conduct the pre-disciplinary conference lies exclusively with the Butler County Engineer.
- E. The employee may choose to be represented by counsel at the pre-disciplinary conference, provided that he or she has so notified the employer at least twenty-four (24) hours prior to the scheduled time for the conference. Any requests for continuance to obtain an attorney may be granted or denied in the sole discretion of the hearing officer. If the employee and his or her counsel are not prepared to proceed at the appointed time

for the pre-disciplinary conference, this may be deemed a waiver of the hearing. Counsel for the employee in such conferences should be reminded that these proceedings are not full evidentiary hearings with witnesses and cross-examination, but a minimal, pre-decision opportunity to respond before final action is taken. The full evidentiary hearing occurs at the later state of appeal to the State Personnel Board of Review (SPBR), (or State Employment Review Board (SERB), if a member of a bargaining unit) if the employee so elects.

- F. Following the pre-disciplinary conference, the hearing officer will submit his or her report and recommendation to the Butler County Engineer, who has sole authority to make a final decision. The Butler County Engineer is not bound by the conclusions or recommendations of the hearing officer, and may adopt, reject, or modify this report or its recommendations. The Butler County Engineer will issue the final decision to the employee in writing.

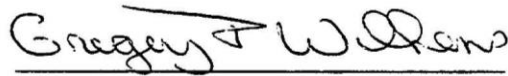
A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
Revised April 2017

SECTION 8.3

APPEALS TO THE STATE PERSONNEL BOARD OF REVIEW OR STATE EMPLOYMENT RELATIONS BOARD

- A. As provided in Section 124.34 of the Revised Code, in the case of a reduction (demotion), suspension of more than three (3) working days, or removal of a classified employee who has completed the probationary period, the Butler County Engineer must serve the employee with a copy of the order of reduction, or removal stating the reasons for the action taken.
- B. Within ten (10) calendar days following the service of the order upon the employee by hand-delivery or by certified mail, the employee may appeal the action to the State Personnel Board of Review in Columbus, or State Employment Relations Board (SERB), if a member of a bargaining unit, using the procedures set forth on the order. Failure to meet these time requirements will void the right of appeal.
- C. The State Personnel Board of Review or SERB or one of their administrative law judges will conduct a full evidentiary hearing to review the action, and the Board may affirm, disaffirm, or modify the disciplinary action or penalty. In the case of removal or reductions in pay for disciplinary reasons, either the employee or the Butler County Engineer may appeal the decision of the State Personnel Board of Review to the Court of Common Pleas for the County in which the employee resides.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
Revised April 2017

SECTION 8.4

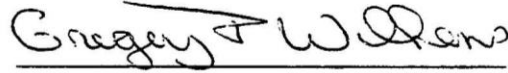
COMPLAINT PROCEDURE

- A. The Butler County Engineer recognizes that within any organization there will be occasional differences among its employees regarding interpretations of rules or other problems stemming from conditions of employment. In order to provide employees with an orderly process by which to seek resolution of such differences, the Butler County Engineer has established the following complaint procedure:

COMPLAINT PROCEDURE STEPS

1. Any employee having a complaint regarding an alleged breach of rights under civil service law or regulations, this Manual, or other policies or procedures of the Butler County Engineer must first discuss his or her complaint informally with the immediate supervisor. If the issue is not resolved in this informal discussion, the employee must reduce the complaint to writing and present to the immediate supervisor within seven (7) calendar days from the date on which the employee knew or should have known of the alleged violation. Within (7) calendar days from the date the complainant first submitted the complaint in writing, the supervisor will attempt to resolve the matter.
 2. If the complaint is not resolved in Step 1, the complainant may pursue the matter by presenting the written complaint to the department head within seven (7) calendar days of the reply received in Step 1. The department head may, if he or she deems it advisable, meet with those concerned and otherwise attempt to resolve the matter.
 3. If the complaint is not resolved in Step 2, the complainant may pursue the matter by presenting the written complaint to the Butler County Engineer within seven (7) calendar days of the reply received in Step 2. The Butler County Engineer or his designee shall meet with the complainant concerned and attempt to resolve the matter.
- B. Any time limit in this procedure may be extended by the mutual agreement of both parties in writing.
- C. Complaints not processed to the next step of the procedure within the specified time limits (including any written extension thereof), shall be considered to have been resolved on the basis of the decision at the previous step.
- D. Any complaint not answered within the prescribed time limit (or extension thereof) shall be considered to have been answered in the negative and may be advanced to the next step.

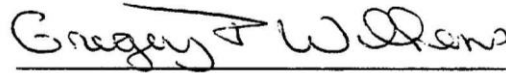
- E. Where the complaint is of a nature that it qualifies for appeal to the State Personnel Board of Review (SPBR), or the State Employment Relations Board (SERB) the complainant *must* follow the rules and provisions of the appropriate body and the Revised Code that pertains to such an appeal.

A handwritten signature in dark ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
July 2003

SECTION 9.1 **RESIGNATION**

- A. An employee who plans to voluntarily resign shall notify their immediate supervisor at least two weeks in advance of the effective date of termination.
- B. Any employee who resigns is encouraged to give their reasons for resigning and to discuss with their supervisor any working conditions which they feel are unsatisfactory.
- C. A written letter of resignation is required under civil service law and for purposes of processing the final payroll for the employee. A resignation becomes final and irrevocable once accepted in writing by the Butler County Engineer or his designee, with the statement that the Butler County Engineer's Office has commenced efforts to secure a replacement for the resigning employee.
- D. A person who resigns in good standing may be reinstated at the sole discretion of the Butler County Engineer, in their former classification within one year following resignation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the best interest of the Butler County Engineer's Office.

A handwritten signature in dark ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
July 2003

SECTION 9.2

RETIREMENT

- A. All County employees are required by law to participate in the Ohio Public Employees Retirement System (OPERS). This program is entirely independent of the federal Social Security System. The minimum age and service eligibility requirements for each retirement group under the traditional pension plan are outlined in the chart below. For specific retirement plan needs, please setup your user account at www.opers.org.

Retirement Eligibility

Under the Traditional Pension Plan, the minimum age and service eligibility requirements for each retirement group* are as follows:

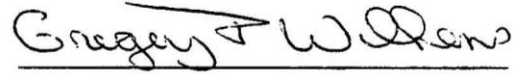
UNREDUCED	Group A		Group B		Group C	
	Age	Service	Age	Service	Age	Service
State/Local	Any	30	52	31	55	32
			Any	32		
	65	5	66	5	67	5
Law Enforcement	48	25	50	25	52	25
	62	15	64	15	64	15
Public Safety	52	25	54	25	56	25
	62	15	64	15	64	15
Law and Public Safety (public safety benefit)	52	25	54	25	56	25

REDUCED	Group A		Group B		Group C	
	Age	Service	Age	Service	Age	Service
State/Local	55	25	55	25	57	25
	60	5	60	5	62	5
Law Enforcement	52	15	52	15	56	15
	N/A	N/A	48	25	48	25
Public Safety	52	15	52	15	56	15
	48	25	48	25	52	25
Law and Public Safety (public safety benefit)	48	25	48	25	52	25

*To find your retirement group, please refer to your annual statement.

- B. An employee who desires to retire must submit in writing a request and specify an exact retirement date. The request must be submitted to the Butler County Engineer or his designee, and employees are encouraged to give as much advance notice of retirement as possible. The employee must also complete the necessary OPERS retirement application forms, which may be obtained from OPERS, the Payroll Section of the Auditor's Office, or online at www.opers.org.
- C. The requirements and procedures governing the retirement of County employees are set forth in Chapter 145 of the Revised Code and the rules and regulations of OPERS. OPERS is the sole and final authority on all matters regarding retirement eligibility and benefits, and employees are encouraged to contact OPERS directly, with questions or concerns about benefit levels, service credit, or eligibility issues.

- D. Brochures outlining OPERS benefits and specific issues such as service credit, survivor's benefits, disability retirement, and refund of contributions are available in the Human Resource Department and/or at www.opers.org.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
Revised April 2017

SECTION 9.3 **LAYOFF AND RECALL**

A. GENERAL POLICY

If it becomes necessary to reduce staffing levels, the Butler County Engineer shall lay off classified employees by using a system which systematically considers length of service in order to determine the order of layoff. Layoffs shall only occur when one of the following reasons can be demonstrated:

1. Lack of work.
2. Lack of funds.
3. Abolishment of positions for reasons of economy or efficiency.

B. ORDER OF LAYOFF

1. The Butler County Engineer shall lay off employees in the following appointment types before full-time permanent employees in the affected classification(s):
 - i. Seasonal employees
 - ii. Part-time permanent employees
 - iii. Full-time probationary employees
2. The Butler County Engineer shall prepare layoff lists separating employees into the above appointment types and listing employees in descending order of seniority, the most recent hire date shall determine the employee to be laid off. If hire dates are the same, the Butler County Engineer shall decide the order of layoff.

C. NOTIFICATION OF LAYOFF OR DISPLACEMENT

1. The Butler County Engineer shall send employees who are to be laid off a written notice of the layoff or displacement by another employee at least seventeen (17) calendar days prior to the layoff or displacement by another employee. The written notice shall include the effective date of layoff, the employee's seniority, and information as to displacement rights and how to exercise those rights, the reason for the layoff, appeal rights, and the right to obtain a copy of ODAS layoff regulations.
2. Employees must notify the Butler County Engineer in writing of their intention to exercise their displacement rights within five (5) calendar days, or a right to displace is waived.

D. PAY RATE FOLLOWING DISPLACEMENT

Whenever an employee displaces to a lower classification as a result of layoff or job abolishment, the Butler County Engineer shall endeavor not to reduce the employee's pay to the extent possible within the pay ranges assigned to the classification series. Following displacement, employees pay rates shall be set as specified below:

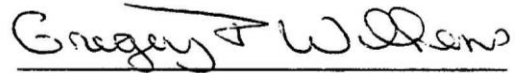
1. If encompassed within the lower pay range, the employee's new pay rate shall be set at the same or closest pay level, but not higher than the former pay rate.
2. If the employee's prior pay rate exceeds the pay range of the lower classification, the new pay rate will be set at the top level of the lower pay range.

E. APPEALS

Employees may appeal layoffs or job abolishment to the State Personnel Board of Review or State Employment Relations Board within ten (10) days of the receipt of the notice. Such appeal must be in writing, and include reasons as to why the layoff or displacement was improper.

F. REINSTATEMENT RIGHTS

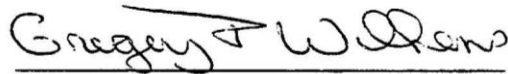
The Butler County Engineer must establish a recall list, and employees shall be eligible for reinstatement for two (2) years following layoff. Employees shall be offered positions that become available at their classification level and lower classification levels within the same classification series, in order of their seniority. The recall list shall be prepared for all laid off or displaced employees, and shall be in the inverse order of layoff by classification (e.g., the employee with the most seniority in a classification shall be first on the recall list). An employee may only be recalled to a position if the employee is qualified to perform the duties of that position at the time of the recall.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
Jul 2003

SECTION 10.1 PERSONNEL FILES

- A. The Butler County Engineer shall maintain official personnel files on all employees of the department. Such files shall include, but may not be limited to individual employment data; payroll information; work time schedules; records of additions or deletions paid; demotion, transfer, layoff, termination, or other personnel actions; and records of leave usage. Under the current state of Ohio public records law, the County cannot assure confidentiality of these records, which are considered “public records” with few exceptions.
- B. The Butler County Engineer must keep all medical information, such as records of medical examinations, physician’s statements, or other information regarding medical records that do not constitute public records and may not be disclosed except as otherwise provided by law.
- C. Form I-9 completed by the employee at the time of hire must be maintained separately from the personnel file.
- D. An employee shall have a right of reasonable inspection of their official personnel file.
- E. Employees must advise the Butler County Engineer of any change in name, address, telephone number, marital status, number of exemptions claimed for tax purposes, legal authorization to work in the United States, or military status.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
July 2003

SECTION 10.2

BULLETIN BOARD AND POSTING OF SIGNS ON COUNTY PREMISES

A. The following Bulletin Board posting policy and procedure shall apply.

1. **OFFICIAL BULLETIN BOARDS**

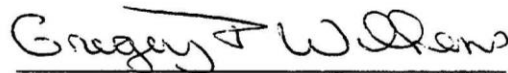
All County notices, notices required under State or Federal law, and required legal notices shall be posted by the Butler County Engineer on the official bulletin boards. Information not directly related to the conduct of County business and prior approved by the Butler County Engineer shall not be posted on official bulletin boards.

2. **COMMUNITY BULLETIN BOARDS**

Any community bulletin boards with information to be posted may not contain:

- i. Personal attacks upon any employee, public official or other individual.
- ii. Attacks upon any employee, public official, or government unit/agency.
- iii. Comments regarding a candidate for public office.
- iv. Partisan political information or views.
- v. Commercial information intended to encourage the sale or purchase of goods or services.
- vi. Information which would have the potential effect of creating a hostile or abusive environment upon a reasonable person based on race, color, religion, sex, national origin, age, disability, or other personal characteristic.
- vii. Inappropriate material will be removed from the bulletin board.

Information posted on community bulletin boards will be removed seven (7) calendar days after the date of posting.

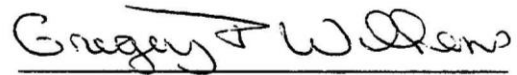


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
July 2003

SECTION 10.3

EMPLOYMENT-RELATED REFERENCE CHECKS

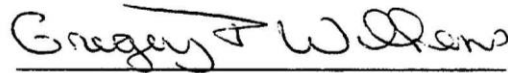
- A. All requests for a reference for a current or former employee, whether in writing or by telephone, must be referred to the Human Resource Department. No other employee shall respond to any request for a reference or other information regarding the work performance of a current or former employee without express, prior authorization for the Butler County Engineer.
- B. No reference shall be given for a current employee or former employee unless the person who is the subject of the reference requests, executes the following release or its substantial equivalent:
- I hereby authorize the Butler County Engineer, his employees, and agents, or any other person, to provide [Name of employer requesting reference] and any other person or entity any and all information and opinions about me, and I release the Butler County Engineer, his employees, agents and all other persons and entities from any legal liability whatsoever for furnishing such information or opinions.
- C. Candidates for employment with Butler County for whom the County is checking references should be asked to sign the following release;
- I authorize any person, school, current or past employer, and any other person or entity to provide the Butler County Engineer with any and all information and opinions about me, and I release all such persons and entities from any legal liability whatsoever for furnishing such information or opinions.
- D. In order to avoid unnecessary risks of liability, all questions regarding the scope of any release or response to a reference request should be reviewed with the Personnel Director and Labor Counsel prior to responding.
- E. This provision does not apply to requests for personal references not relating to employment with the Butler County Engineer, but such requests must be directed to and responded to at the employee's home address and telephone number.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer
July 2003

SECTION 11.1 GARNISHMENTS

A garnishment is a court-ordered legal claim against the wages of a county employee by a creditor for nonpayment of a debt, and served by order of a court or other legal authority. The County Auditor and the Butler County Engineer must obey and comply with any such order. Garnishments may cause considerable disruption and additional work to employees of the Payroll Section of the Auditor's Office. Repeated garnishment on the wages of an employee may result in disciplinary action. It is the responsibility of each employee to conduct their financial affairs so as not to involve the County in personal disputes with the employee's creditors or collection of the employee's debts.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

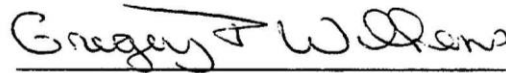
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

July 2003

SECTION 11.2 **DRESS**

The Butler County Engineer has found that nearly all employees use good judgment in wearing clothing appropriate to a business environment and has not found it necessary to prescribe a formal dress code.

1. The Butler County Engineer reserves the right, however, to prescribe appropriate dress and grooming standards for employees in the best interests of the County.
2. The Butler County Engineer requires that an employee's clothing and overall appearance be appropriate for an office, business environment, in good taste, and present a favorable public image. Employees performing maintenance repair or construction functions are required to wear shirts and long pants for health safety purposes. Employees working in a field environment may wear less formal attire, with the approval of the Butler County Engineer.
3. Clothing shall be conducive to the safe, effective, and business-like performance of required job duties.
4. If uniforms are supplied, they are expected to be worn daily.

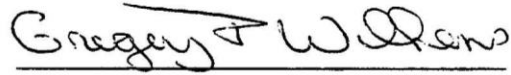
A handwritten signature in black ink, reading "Gregory J. Wilkens". The signature is written in a cursive style with a horizontal line underneath.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

July 2003

SECTION 11.3 **SMOKING POLICY**

- A. Smoking is banned indoors in the Butler County Engineer's facility and vehicles. Any exception must be specifically approved by the Butler County Engineer and posted accordingly.
- B. Employee breaks for purposes of smoking are governed under provisions of Section 7.4 (Break Periods), provided that smokers are entitled only to the same consideration for breaks as nonsmokers.

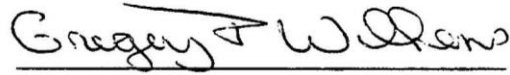
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Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

July 2003

SECTION 11.3 **TOBACCO USE**

- A. Smoking, vaping and/or use of tobacco in any form is prohibited indoors in the Butler County Engineer's facility and vehicles. Any exception must be specifically approved by the Butler County Engineer and posted accordingly.
- B. Employee breaks for purposes of smoking and/or vaping or other tobacco use are governed under provisions of Section 7.4 (Break Periods), provided that tobacco users are entitled only to the same consideration for breaks as non tobacco users.

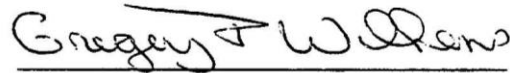
A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

July 2003
January 2024

SECTION 11.4 **SAVE AND EXCEPT CLAUSE**

If any article or section of this Policy Manual or any amendments thereto shall be held invalid by operation of law or by a court or agency of competent jurisdiction, or compliance with or enforcement of any article or section of this Policy Manual and amendments thereto shall not be affected and shall remain in full force and effect.

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

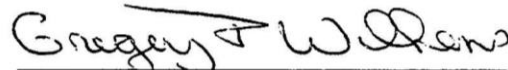
July 2003

SECTION 11.5

CASH REGISTER & CHANGE

In Order to improve service to the public, the Butler County Engineer's Office will keep cash on hand. This will allow change to be given when documents, plans, bid packets and other items are purchased by the public.

- a. The amount of change kept on site will be determined by the Butler County Engineer.
- b. Users will be designated by the Butler County Engineer. Each user will be assigned an identification number (ID) and pass code which will be required to operate the cash register.
- c. The cash register will be locked at all times.
- d. Keys
 1. Programmer keys will be kept by the Accounting Manager or designee and the IT Manager or designee.
 2. Operator keys will be kept by the Administrative Secretary and the Receptionist.
 3. Lock box keys will be kept by the Administrative Secretary and the Receptionist.
 4. Keys may only be used by the assigned personnel along with their personal ID and pass code.
- e. Reports will be determined by the appropriate manager as needed.
- f. Cash collected each day will be deposited in the appropriate BCEO account as required by the Butler County Auditor's Office.
- g. A daily audit of the cash on hand will be performed by the Accounting Manager or designee and results recorded on register ledger.
- h. At year end, a reporting of the cash in change fund will be included in the Cash On Hand GAAP Conversion Report.



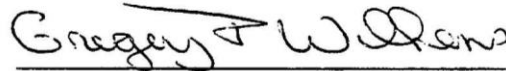
Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

March 2005

SECTION 12.1

SAFETY-SENSITIVE EMPLOYEES RESPONSIBILITY

- A. It is the employee's responsibility to maintain a valid Ohio driver's license with the required commercial driver's license and endorsement.
- B. It is the responsibility of the employees to notify the employer or supervisor of any suspension or out of service order per 49CFR Part 40 and 382, or any disqualification or conviction pursuant to Section 4506.16 of the Ohio Revised Code or any BMV license suspension.
- C. It is the responsibility of the employee to refrain from taking any legally prescribed medication, therapeutic drug or any non-prescription drug which carries a warning label indicating that the employee's mental functioning, motor skills, or judgment may be adversely affected by the use of this medication when the employee is scheduled for safety-sensitive work activities or subject to on-call status.
- D. Any employee who fails to comply with Sections A – C of this section will be immediately removed from any safety-sensitive duties and will be subject to disciplinary action up to and including discharge.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

October 2006

SECTION 12.2

DRUG AND ALCOHOL TESTING POLICY FOR SAFETY-SENSITIVE EMPLOYEES

a. PURPOSE.

To comply with the United States Department of Transportation (DOT) and the Federal Highway Administration (FHWA) issued federal regulation (49 CFR Parts 40 and 382) which requires alcohol and drug testing of drivers who are required to have a commercial drivers' license (CDL). These Regulations include detailed procedures for urine drug testing and breath alcohol testing of employees in safety-sensitive positions. Employees should also refer to the "Drug Free Workplace Policy" (Section 7.5.1) and "Drug And Alcohol Use and Testing" (Section 7.5.3) which addresses the strict enforcement of the ban on workplace usage of drugs and alcohol.

b. COVERAGE.

1. The Butler County Engineer and the US Department of Transportation (DOT) strictly prohibit the use of alcohol and/or controlled substances by its drivers (employees and volunteers) who are performing, ready to perform, or ceasing to perform the following safety-sensitive job functions:
 - a. Operation of a commercial motor vehicle; and
 - b. Repair and maintenance of a commercial motor vehicle, where operation of such a vehicle is required as part of the work.
2. Federal requirements and restrictions.
 - a. Federal law prohibits any alcohol use that could affect the performance of driving a commercial motor vehicle. This includes.
 1. Use on the job;
 2. Use during the four (4) hour period before driving a commercial motor vehicle;
 3. Having prohibited concentrations of alcohol in the system while driving a commercial motor vehicle;
 4. Use during the eight (8) hour period following an accident; and
 5. Refusal to take a required test.
 - b. Federal law prohibits the use of any controlled substance without a licensed physician's written prescription, and provides restrictions on the use of prescribed controlled substances which could impair driver safety.
 - c. Federal law requires employers to implement certain drug and alcohol testing procedures in accordance with the requirements of 49 C.F.R. Part 382. The law mandates that drivers of commercial motor vehicles be subject to pre-employment testing, reasonable suspicion testing, random testing, post-accident testing, return to duty testing, and follow-up testing.
 - d. The testing procedures utilize an evidential breath device for alcohol testing and urine specimen collection for controlled substance testing. The testing procedures shall be implemented in accordance with the federal requirements contained in 49 C.F.R. Part 40. Every effort will be made to protect the driver and the integrity of the testing processes, to safeguard the validity of the test results, and to insure that the results are attributed to the correct driver. Alcohol testing will be performed using breath testing devices approved by the National Highway Traffic Safety Administration (NHTSA) and operated by certified Breath Alcohol Technicians (BAT). Controlled substance testing will be conducted by a Department of Health and Human Services (DHHS) certified testing laboratory.

- e. Before performing an alcohol or controlled substances test under this Policy, the County will notify a driver that the alcohol or controlled substances test is required under the policy and federal law.
- f. Any questions regarding the language, implementation, or consequences of this policy shall be brought to the attention of the personnel coordinator designated in each office or department.

c. DEFINITIONS.

For purposes of this policy, the following definitions shall apply:

- 1. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to federal, state, or local laws or regulations.
- 2. The term *controlled substance* includes any illegal drug and any lawful drug that is being used in an illegal manner, such as a prescription drug that was not legally obtained or is not used for its intended purposes or in its prescribed quantity. The term does not include any legally obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
- 3. The term *controlled substances abuse* includes excessive or improper use of alcohol, use of illegal drugs, and the improper use of prescribed drugs, other than for prescribed purposes, in a prescribed manner, and in the prescribed quantity.
- 4. The term *safety-sensitive functions* include all tasks association with the operation and maintenance of County commercial vehicles.
- 5. The term *CDL holder* means all employees who may drive vehicles which require a CDL for operation.
- 6. The term *while on duty* means all time from the time the CDL holder begins to work or is required to be in readiness for work until the time he or she is relieved from work and all responsibility for performing work.
- 7. The term *driver* means a person who operates or maintains a vehicle requiring a CDL to operate, and who performs safety-sensitive functions with respect to such a vehicle.

d. PROHIBITED CONDUCT

County policy and federal regulations prohibit employees from engaging in any of the following acts:

- 1. Using, processing, dispensing, distributing, or receiving alcohol, intoxicants, illegal drugs or other controlled substances on County premises, or while on duty or otherwise engaged in County business.
- 2. Reporting to work under the influence or with any measurable amount of illegal drugs or other controlled substances in the employee's system; or while having an alcohol blood concentration of 0.02 or greater.
- 3. Reporting to work under the influence of a prescription drug, unless the employee's physician determines that that use of the prescription drug will not adversely affect the employee's ability to perform a safety-sensitive position. Employees should note that the federal regulations include prescription medications containing alcohol in the list of substances banned from use in the workplace. Employees should, therefore, not report for duty while taking prescription medication if such medication contains any measurable amount of alcohol.
- 4. Consuming any amount of alcohol, intoxicants, illegal drugs, or other controlled substances while on duty or within four (4) hours of reporting for duty.
- 5. The illegal use of controlled substances at any time, whether on or off-duty.

6. Refusing to undergo or cooperate in any alcohol or drug testing required by this Policy, including failure to report for testing as directed.
7. Use of alcohol for eight (8) hours following an accident requiring a post-accident alcohol test under this Policy, or until the employee undergoes the post-accident alcohol test, whichever occurs first.

e. PROHIBITED ALCOHOL USE.

Safety-sensitive employees may not consume alcohol:

1. Within four (4) hours performing a safety-sensitive function or otherwise reporting for duty.
2. While performing a safety-sensitive function or otherwise on duty;
3. After a fatal accident involving a commercial motor vehicle unless the employee has been tested or eight (8) hours have elapsed from the actual time of the accident; or
4. After a non-fatal accident involving a commercial motor vehicle unless the employee's involvement can be completely discounted as a contributing factor to the accident, the employee has been tested, or eight (8) hours have elapsed from the actual time of the accident.

f. PROHIBITED USE OF CONTROLLED SUBSTANCES.

The unauthorized use of any controlled substance is strictly prohibited in all situations, whether on or off-duty. This includes Marijuana used with a prescription (See Section 7.5.1).

g. REQUIRED TESTS.

Refusal to take a required test will result in removal of that employee from his or her assignment(s) which, in turn, may result in discipline up to and including discharge. Testing must be conducted in the following situations:

1. Pre-employment. Prior to the first time a driver performs safety sensitive functions for the employer, the driver must undergo testing for controlled substances. This requirement pertains to all new hires and existing employees transferred to a commercial driver's position. The County will not hire, promote, or approve a transfer an applicant who fails the drug test for that position.
2. Post-Accident Testing. As soon as practicable after an accident involving a commercial motor vehicle, a driver may be tested for alcohol or controlled substances. Testing is required in any accident that involves the loss of human life or where the driver receives a citation under state or local law for a moving traffic violation arising from the accident, or has otherwise been determined to have been responsible, in whole or in part, for the accident. A CDL holder who is subject to post-accident testing shall remain readily available for such testing or shall be deemed by the County to have refused to submit to testing. The required testing shall not delay necessary medical attention for injured persons following an accident or prohibit a CDL holder from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
3. Random Testing.
At a minimum, 25% of the average number of drivers of commercial motor vehicles in each County office or department will undergo annual alcohol testing. The minimum annual percentage rate for random controlled substance testing is 50% of the average number of drivers of commercial motor vehicles in the County office or department. The selection of CDL holders for random alcohol and controlled substances testing shall be made by a scientifically valid method provided by the County's drug-testing facility or as

otherwise announced. Under the selection process used, each CDL holder shall have an equal chance of being tested each time selections are made.

4. Reasonable Suspicion Testing.

- a. A supervisor or other management-level employee may order drivers to submit to testing based on a reasonable suspicion that the employee is using or is under the influence of alcohol or drugs. This determination will be based upon “specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.” Reasonable suspicion testing is authorized by the regulations during, just preceding, or after a period of the work day in which the driver is required to be drug or alcohol free.
- b. The required observation for reasonable suspicion testing will be made by any supervisor or management-level employee *who is trained* in accordance with the requirements of the Federal Regulations. “Reasonable suspicion” also includes receipt of information about an employee’s impaired behavior from alcohol or drug use where such information is from a reliable source that has been substantiated by a trained supervisor.
- c. Once the employee has been removed from the job, the supervisor should contact the Personnel Department and the personnel coordinator for the employee’s own office or department. If contact cannot be made at that time, the supervisor is to proceed through the next step of the procedure and make contact with the Personnel Department and the local personnel coordinator as soon thereafter as possible.
- d. The supervisor will then transport the employee to the collection site for drug and/or alcohol testing immediately, but no later than eight (8) hours after having observed the behavior. If the drug or alcohol test is conducted more than two (2) hours but less than eight (8) hours after the supervisor determines there is a reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances, the supervisor will complete a report explaining the reason for the delay in conducting the drug or alcohol test. The supervisor is to wait at the clinic with the employee until the breath test has been completed or the urine sample has been taken.
- e. Once the drug or alcohol testing has been completed and a positive confirmatory test result has been received (0.02 percent or above), the employee will be strongly encouraged not to drive his or her own vehicle home at that time, including a warning that the employee will be reported to local law enforcement authorities if he or she insists on attempting to drive a vehicle. The employee must make alternative transportation arrangements in order to leave the collection site or employment site, and the supervisor will assist in the process if needed, including arrange for transportation if needed to or from the testing site or to the employee’s home. If the employee insists on attempting to drive the vehicle, the supervisor should not attempt to physically restrain the employee. Instead, the supervisor will immediately notify the medical authorities and appropriate law enforcement agencies that a possible impaired person is driving a motor vehicle. Further, this refusal to comply with the supervisor’s directive not to drive under these circumstances may also constitute independent grounds for discipline up to and including discharge.

5. Return to Duty Testing. After a driver fails to pass an alcohol or controlled substance test, if the driver remains in employment, the driver will be required to undergo and pass another test before the driver is permitted to operate a commercial motor vehicle.

6. Follow-up Testing. Drivers who are reinstated after problems associated with alcohol or misuse and/or use of controlled substances shall be subject to unannounced follow-up

testing as directed by a substance abuse professional. Such testing will include a minimum of six (6) tests during the first twelve (12) months after the return to work.

h. CONSEQUENCES FOR VIOLATING ALCOHOL AND DRUG PROHIBITIONS.

1. Any driver who has engaged in conduct prohibited by this Policy shall be subject to appropriate disciplinary action, up to and including discharge. If the employee is not terminated, he or shall be advised by the County of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances, including the names, addresses and telephone numbers of substance abuse professionals (SAP) and counseling and treatment programs.
2. Alcohol. Following a determination that the employee has violated the alcohol prohibitions, including have a test result of 0.04 BAC or greater, the driver must be removed from, and cannot be returned to, a driving position until, at a minimum:
 - a. The employee undergoes and completes:
 1. An evaluation for addiction, dependence, or abuse of alcohol and/or controlled substances from a qualified substance abuse professional to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use;
 2. Where necessary, the employee completes an appropriate treatment program by a substance abuse professional for rehabilitation within ninety (90) days of the initial positive tests;
 - b. A substance abuse professional determines and signs a statement that the employee has successfully complied with any required rehabilitation and is fully able to return safely to driving duties.;
 - c. The employee undergoes a return-to-duty test administered by the County with the result of less than 0.02 BAC; and
 - d. The employee undergoes follow-up testing, administered by the County after the return to work as directed by the substance abuse professional (a minimum of six (6) tests in the first twelve (12) months following the return to work).
3. Drugs. Following a determination that an employee has misused controlled substances, as determined through testing, this policy requires that a driver be removed from operating a commercial motor vehicle until, at a minimum:
 - a. The employee undergoes and completes:
 1. Evaluation for addiction, dependence, or abuse of alcohol and/or controlled substances from a substance abuse professional to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use; and
 2. Where necessary, the employee completes an appropriate treatment program by a substance abuse professional for rehabilitation within ninety (90) calendar days of the initial positive test;
 - b. A substance abuse professional determines that the driver has successfully complied with any required rehabilitation, after which the substance abuse professional must sign a statement indicating the employee if fully able to return safely to driving duties and the employee must take, at his or her own expense, a return-to-duty test with a verified negative test result.
 - c. The employee undergoes, at his own expense, follow-up testing administered by the County after the return to work, as directed by the substance abuse professional (a

minimum of six (6) tests in the first twelve (12) months following the return to work).

- d. All drug tests are reviewed and interpreted by a physician (medical review officer or MRO) before they are reported to the employer. If the testing laboratory reports a positive result to the MRO, the MRO shall contact the driver, in person or by telephone, and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is legitimate medical use of the controlled substance, and that the employee remains able safely and lawfully to operate the vehicle in question, the drug test result shall be reported as negative to the employer.
- e. The County is not liable for the cost of any assessment, treatment or rehabilitation, return-to-duty testing, or follow-up testing under subsections **G.5. and 6** of this policy except for costs that are otherwise covered under the County's employee assistance program or health-insurance coverage.

- 4. Nothing in this Section shall be construed to limit the County's authority to discipline employees for violations of this Policy, or to require treatment and rehabilitation in addition to otherwise appropriate discipline.

i. **PRESCRIPTION DRUGS.**

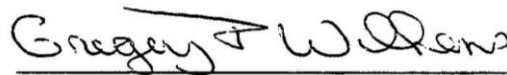
- 1. Before performing work-related, safety-sensitive duties, an employee must notify the supervisor if he or she is taking any legally prescribed medication, therapeutic drug, or any non-prescription drug which carries a warning label indicating that the employee's mental functioning, motor skills, or judgment may be adversely affected by the use of this medication. A written report of this notification is to be filed by the supervisor with the personnel coordinator responsible for drug and alcohol testing within the office or department. It is the responsibility of the employee to inform his or her physician of the type of safety-sensitive function that the employee performs in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of County equipment. As required by the Federal Regulations, however, any employee who tests positive for alcohol will be removed from his or her position, even though the reason for the positive alcohol test is the fact that the employee's prescription medication contains alcohol.
- 2. A legally prescribed drug is one for which the employee has a prescription or other written approval from a physician for the use of the drug in the course of medical treatment. The prescription must include the patient's name, the name of the substance, the quantity and the amount to be taken, and the period of time for which the use of the medication is authorized. The misuse or abuse of legal drugs while performing County business is prohibited. Any employee whose proper use of prescribed drugs affects his or her ability to perform the duties of the position in a safe and effective manner may be subject to reassignment, transfer, or temporary demotion or suspension, consistent with the requirements of applicable state and federal law.

j. **CONFIDENTIALITY OF RECORDS.**

- 1. The County respects the confidentiality and privacy rights of all of its employees. Accordingly, the results of any test administered under this Policy and the identity of any employee participating in the County's employee assistance program (EAP) or other assessment or treatment program will not be revealed by the County to anyone except as

required by law. An employee may direct the County to release the employee's records by an express written consent authorizing release to a specified person. In addition, the County will take reasonable steps to ensure that any laboratory or agency used to conduct testing under this Policy will maintain the confidentiality of employee test records. The laboratory or testing agency will, however, disclose information related to a positive drug or alcohol test of any individual as follows: the individual being tested; the County; the decision-maker in a court proceeding, administrative investigation or hearing, grievance or arbitration hearing, or other proceeding by or on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as otherwise required by law, including compliance with court orders or subpoenas.

2. The medical review officer (MRO) will not reveal individual test results to anyone except the County unless the MRO has been presented with a written authorization from the tested employee. The MRO may reveal to the County, without an authorization, relevant information as to whether the employee is qualified to perform safety-sensitive functions or whether the employee has tested positive for alcohol or a controlled substance. The County will not release the information on the employee's qualifications to perform safety-sensitive functions to a third party without first obtaining the tested employee's written authorization and consent, except to the decision-maker in a court proceeding, administrative investigation or hearing, grievance or arbitration hearing, or other proceeding by or on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as otherwise required by law, including compliance with court orders or subpoenas.
3. All records related to drug and alcohol tests of individual employees will be maintained in individual files separate from the employee's personnel file. These records will be stored in a locked cabinet and access will only be allowed to those County employees who have a legitimate need to review the records of a particular employee.

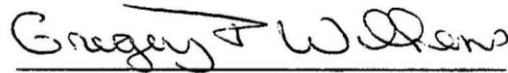


Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

Feb. 2005

SECTION 12.3 **WALL DECORATIONS**

- A. Wall hangings, decorative items, and displays in public areas – i.e., hallways, conference rooms, multi-purpose rooms, lobby and break room shall be the responsibility of the Engineer's Office. Any items purchased for these areas will be decided by and paid for by the Engineer's Office.
- B. Decorating of individual offices shall be the responsibility of the employees occupying those offices. Any cost associated with wall hangings and decorative items will be the responsibility of the individual; however, upon request, each office will be allotted one framed County map which will be supplied by the Engineer's Office. While individual expression is encouraged, all decorations and wall hangings shall be in good taste and non-offensive. Determination of any questionable materials shall be the responsibility of the department deputy.
- C. Guidelines for wall hangings are as follows:
 - 1. Any pictures, photos, posters, or certificates placed on a wall must be framed.
 - 2. Items which are not framed may be pinned on tack boards that will be supplied to each office by the Engineer's Office.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

August 2007

SECTION 12.4 **RECORDS**

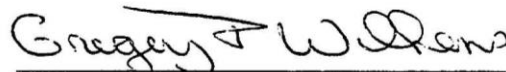
Upon request, the Engineer of Butler County, Ohio (“Engineer”) is required, by R.C. 149.43(B)(1), to make copies of public records available, at cost, within a reasonable period of time. R.C. 149.43(E)(1) further requires that the Engineer adopt a public records policy for responding to public records request; this document shall constitute such public records policy. To meet this duty, the following policies shall apply to each such response:

- A. The Engineer’s IT Manager is designated to be the records manager for the Engineer herein after referred to as IS Specialist.
- B. Pursuant to R.C. 149.43(E)(2), a copy of this policy shall be distributed to the Engineer’s IS Specialist, and the IS Specialist shall acknowledge, in writing, receipt of this policy.
- C. The Engineer’s IS Specialist shall create a poster which describes the Engineer’s policy for responding to public records requests and shall post the poster in a conspicuous place of the Engineer’s Office. A copy of the Engineer’s policy for responding to public records requests shall also be incorporated into any manual or handbook of its general policies and procedures which is made available to all employees of the Engineer.
- D. All requests to inspect, and/or receive copies of the Engineer’s public records shall be referred to the Engineer’s IS Specialist, or in the event of their unavailability, to the Engineer’s Administrative Deputy.
- E. A response to a request for inspection or copies of public records shall be provided within a reasonable time.
- F. The Engineer is only required to provide copies of records that it actually maintains. The Engineer is not required to produce special reports, or data compilations, in a form that is not regularly maintained by the Engineer. However, if requested information may be extracted from a database, or other records storage systems, through the use of an available, or readily structured query, it must be produced in the format requested.
- G. If the IS Specialist, upon receiving the request is unclear as to the scope of the request, he may ask the requester to further explain what type of information the requester is seeking to assist the IS Specialist in determining what records would be responsive to the request. A requester’s decision to refuse to further explain the request shall not, in and of itself, be a reason to refuse to comply with the request.
- H. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the IS Specialist cannot reasonably identify what public records are being requested, the IS Specialist may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the Engineer and accessed in the ordinary course of the IS Specialist’s duties.
- I. Unless specifically required or authorized by state and federal law, the Engineer may NOT limit or make conditional the availability of public records by requiring disclosure of the requester’s identity or the intended use of the requested public record.

1. The IS Specialist may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the IS Specialist to identify, locate, or deliver the public records sought by the requester.
 2. The IS Specialist should ask the requester to provide a mailing address, or an email address, only if the requester desires that copies of records be delivered by mail or by electronic transmission.
 3. If the requester declines to make a written request, the IS Specialist, or an employee receiving the oral request shall create a written record of his understanding of the scope of the request; such record should, at a minimum, describe the record(s) requested and the time period covered by the request. A copy of the written record of the IS Specialist's understanding of the request should be immediately provided to the requester.
- J. Some records kept by the Engineer's Office may be outside of the statutory definition of public records. Examples include:
1. Social security numbers, tax identification numbers, address, dates of birth or other personal information, contained in records relating to Engineer employees, contractors, vendors or customers.
 2. Personal financial information (such as credit card, and bank account information) contained in records relating to the Engineer employees, contractors, vendors or customers.
 3. Personally identifiable health information contained in records relating to Engineer employees.
 4. Material contained in case files which may be within the definition of a trial preparation record.
 5. Records containing information relating to security procedures for the Engineer's facilities.
 6. Records protected by attorney-client privilege.
 - i. Prior to releasing any information from case files, the Administrative Deputy shall consult with the Prosecutor who is responsible for the case to determine the status of the case, and shall consult with the Chief of the Civil Division to determine whether information contained in the case file is within a record that is, itself, a public record. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the Engineer is required to make available all of the information within the public record that is not exempt. When making

that public record available for public inspection or copying that public record, the IS Specialist shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy other redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

- K. In the event the IS Specialist upon receiving a public records request is unsure whether information should be made available to the requester, the IS Specialist should request that the Administrative Deputy review the request; however, the review process should not usually delay the response to the request by more than three (3) business days. If a request is ultimately denied, in part or in whole, the IS Specialist shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing.
- L. The person making a public records request has the right to choose to have the public record duplicated upon paper, upon the same medium upon which the Engineer keeps it, or upon any other medium upon which the IS Specialist determines that the record reasonably can be duplicated as an integral part of the normal operations of the Engineer's Office. Although copies of most Engineer records can be provided on paper, copies of records maintained in an electronic format may also be provided on either a compact disc (CD), or as an email attachment; however, a requester should be cautioned that some of these records might not be readable in such electronic format without special software.
- M. Copies of public records shall be provided upon request at the Engineer's actual cost. For purposes of this policy, "actual cost" includes the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services. The time spent by the IS Specialist, or the Engineer's employees, in assembling the copies shall not be included in the cost of providing the copies.
 - 1. Copies provided on an electronic media will be provided at the Engineer media cost.



Gregory J. Wilkens, P.E., P.S.
Butler County Engineer

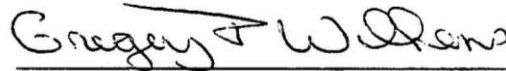
November 2009
Revised July 2019

SECTION 12.5

CONTACT WITH NEWS MEDIA/RESIDENTS

Any employee contacted by the news media or a citizen on a matter related to County operations should direct the caller to contact the County Engineer or his designated Public Information Officer (PIO). This policy is designed to avoid duplication, assure accuracy, and protect employees and the County from the dissemination of misstatements and misinformation.

This policy does not prohibit employees from making a public statement, in their off duty hours, on matters of public concern. However, this policy does prohibit employees from making unauthorized public statements during their working hours and from making public statements about matters of private concern that negatively impact the County

A handwritten signature in black ink, reading "Gregory J. Wilkens", written over a horizontal line.

Gregory J. Wilkens, P.E., P.S.
January 2013

