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**SECTION 1 INTRODUCTION**

**SECTION 1.01 General/Disclaimer**

This handbook outlines the policies, programs, and benefits available to eligible employees. It also describes many of your responsibilities as an employee and some of the expectations the Miami County Park District has of its employees. Also, while an appointed three-member Board of Park Commissioners serving the Park District are not employees, a few sections of this handbook govern the expectations of the Park Board’s appointed Commissioners.

The handbook, however, is not intended to be comprehensive, nor does it address all of the possible applications of, or exceptions to, the general policies and procedures described herein, or the application of federal, state or local law. No employee handbook can anticipate every circumstance or question about every one of our policies. Therefore, the Park District reserves the right to add new policies and to change or cancel existing policies at any time, with or without notice to employees. Formal documents concerning employee benefits, such as insurance policies, are not addressed herein and those documents speak for themselves and must be separately referenced in order to address questions arising under them.

The policies set forth in this handbook supersede all previous written and unwritten policies for employees of the Park District. If any statement contained in this handbook conflicts with any applicable law, statute, or collective bargaining agreement, the handbook is to be read and applied in furtherance of the law, statute or agreement to eliminate such conflict.

This handbook is not a contract. It does not confer any contractual right, either express or implied, to remain in the Park District’s employ for any specified period of time, nor does it guarantee any fixed terms and conditions of your employment. No supervisor or department head has authority to enter into an agreement with an employee that is contrary to this handbook. Only the appointing authority may consent to an employee-supervisor agreement to facilitate employment requirements, training and/or discipline.

The handbook will answer many questions you may have about your employment with the Park District. It is important that you become familiar with the handbook and refer to it throughout your employment. If you have any questions regarding the material in this handbook, or specific questions concerning your eligibility for a particular benefit or the applicability of a particular policy to you, please contact the Executive Director, and in the absence of the Executive Director, the Deputy Director.

We hope that your experience here will be challenging, enjoyable, and rewarding.

\*\* Law Enforcement employees must also follow the Park District’s Law Enforcement Manual and discrepancies should be clarified with a supervisor or the Executive Director.

**SECTION 1.02 Objective, Structure and Mission**

1. In 1967, the Miami County Probate Court created the Miami County Park District, a separate Ohio political subdivision, under Chapter 1545 of the Ohio Revised Code. Since then, the Park District has acquired and protected lands having outstanding natural features, for the current and future enjoyment of the citizens of Miami County. The Park District’s primary obligation is to protect open spaces and manage these open spaces so that people can make wise use of them without disturbing their unique beauty. By offering “passive use” alternative opportunities to the public, the Park District plays a special role in fulfilling the open space recreation needs of the citizens of Miami County.
2. A three member Board of Park Commissioners appointed by the Probate Court Judge of Miami County, governs the Park District. Each member serves without pay for a three-year term. Each Commissioner is appointed on a staggered yearly rotation to insure consistency on the Board. Regular Park Board meetings are held monthly, are open to the public, and are advertised through the media. The Park District Board establishes all policies, rules, hiring and terminations, development projects, land acquisitions and expenditures.
3. The principal source of funding for the operation of the Park District comes from a property tax levy approved by the voters of Miami County. Secondary sources of revenue derive from grant, investment, donation, local government, fine and rental funds. Providing Miami County residents with superior services at the most reasonable cost, and to comply with all federal, state and local mandates, is essential to sustain the health and viability of the Park District. In doing so, the Park District must weigh and balance its obligations to protect the health, safety and welfare of its employees, residents, and environment, while maintaining fiscal responsibility as required by Ohio law.
4. To carry out its mission, the Park District intends to recruit and retain competent, dependable personnel because such employees are indispensable to effective Park District government.

1. Employees’ adherence to the handbook policies is designed to:
   1. Promote high morale and foster good working relationships among employees by providing uniform personnel policies, equal opportunities for advancement, and consideration of employee needs;
   2. Encourage employees to give their best efforts to the Park District and the public it serves;
   3. Encourage courteous and dependable service to the public;
   4. Provide equal opportunity for qualified persons to enter and progress in their employment based on merit and fitness;
   5. Ensure all Park District operations are conducted in an ethical and legal manner to promote the Park District’s reputation as an efficient, progressive body in the community and the state; and
   6. Establish acceptable minimum standards of performance.
2. Organization of the Park District appears as Appendix 1.

**SECTION 1.03 Implementation and Dissemination**

All employees shall be notified of the existence of this handbook and will be provided a copy of it. Each department shall keep a copy available for review by employees. Each employee will also be emailed a copy of the handbook so that they can maintain an electronically stored copy.

Within 30 days of this handbook’s enactment, each employee shall sign a **Handbook Acknowledgment Form, Appendix 2,** after reading the manual,and each will be stored in the respective employee’s personnel file.

Within 60 days of this handbook’s enactment, the Park District shall conduct a mandatory training meeting for all employees to train on this handbook and other employment related matters.

Each year thereafter, the Park District shall conduct a mandatory training meeting for all employees to train on this handbook and other employment related matters. Following all such training meetings, each employee shall sign an **Employee Attendance Training Meeting Form, Appendix 3.**

Each new employee, within 30 days of his/her first day of employment with the Park District, shall sign a **Handbook Acknowledgment Form, Appendix 2,** after reading the manual,and each will be stored in the respective employee’s personnel file.

**SECTION 1.04** **Amendments To Handbook Policies, Procedures And Dissemination**

Amendments to this handbook (i.e. new policies, changes to or cancelation of existing policies at any time, with or without notice to employees) may only be affected by Park District Board of Commissioners through a lawfully passed ordinance.

Amendments to procedures and non-substantive other changes may only be affected by the Executive Director.

The Executive Director shall review all Ordinances passed by Park District Board of Commissioners to determine if it amends this Handbook. When any amendment is made to this Handbook, the Executive Director shall cause all affected sections to be entirely rewritten and the original adoption date and revision date (as applicable) should be stated at the bottom of the new sections.

When an amendment to this Handbook is made, the Executive Coordinator shall immediately complete the following steps and the **Handbook Amendment Form, Appendix 4**:

1. Place the original amendments in the master maintained and possessed by the Executive Director in his/her office;
2. Place copies of the amendments in the copies maintained and possessed by each department; and
3. Send a group email detailing the amendments with a complete, undated Handbook attached in pdf format to all employees, as well as instructing employees to read the amendments.

**SECTION 1.05 Severability**

If any section of this handbook is invalidated by operation of law or court order of competent jurisdiction, the affected section or sections shall be severed from the Handbook, leaving all other sections unaffected. The Executive Director shall comply with Section 1.04, including the Executive Director’s immediate completion of the **Handbook Amendment Form, Appendix 4.**

**SECTION 2 EQUAL OPPORTUNITY & NONDISCRIMINATION**

**SECTION 2.01 Equal Employment Opportunity**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions will be based on merit, qualifications, and abilities. The Park District does not discriminate in employment opportunities or practices on the basis of race, color, creed, religion, sex, national origin, ancestry, citizenship, age, marital status, disability, veteran or military status, or any other characteristic protected by law. The Park District will also make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. The Park District will abide by all federal, state, and local laws.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Park District employees shall not discriminate against any other employee or anyone requiring services from the Park District because of that individual’s race, color, creed, religion, sex, national origin, ancestry, citizenship, age, marital status, disability, veteran or military status or any other characteristic protected by law.

Posters shall be displayed in locations throughout the Park District offices in such a manner as to be easily readable from a wheelchair.

It is the policy of the Park District to provide courteous and efficient service. In that regard, the Park District shall make every reasonable effort to accommodate persons with disabilities, as well as those persons with language and literacy barriers.

Any employee with questions or concerns about any type of discrimination in the workplace is strongly encouraged to immediately bring such questions or concerns to the attention of the Executive Director or if for some reason the employee feels he/she cannot address the Executive Director then to the attention of the Deputy Director. Employees can ask questions, raise concerns, and make reports without fear of reprisal. Employees with questions or concerns are directed to carefully review the Complaint Policy & Procedures in this Handbook should action be required under that section. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

While the Park District will investigate and address any unlawful conduct in the workplace, and requires employees to follow the procedures outlined in this Handbook, any employee can externally file a complaint with the Ohio Civil Rights Commission or the Equal Employment Opportunity Commission.

The Executive Director is the Park District’s EEO/ADA Coordinator. The EEO/ADA Coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts to prevent unlawful discrimination in the workplace. The EEO/ADA Coordinator shall maintain responsibility in regard to offering equal opportunity to each employee or job applicant and for attempting to resolve discrimination complaints not personally involving the Coordinator.

**SECTION 2.02 ADA Grievance Procedure**

The Park District has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states in part that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs or activities sponsored by a public entity."

Complaints should be addressed to the Executive Director who has been designated to coordinate ADA compliance efforts.

**Procedure:**

1. A complaint should be filed in writing or documented verbally, contain the name and address of the person filing it and briefly describe the alleged violation of the regulations.
2. A complaint must be filed within ten days after the complainant becomes aware of the alleged violation.
3. An investigation, if appropriate, will follow a filing of the complaint. The investigation will be conducted by the Executive Director or his/her designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the Executive Director and a copy forwarded to the complainant no later than ten days after its filing.
5. The ADA coordinator shall maintain the files and records of the Park District relating to the complaints filed in compliance with state and federal law.

**SECTION 2.03 Nondiscrimination**

The Park District prohibits any form of discriminatory or sexual harassment conduct from its employees, public officials, consultants, outside vendors, or the general public. It is the Park District’s policy to provide a working atmosphere free from offensive, hostile, or discriminatory conduct, intimidation, or other forms of harassment.

1. *Discriminatory Harassment*

Harassment based on race, religion, color, national origin, ancestry, age, sex, sexual preference, disability, or veteran’s status is unlawful and is a violation of the Park District’s policy. Harassment may be overt or subtle, but whatever form it takes – verbal, nonverbal or physical – harassment is insulting and demeaning to the recipient and observers and will not be tolerated in the workplace.

Examples of harassment include, but are not limited to the following: verbal abuse; racial, sexual, ethnic or religious epithets; sexual preference slurs or jokes; graffiti remarks written on structures; obscene gestures; offensive materials brought into the workplace; hazing. Even derogatory remarks between friends can lead to overt acts of unlawful discrimination.

1. *Sexual Harassment*

Sexual harassment is unlawful and is a violation of the Park District’s policy. The Park District maintains a strict policy prohibiting sexual harassment and prohibits such harassment in any form, including verbal and physical sexual harassment.

Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where (a) submission to such conduct is made an explicit or implicit term or condition of employment, (b) submission or rejection of such conduct is used as a basis for an employment decision, or (c) such conduct has the purpose of affecting or substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Behaviors that constitute sexual harassment include, but are not limited to the following:

1. Obscene gestures;
2. Flirtatious whistling, comments or sounds;
3. Suggestive or demeaning looks or leering;
4. Innuendoes or jokes of a sexual nature about individuals;
5. Sexual comments of a provocative or suggestive nature/tone;
6. Referring to another in a manner to elicit unwelcome sexual attention (such as calling someone “Honey,” “Sweetheart,” “Dear,” etc.);
7. Explicit derogatory sexual remarks;
8. Displaying suggestive, provocative, or obscene photographs, cartoons, graphics, audio or videos or other objects to another;
9. Physical contact, such as patting, grabbing, pinching, or brushing against another’s body;
10. Subtle requests for sexual activity; and
11. Any repetitive, unwanted verbal or physical sexual advances that are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or that interfere with the recipient’s job performance.

Any employee who engages in harassment, discrimination of any kind or retaliation in violation of this policy will be subject to disciplinary action, up to and including termination of employment. The Park District reserves the right to impose such disciplinary action or termination of employment, even for a first offense.

If you have any question concerning this policy, immediately contact the Executive Director or if for some reason the employee feels he/she cannot address the Executive Director then immediately contact the Deputy Director.

**SECTION 3 COMPLAINT PROCEDURES**

1. *Employee Reporting and Responsibilities*

Any employee who believes he or she has been harassed, discriminated against or retaliated against in violation of state or federal law must make it clear that such behavior is offensive to him/her.

The employee **must also report, in writing, the facts of the incident(s) immediately to the Executive Director,** who will promptly and thoroughly investigate all such claims and take appropriate action.

Also, **any employee who observes harassment, discrimination or retaliation against another employee in violation of state or federal law must immediately report, in writing, the facts of the incident(s) to the Executive Director**.

Any employee becoming aware in the course and scope of the employee’s employment of a violation of any state or federal statute or any ordinance or regulation of a political subdivision that the employee’s employer has authority to correct, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety, a felony, or an improper solicitation for a contribution, the Park District employee orally shall notify the employee’s supervisor or Executive Director of the violation and then shall provide a written report as mandated in this section, which will provide sufficient detail to identify and describe the violation. The Park District shall immediately contact its legal counsel to immediately advise on such complaint in compliance with Ohio Revised Code 4331.52. The employee making the complaint to the Park District is hereby advised that the employee can take further steps as outlined in Ohio Revised Code 4331.52 if the complaint is not reasonably corrected in good faith by the Park District.

All reports **shall be in writing** so that misunderstandings on sensitive matters are avoided and so that the important details are documented to allow for proper investigation, review and action, where warranted. A suggested form, **Report of Harassment/Discrimination/Unlawful Conduct**, **Appendix 5,** is provided**,** to aid in the making of a complaint. Use of this form is not required, but strongly encouraged because it exists to assist with the making of a detailed written report.

At a minimum, the important details that shall be included in your report are:

1. Your name and position
2. The date or dates you are writing the complaint;
3. The date, time and place of the offending activity;
4. The name of each person engaged in the offending activity;
5. The name of each witness to the offending activity;
6. A complete description of the offending activity, including all statements made by all involved;
7. The nature of your disability, if you are making a complaint under the Americans with Disabilities Act;
8. The remedy you are seeking, if applicable.

When the report is turned in to the Executive Director, the Executive Director shall:

1. Record the date and time the complaint is received on the complaint and initial same;
2. Note the identity of the person providing the complaint on the complaint and initial same; and
3. Immediately contact the legal counsel for the Park District to take further immediate action where the complaint is being made under Ohio Revised Code 4113.52 Reporting violation of law by employer or fellow employee and, for all other complaints, proceed as provided below.

If the employee believes, in good faith, that a report to the Executive Director as mandated in the above paragraph will prove ineffective for any reason, then the report must be made to the Park District’s Deputy Director. The Deputy Director will either perform all duties assigned to the Executive Director in this policy or will appoint someone not implicated in the complaint to perform all duties assigned to the Executive Director in this policy.

1. *Management Responsibility*

All employees with supervisory responsibilities are responsible for ensuring that harassment, discrimination and retaliation of any kind within the scope of their authority is promptly and thoroughly addressed. Complaints or observation of harassment, discrimination or retaliation must receive immediate attention and must be immediately reported to the Executive Director. All reports of harassment, discrimination and retaliation must be promptly and thoroughly investigated.

These reports **shall be in writing** so that misunderstandings on sensitive matters are avoided and so that the important details are documented to allow for proper investigation, review and action, where warranted. A suggested form for making a complaint is provided as **Report of Harassment/Discrimination/Unlawful Conduct**, **Appendix 5.** Use of this form is not required, but offered to assist with the making of a detailed written report.

At a minimum, the important details that shall be included in your report are:

1. Your name and position
2. The date or dates you are writing the complaint;
3. The date, time and place of the offending activity;
4. The name of each person engaged in the offending activity;
5. The name of each witness to the offending activity;
6. A complete description of the offending activity, including all statements made by all involved;
7. Any action you have taken in your supervisory capacity, if any;
8. The remedy the alleged employee victim is seeking, if known.

When the report is turned in to Executive Director, the Executive Director shall:

1. Record the date and time the complaint is received on the complaint and initial same;
2. Note the identity of the person providing the complaint on the complaint and initial same;
3. Immediately contact legal counsel;
4. Promptly investigate the allegations;
5. Where the complaint is made under the Americans with Disabilities Act, determine if the alleged employee victim is a “qualified person with a disability” and determine if the Park District has or should “reasonably accommodate” the employee;
6. Consult legal counsel if necessary to determine whether the conduct is a violation of state and/or federal law;
7. Reduce the investigation findings and conclusions to writing;
8. Implement employee discipline procedures, if warranted by findings and conclusions;
9. Share findings and conclusions with the complaining employee, assuming a complaining employee initiated the investigation;
10. Document in writing complaining employee’s reaction, if any, to findings and conclusions; and
11. Close investigation.
12. *Other Responsibility*

Failure by any supervisor to appropriately report sexual harassment complaints, acts or suspected acts of sexual harassment or discrimination shall be considered to be in violation of this policy. Because of the sensitive nature of such complaints, incidents must be investigated promptly, with particular care, and should remain, to the extent possible, strictly confidential to the extent possible.

Any employee who makes a false statement or/or false accusation during the investigation will be subject to appropriate discipline, up to and including termination, in accordance with Park District policy.

No retaliation or adverse action will be taken against any employee who reports or supports a claim of harassment, discrimination or retaliation. Retaliation includes, but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering the person’s duties or work environment, etc.

False reports in bad faith may lead to disciplinary action, up to and including termination of employment.

It is the Park District’s intention to train on unlawful harassment, discrimination and retaliation on an annual basis. The form provided as **Report of Harassment/Discrimination/Unlawful Conduct**, **Appendix 5** is to be completed by all employees annually as part of the Park District’s practice to effectively combat unlawful conduct in its workplace and if the employee is aware of no such conduct, “None Known” should be written on the form which is then to be dated and signed by the employee.

If you have any question concerning this policy, immediately contact the Executive Director or if for some reason the employee feels he/she cannot address the Executive Director then immediately contact the Deputy Director.

**SECTION 4 EMPLOYEE RELATIONS & GRIEVANCE PROCEDURE**

**SECTION 4.01 Employee Relations**

The Park District believes that the working conditions, wages, and benefits it offers to its employees are competitive and designed to attract and retain qualified employees. If employees have concerns about working conditions or compensation, they are welcome to voice these concerns openly and directly first to their supervisors unless this Handbook directs otherwise for specific policy concerns, such as, but not limited to, discrimination/harassment, in which case employees shall follow Complaint Policy & Procedures.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. It is the intention of the Park District to demonstrate its commitment to employees by responding effectively to employee concerns.

**SECTION 4.02 Grievance Procedure**

An employee having a complaint unrelated to unlawful conduct in the workplace, which should be reported under Supervisor/Director, must make every reasonable attempt possible to resolve the matter with his Supervisor/Director in an informal setting. The employee must meet with his supervisor within five working days from the date giving rise to the alleged complaint. The supervisor will make every reasonable attempt to resolve the complaint at this time. If the employee has a potential issue with their immediate supervisor, they may move up the chain of command to the next person in command until their complaint has been addressed.

If the employee making the complaint is not satisfied with the response given, the employee shall follow the steps provided below:

# Step 1: Supervisor/Director

The employee must document the complaint in writing and present it to the Supervisor/Director within five working days of receipt of the response given by his supervisor. The Supervisor/Director will schedule a hearing within five working days of receipt of the written complaint. The employee may be accompanied by a representative of his choosing, but if an employee representative is chosen, the employee must notify the Supervisor/Director in advance of the hearing so that the employee representative may be relieved of duty to attend the hearing. The Supervisor/Director, after review and investigation of all matters relative to the complaint must issue a decision on the complaint within five working days following the hearing unless the investigation results in a delay.

**Step 2: Executive Director**

If the employee making the complaint is not satisfied with the response given by the Supervisor/Director, he may choose to present it to the Executive Director. The complaint must be presented in writing to the Executive Director within five working days of receipt of the response given by the Supervisor/Director along with a copy of the original employee complaint. The Executive Director will schedule a hearing within five working days of receipt of the written complaint unless circumstances dictate that additional time is required to review the complaint and supporting documentation. The Executive Director, after review and investigation of all matters relative to the complaint must issue a decision on the complaint within five working days following the hearing unless the investigation results in a delay.

# Step 3: Board of Commissioners

If all efforts fail to resolve the complaint at Steps 1 and 2, the employee will have five working days in which to transmit the complaint and written summary of his position regarding the complaint to the Board of Commissioners along with a copy to the Executive Director. The Board of Commissioners will review the complaint and all relevant data submitted with it. Once all written information is reviewed, the Board of Commissioners may elect at its sole discretion, to verbally hear the case. If permitted by law, the hearing shall be conducted in executive session. In such cases the Supervisor/Director and employee making the complaint shall be at the hearing. The Board of Commissioners will provide a written response to the employee. The written response from the Board of Commissioners will be final and binding on all parties.

**SECTION 5 EMPLOYMENT REQUIREMENTS**

**SECTION 5.01 Applications, Reference Checks & Employment Records**

The Park District requires all job applicants to fill out an Application Form. The Park District also checks employment references of job applicants. The Park District relies on information that applicants provide when they apply for employment. If an applicant lies or misleads the Park District or fails provide the requested information during the application process, he/she should not expect to be hired.

Furthermore, each employee’s record of employment with the Park District is a matter of public record under Ohio’s Sunshine Law. Therefore, the Park District encourages all employees to establish and maintain the best possible work record while working for the Park District.

The Park District does not have a residency requirement for its employees. Residency for appointed Park District Commissioners is controlled by Ohio law.

Each employee is hired to perform a specific job. A job description will be provided to each employee at the time of hire. The Park District provides on-the-job and outside training, as fiscal resources allow and on a case-by-case basis, to its employees, to ensure each employee is qualified and equipped to perform the job the employee was hired to perform. Employees may also be required to “cross-train” in order to ensure the Park District runs effectively and efficiently at all times. Employees are also expected to generally be familiar with Park District activities, divisions and departments.

**SECTION 5.02 Education**

All employees hired by the Park District shall meet any license requirements for a particular job.

**SECTION 5.03 Immigration Law Compliance**

The Park District Board of Commissioners does not unlawfully discriminate on the basis of citizenship or national origin. However, in order to work for the Park District, each new employee must provide acceptable documentation to prove identity and eligibility to work in the United States in compliance with state and federal law.

The Board or designee will not knowingly hire, recruit or continue employment of any alien hired after November 6, 1986, without substantiating and documenting that alien's eligibility in accordance with all applicable law.

The Board or designee has established an employment verification system and shall retain appropriate records establishing that each employee hired after November 6, 1986, is lawfully authorized to work in the United States as either a U.S. Citizen or as a properly "documented alien."

As a condition of continued employment, the Board or designee shall verify both the identity and the employment eligibility of newly hired employees, for employment, by following these steps:

1. All newly hired employees shall be required to complete the biographical information requested by Form I-9. The new employee shall attest that he is eligible for employment and has presented authentic, original documentation of identity and employment eligibility by placing an X in the appropriate box in Part I of the form. The new employee shall sign the signature space of Part I of the form and shall submit the form to the Board or designee for review and verification.
2. The Board or designee shall require the employee to furnish documents in order to substantiate both the employee's identity and employment eligibility.
3. Should the new employee be unable to produce the required document(s) within three days the Board or designee will require the new employee to produce a receipt showing that the new employee has applied for the document(s).
4. The new employee must produce the required document(s) within twenty-one days after the first day of employment or his employment will be terminated.
5. Where applicable, the new employee must complete a declaration stating that he intends to declare U.S. citizenship within six months of the effective date of the Act or six months of eligibility for naturalization.

**SECTION 5.04 Anti-Terrorism Compliance**

1. *Ohio’s Anti-Terrorism Policy*

In accordance with R.C. Sections 2909.33 and 2909.34, any applicant, including a contractual employee applicant, who is under final consideration for contractual and/or public employment must fill out a **Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization, Appendix 6,** indicating whether they have provided material assistance or support to a terrorist organization. The Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization was created to provide the state with an additional tool to deter and prosecute acts of terrorism. A copy of the Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization is included as part of this policy and can be obtained from the Ohio Homeland Security website at: [www.homelandsecurity.ohio.gov](http://www.homelandsecurity.ohio.gov).

Material assistance, as defined by the statute, means any of the following:

1. Membership in an organization listed on the U.S. State Department’s **Terrorist Exclusion List;**
2. Use of the person’s position of prominence within any country to persuade others to support an organization on the Terrorist Exclusion List;
3. Knowingly soliciting funds or other things of value for an organization on the Terrorist Exclusion List;
4. Solicitation of any individual for membership in an organization on the Terrorist Exclusion List;
5. Commission of an act that a person knows, or reasonably should have known, affords material support or resources to an organization on the Terrorist Exclusion List; or
6. Hiring or compensating a person known by the person hiring or providing compensation to be a member of an organization on the Terrorist Exclusion List, or a person known by the person hiring or providing compensation to be engaged in planning, assisting in, or carrying out an act of terrorism.

The Terrorism Exclusion List is a list of foreign organizations known to support and/or engage in acts of terrorism. The list is maintained by the United States Department of State. A current copy of the Terrorist Exclusion List can be obtained from the Ohio Homeland Security website at: [www.homelandsecurity.ohio.gov](http://www.homelandsecurity.ohio.gov) .

Material support or resources, as defined by the statute, means currency, payment instruments (check, draft, money order, traveler’s check, cashier’s check, teller’s check), other financial securities, funds, transfer of funds, and financial services that are in excess of $100.00, as well as communications, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets except medicine or religious materials.

The Park District is prohibited from employing any person who discloses that he or she has provided material assistance, support or resources to any organization listed on the Terrorism Exclusion List.

No person, company, affiliated group or organization, or any person who holds, owns or otherwise has a controlling interest in a company, affiliated group or organization shall be permitted to enter into a contract to conduct business with or receive funding from the Park District unless such entity has completed a Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization and been certified as not providing material assistance to any organization listed on the Terrorism Exclusion List.

B. *Pre-Employment Procedures*

The Park District will do as follows with post offer pre-employment:

1. The Park District shall provide each person who is under final consideration for employment with a copy of the Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization and a then-current copy of the Terrorism Exclusion List.
2. Any person under final consideration for employment who is provided a Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization form shall complete the declaration prior to being employed. Any answer of “yes” to any question, or the failure to answer “no” to any question, shall serve as a disclosure of the provision of material assistance to an organization that is listed on the Terrorism Exclusion List.
3. The Park District shall retain the completed Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization form along with the applicant’s application for employment. If the applicant has answered “no” to each of the questions, no further action is necessary by the Park District.
4. The Park District shall not employ any person who discloses the provision of material assistance to an organization that is listed on the Terrorism Exclusion List. The Park District shall then notify the Department of Public Safety’s Division of Homeland Security that it has denied an applicant due to a positive response on the Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization form.
5. Any person who has been denied public employment pursuant to R.C. Section 2909.34 may submit to the Ohio Department of Public Safety, a **Request for a Review of the Denial of Public Employment Due to the Provision of Material Assistance to a Terrorist Organization, Appendix 7.**
6. The Department of Public Safety, upon the request of any person who has been denied employment pursuant to this policy, shall review the request within 30 days to determine if the denial of employment should be voided. The Department shall void that denial if it determines all of the following:
7. That the provision of material assistance to an organization on the Terrorism Exclusion List was made more than ten (10) years prior to the time the Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization form was filled out, or the material assistance was provided during the ten (10) years prior to the application and the date of the review, but at the time of the assistance, the organization was either not on the list or would not have merited inclusion on the list had it existed at the time, or at the time of the assistance it was not reasonable to know of the organization’s activities that would have merited its inclusion on the list;
8. That it is unlikely in the future that the person will provide material assistance to any organization on the Terrorism Exclusion List; and
9. The person does not pose a risk to the residents of the state.
10. The failure of an applicant for employment to disclose the provision of material assistance to an organization on the Terrorism Exclusion List, as required, or knowingly making false statements regarding material assistance to an organization on that list, is a felony of the fifth degree.

C. *During Employment Procedures*

1. The Park District may terminate any employee who falsely answers any questions on the Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization form or who, after providing a Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization form pursuant to this policy, takes an action that would result in “yes” being the correct answer to any question on the declaration, had the declaration been re-administered after taking that action. However, prior to terminating an employee pursuant to this policy, the Park District will comply with one of the following hearing procedures:
2. If the employee is entitled to termination proceedings under a collective bargaining agreement, the Park District must comply with those procedures.
3. If the employee is not entitled to termination proceedings under a collective bargaining agreement, the Park District must comply with any applicable statutory procedures.

**SECTION 5.05 New Hire Reporting Compliance**

In accordance with O.R.C. §3121.89-3121.8911, the Park District shall report certain information about employees who are newly hired, rehired, or who return to work after a separation of employment. This information will be used by the Ohio Department of Jobs and Family Services (ODJFS) to help locate parents who owe child support, to make adjustments in public assistance benefits, and to identify persons who are fraudulently receiving benefits. In addition, new hire reporting information is available to other state agencies to help detect and prevent erroneous unemployment or workers’ compensation payments.

The statute defines employee as any individual who is employed to provide services to an employer for compensation and includes an individual who provides services to an employer under a contract as an independent contractor and who is an individual, the sole shareholder of a corporation, or the sole member of a limited liability company.

Information regarding newly hired, rehired or returning employees shall be submitted within 20 days of the hire or rehire date.

There are a variety of ways to report new hires, including online reporting, electronic reporting, and by mail or fax. These options for reporting are discussed in detail on the Ohio New Hire Reporting Center’s website at: [www.oh-newhire.com](http://www.oh-newhire.com) .

If the Park District prefers to submit the **Ohio New Hire Reporting Form** by mail or fax, the Park District shall complete and forward the form to the address or fax number contained in the top left-hand corner of the form. A copy of this form is included at **Appendix 8** or can be obtained from the above listed website.

For questions or technical assistance regarding new hire reporting process employers can contact the Ohio New Hire Reporting Center at (614) 221-5330 or call toll-free number (888) 872-1490.

**SECTION 5.06 Medical/Psychological Examinations: Post Conditional Offer of Employment and For Employees**

In the interest of public safety, maintaining a safe working environment for employees, limiting the liability exposure to the Park District and upholding the Park District’s reputation, this policy has been established to define the standards applied in evaluating employees’ fitness for duty and in identifying consequences associated with the failure to comply with such standards.

A medical and/or psychological examination by a licensed practitioner in the requisite field, to be selected by the Park District and at the Park District’s expense, may be required after the Park District makes a conditional offer of employment to a person to evaluate the person’s ability to perform the essential duties of the position for which the person has applied.

All employees are required to maintain physical fitness at a level which will permit the employee to efficiently perform the duties of their position and avoid endangering themselves or those they serve. The Park District may legally require employees after hire to submit to an independent medical and/or psychological examination by a licensed practitioner in the requisite field, to be selected by the Park District and at the Park District’s expense, for certain purposes. Examples include examination to certify eligibility for Family and Medical Leave or other leaves of absence, examination to assess eligibility for Workers’ Compensation, examination required by Occupational Safety and Health programs, an employee’s fitness for duty, an employee’s ability to return to work following a medically related leave of absence, etc.

Such examinations will be conducted at the Park District’s expense.

**SECTION 5.07 Driving Record Checks: Post Conditional**

**Offer of Employment and For Employees**

In the interest of public safety, maintaining a safe working environment for employees, limiting the liability exposure to the Park District and upholding the Park District’s reputation, this policy has been established to define the standards applied in evaluating employees’ driving records and in identifying consequences associated with the failure to comply with such standards.

In order to monitor employee driving records for off-duty offenses/violations that could result in increased liability for the Park District, the Park District may perform a driving record check after the Park District makes a conditional offer of employment to a person who is required to drive a Park District or personal vehicle as part of the employee’s normal job function. If the applicant’s driving record is deemed to be unsatisfactory by the Executive Director and/or the Park District’s insurer, the conditional offer of employment may be withdrawn.

The Park District may perform a driving record check at any time on any existing employee who is required to drive a Park District or personal vehicle as part of the employee’s normal job function.

Employees may be precluded from driving a Park District vehicle or the employee’s own private vehicle during the performance of the employee’s normal job duties where the employee’s driving record is deemed unsatisfactory by the Executive Director and/or the Park District’s insurer. Further, employees may be subject to disciplinary action, including termination, if it is determined by the Executive Director and/or the Park District’s insurer that the employee’s driving record is unsatisfactory.

The above determinations will be made in compliance with the Park District’s policy on general driving rules and regulations (Section 8.04).

**SECTION 5.08 Drug/Alcohol Testing: Post Conditional Offer**

**Of Employment and For Employees**

In the interest of public safety, maintaining a safe working environment for employees, limiting the liability exposure to the Park District and upholding the Park District’s reputation, this policy has been established to define the standards applied in evaluating employees’ fitness for duty and in identifying consequences associated with the failure to comply with such standards.

Drug and alcohol abuse and/or dependence interferes with a safe workplace and disrupts the operations of Park District services upon which the citizens rely. Therefore, the Park District has a Drug-Free Workplace policy (see 8.05).

A pre-employment test to determine current use of illegal drugs which may affect an applicant’s ability to perform the job duties of the position may be conducted only after a conditional offer of employment has been made. Drug and/or alcohol testing of employees is fully addressed in the Park District’s policy forbidding the use of drugs in the workplace (see 5.08 and 8.07).

Such testing will be conducted at the Park District’s expense.

**SECTION 5.09 Personal Data: Accurate and Current**

It is the responsibility of each new and existing employee to always provide accurate personal data and to promptly notify the Park District of any changes in personal data. Personal mailing addresses, telephone numbers, number and name of dependents, payroll deductions, insurance beneficiaries, marital status, bank account information and other pertinent information should be accurate and current at all times.

Any changes should be communicated through the use of an **Employee Status Change Form**, a sample of which is provided in the **Appendix 9** This form is the official Park District form to be used to make any changes of personal information. Employees should complete the form, sign and provide it to the Finance Administrator within three calendar days of the occurrence of the change. **Failure to report changes in personnel information may prevent employees or their dependents from obtaining or maintaining valuable employee benefits or services.**

For the purposes of this section, a change in personnel information shall include but not be limited to the following:

1. Name change for employee, spouse, dependent or beneficiary;
2. Address change;
3. Telephone number change;
4. Marital status change;
5. Changes which may affect employee benefits (i.e., insurance and pension(s) such as changes in dependents or beneficiaries).
6. Number of exemptions for tax purposes;
7. Citizenship;
8. Selective service classification;
9. Association with a government military service organization;
10. Any changes in licensure or insurability relevant to the employee’s job; or

11. Driver’s license records.

**SECTION 5.10 Emergency Contact Forms**

Upon employment with the Park District, each employee will be required to complete an **Emergency Contact/Medical Information Form**, a sample of which is provided in the **Appendix 10**. The employee is responsible for providing updates to the Finance Administrator as appropriate. The Park District administration will request updated information annually at the beginning of each calendar year. All emergency contact information will be kept separate from the employee’s personnel file.

**SECTION 5.11 Outside Employment**

Full-time employment with the Park District shall be considered an employee’s primary occupation and take precedence over all other occupations. Employees shall not have other employment that presents a time conflict, which exists when the working hours of a secondary job directly conflicts with an employee’s scheduled working hours or mandatory overtime obligations, if any, or when the demands of a secondary job otherwise affect the employee’s job performance with the Park District.

No employee, regardless of employment status, shall have other employment that presents an “interest conflict” with the employee’s position, which exists when an employee engages in any secondary employment that tends or may appear to compromise the employee’s judgment, actions, or job performance or conflict with the policies, objectives, and operations of the Park District.

In the event the job being performed conflicts in any way with the Park District work requirements or adversely affects the employee’s attendance or job performance, the employee shall be notified by the employee’s department head to immediately terminate the employment with either the other employer or the Park District.

All outside employment of Park District employees shall be subject to review by the Executive Director. Employees shall notify the Executive Director in writing before accepting any secondary employment. If a request for outside employment is denied, the Executive Director will provide the reason(s) in writing to the employee.

Additionally, in accordance with the Ohio Ethics Law, outside employment shall not involve any representation of a client or in a representative capacity for any person on any matter in which the employee personally participates(ed) as a public official through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other substantial exercise of administrative discretion.

Employees are not permitted to use Park District time or equipment (i.e. copier, fax, computers, telephone system, internet, tools, parts, machinery, etc.) for outside employment purposes. Employees who are on sick or injury leave from Park District employment are not permitted to work at an outside job. Exceptions with regard to injury leave will be considered on a case-by-case basis at the request of the employee.

**SECTION 6 EMPLOYMENT STATUS, BONDING, COMPENSATION, DEDUCTIONS & WORK SCHEDULES**

**SECTION 6.01 Employment Status**

Compensation and benefits will be shared with each employee upon hiring, and are determined by the employment category the employee will be assigned upon successful completion of the probationary period. Employees who successfully complete the probationary period will be so notified.

1. *Probationary Period*

All Park District employees, upon being hired, shall serve a probationary period, which is the first six months of employment with the Park District, and are classified as Probationary Employees. Volunteers are the only exception to this policy as they do not serve a probationary period.

The probationary period allows the Park District to ensure it has hired the most qualified individual for the position and allows the newly hired employee a time to become familiar with fellow employees, members of management, essential and other job tasks expected of the employee, the level of professionalism the Park District requires from its employees, and the Park District’s organization, services, policies and procedures.

During the probationary period, the Park District will evaluate the employee’s suitability for the new position, to determine whether the employee’s attitude, attendance and performance measure up to the Park District’s standards. Probationary employees whose work habits, attitudes, attendance or performance do not meet Park District standards will be terminated.

1. *Full-Time*

An employee who works eighty hours per pay period on a regularly scheduled basis and over a period of twelve months. A Full-Time employee is a budgeted employee. Exempt or non-exempt classification will determine if the employee will be compensated for any overtime or compensatory time.

1. *Contractual*

An employee who works on a contractual basis for the Park District. This employee may be employed for a set number of hours, job, specified time period or for an entire year. This contract will be in writing outlining the employee’s benefits, compensatory time, vacation, sick leave, retirement, vehicle usage and any other benefits that he may be entitled to or negotiated. This employee will be paid on a bi-weekly basis for the term of the contract.

1. *Permanent Part-Time Year-Round*

An employee who works seventy hours every pay period on a regularly scheduled basis over a period of twelve months.

1. *Intermittent*

An employee who works year round on an irregular schedule, which may be determined, but not predictable. Some intermittent employees may be required to work a minimum number of hours per week, per month, per quarter or year that is determined by the job description assigned to that employee.

1. *Seasonal*

An employee who is hired on a non-permanent basis annually (e.g. spring thru fall, summer, winter months) who may or may not have a set number of hours per week, pay period, or year.

1. *Intern/Apprentice*

An employee enrolled in or a graduate of a Park administrative, historical, law enforcement, nature, horticultural or other similarly oriented career college curriculum. Intern employees may work a maximum of eighty hours per pay period.

1. *Volunteer*

A person who works without pay, freely donating their time and talents to assist the Park District in providing services, knowledge, equipment and/or labor. The time that a volunteer devotes to the Park District may be indefinite over a period of a day, week or year. Volunteers should be aware that they are not considered employees under the law for purposes of benefits.

**SECTION 6.02 Bonding Requirements**

The Park District Board of Commissioners determines which positions are to be bonded and the amount of the bonds. The Park District will pay the cost of bonding the employee. If the employee who must be bonded fails to maintain qualifications for bonding, the employee will either be transferred to another position that requires no bonding, if appropriate and available, or will be terminated from employment with the Park District.

**SECTION 6.03 Compensation**

The Park District makes every effort to compensate all employees fairly and equitably and in accordance with all applicable federal, state and local laws. Wages are recommended by the Executive Director and must be approved by the Park District Board of Commissioners.

Should an existing employee’s exempt/non-exempt status be changed, the employee will be notified in writing of such change by the Executive Director and the change will not become effective until the start of the next pay period.

1. *Full-Time Salaried and Hourly Employees*
2. Exempt Employees

Exempt employee status is determined by job description as approved by the Board of Commissioners.

* 1. Salaries

Salaries for all exempt employees shall be set forth annually, through a lawfully passed Park District ordinance, following the performance evaluations of the exempt employee. The Executive Director is evaluated by the Park District Board of Commissioners and all other exempt employees are evaluated by the Executive Director.

* 1. Addition of New Jobs

In the event a new job is created, a rate of pay for such a new job will be recommended by the Executive Director to the Park District Board of Commissioners for approval through a lawfully passed Park District Ordinance.

* 1. Overtime and Compensatory Time

Exempt employees are not eligible for overtime pay and not eligible for compensatory time.

Non-exempt employees are eligible for overtime pay and are eligible for compensatory time.

* 1. Work Week

For exempt employees the work week is computed on eighty hours per-pay period, as outlined in the pay period definition.

* 1. Exempt Position Examples
* Executive Director
* Director
* Some full-time employees

1. Non-Exempt Employees
   1. Hourly Rate

Hourly wage rates for all non-exempt employees shall be set forth annually, through a lawfully passed Park District ordinance, following the performance evaluations of the non-exempt employee. Non-exempt employees are evaluated by their Director.

* 1. Overtime Pay Rate

The rate of pay for overtime hours is one-and-a-half times the employee’s regular hourly rate. Overtime is calculated for all hours worked over forty hours per week in any pay period. The pay period is defined in Section 6.03(A)(2)(c) as defined by the work week below.

The following is an example of how all overtime is computed:

1-9 minutes no overtime

10-15 minutes =   ¼ hr overtime

16-30 minutes = ½ hr overtime

31-45 minutes = ¾ hr overtime

46-60 minutes = 1 hour overtime

* 1. Work Week

The work week for purposes of computing overtime for all non-exempt employees of the Park District shall start at 12:01a.m. on Saturday morning and continue for seven consecutive days to end at 12:00 midnight the following Friday evening.

* 1. Addition of New Jobs

In the event a new job is created, a rate of pay for such a new job will be recommended by the Executive Director to the Park District Board of Commissioners for approval through a lawfully passed Park District Ordinance.

* 1. Non-Exempt Position Examples
* Some full-time employees
* Permanent part-time year-round employees
* Some intermittent employees
* Intern employees
* Apprentice employees

**SECTION 6.04 Deductions**

1. *Mandatory Payroll Deductions*

State and federal law and court orders mandate certain deductions from an employee’s paycheck. Examples are:

Federal, state and local income taxes

Medicare

Contributions to Ohio Public Employees’ Retirement System

Employee’s share of benefit premiums

Garnishments

Such mandatory deductions are itemized on the pay stub.

The information employees provide on the W-4 is used to determine certain withholding amounts. Any change in name, address, telephone number, marital status or number of dependents/exemptions claimed should be immediately reported to the Finance Department to ensure the employee receives proper credit for tax purposes.

If an employee’s wages are subject to repeated garnishment, and the Park District determines the employee fails to demonstrate a good faith intention to resolve the financial debt, the employee may be disciplined up to and including termination.

1. *Other Payroll Deductions*

Employees may authorize the Park District to make additional payroll deductions, such as for saving plans or insurance premiums. Contact the Finance Department for details and forms.

1. *Reporting Suspected Errors*

When an employee suspects an error has occurred with respect to payroll, the employee shall immediately report the concern to the Finance Department. Necessary steps shall be taken to research the concern, report back to the employee, and take any and all corrective action promptly.

**SECTION 6.05 Compensatory Time**

Miami County Park District non-exempt employees are eligible for compensatory time and may accumulate but never exceed a maximum of eighty hours of compensatory per calendar year. All overtime earned by a non-exempt employee over the accumulated 80 hours will be paid at his regular rate of pay.

Compensatory time earned in a calendar year must be taken at a time mutually agreed upon between the Park District and the eligible employee, and must be used by the end of the first pay period in March of the following year, otherwise it will be paid to the eligible employee. All compensatory time must be used in a minimum of 1/4 hour increments.

**SECTION 6.06 Pay Period**

The bi-weekly pay period for employees extends from 12:01am Saturday morning through 12:00 midnight the second succeeding Friday evening.

There are twenty-six pay periods per year. All employees will be paid every other week on Friday.

If the paycheck distribution occurs on a holiday, paychecks will be issued on the preceding day, except under extenuating circumstances. In these cases, paychecks will be issued on the following workday. Any paycheck not distributed will be mailed to the employee within five business days.

Any employee who will be excused or on vacation from work on the day which payroll checks are issued, may be permitted an early release of their check after 2:30pm of the preceding workday. The employee must notify the Park District’s Finance Department for an early release of their paycheck. The Finance Department will then contact the Miami County Auditor’s Office for approval.

All payroll information must be approved, signed and submitted before noon every other Wednesday prior to the end of the pay period to the Finance Department.

Employees should direct any questions regarding payroll to the Park District’s Finance Department.

Neither pay advances nor extensions of credit on unearned wages can be provided to employees.

**SECTION 6.07 Work Schedules**

1. *Hours of Operation*

Normal Central Office business hours are Monday through Friday, 8:00am until 4:00pm. Normal Miami County Park operating hours are 8:00 am until sunset, seven days per week, 365 days per year. Each employee’s scheduled work hours will be determined by the employee’s supervisor.

1. *Breaks*

Employees shall receive a one-hour, non-paid lunch period within their established eight hour work day. Employees shall be granted two breaks per day of fifteen minutes each; one in the first half of the shift and one in the last half of the shift. Given the nature of Park District business, break times may be flexible and will be set by each employee’s supervisor.

1. *Overtime*

A member of management or a department head must approve all overtime for non-exempt employees within the **MUNIS Miami County Self-Service** portal. Employees will request to use overtime by the appropriate communication procedures established within their department. Only in emergency situations may overtime or compensatory time be approved verbally, with the **MUNIS** portalto be completed immediately following as time allows. When overtime hours are necessary, employees are expected to cooperate as a condition of employment.

The non-exempt employee’s workweek shall commence at 12:01am on Saturday morning and continue for seven consecutive days to end at midnight the following Friday evening.

**SECTION 6.08 Time-Keeping**

1. *Employee’s Responsible to Accurately Record Time*

All exempt and non-exempt employees are responsible for accurately recording their hours worked. Federal and state laws require the Park District to maintain an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent performing assigned duties.

1. *Exempt Employees*

All exempt employees are required to use the **MUNIS Miami County Self-Service** portal to record their regular time and all other time (<https://selfservice.miamicountyohio.gov/MSS/>). The timecard must document vacation, holiday, and sick leave time. All timecards must be approved by a supervisor in **MUNIS** before being submitted to the Miami County payroll department.

1. *Non-Exempt Employees*

All non-exempt, hourly employees are required to use the **MUNIS Miami County Self-Service** portal to record their regular time (<https://selfservice.miamicountyohio.gov/MSS/>).The timecard must document vacation, holiday, sick leave, overtime and compensatory time. All timecards must be approved by a supervisor in **MUNIS** before being submitted to the Miami County payroll department.

1. *Contractual Employees*

Contractual employees do not submit a timecard.

1. *Accuracy*

Tampering, altering, or falsifying time records or recording time on another employee’s time record may result in disciplinary action, up to and including termination.

It is the employee’s responsibility to review his/her time record and certify the accuracy of all time recorded. Such is accomplished by signing the time card. The employee’s designated supervisor will also review and approve the time record before submitting it for payroll processing.

**SECTION 6.09 Attendance and Punctuality**

Because the Park District provides essential public services to the residents of Miami County and must be ready to meet the demands for service throughout the day, the Park District needs employees on duty every day they are scheduled to work. All employees should, therefore, strive for good attendance.

Absenteeism and tardiness place a burden on other employees and the Park District. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee should notify the supervisor in advance of the anticipated tardiness or absence or not later than thirty minutes before the start of the scheduled workday.

The employee shall call in every day that he/she is absent unless the employee has Time Off request approval from a supervisor in **MUNIS Miami County Self Service** portal.

Please reference additional policies addressing sick leave within this handbook.

Poor attendance and excessive tardiness are disruptive and may lead to disciplinary action, including termination of employment.

**SECTION 6.10 Performance Evaluations**

Written performance evaluations provide your Supervisor, Director and the Executive Director with an effective mechanism to measure and communicate levels of employee job performance. It provides employees with documented constructive feedback of your job performance. The primary reason for performance reviews is to identify strengths and weaknesses in your job performance and develop ways to improve your weaker areas. This review also serves to make you aware of and to document how your job performance is compared to the written goals and your job description. Documented job performance serves as a basis for important management decisions regarding training, job assignments, promotions and retention of employees.

Employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis with their supervisors. This is especially important during the employee’s probationary period.

Employees serving the probationary period will be evaluated periodically by the employee’s director supervisor.

Formal performance evaluations for all other employees are conducted annually by the supervisor of the employee’s department with input from the employee’s direct supervisor. Additional formal performance reviews may be conducted as necessary and at the discretion of management to ensure efficient operation. Any change in position or supervision will also result in a performance evaluation. Any employee who leaves the Park District will be given a final performance evaluation.

Every effort will be made to conduct performance evaluations timely, however, from time to time circumstances may arise which prevent or delay such reviews.

Each supervisor will meet with their employees privately to discuss their evaluations. The employee must sign the evaluation form to acknowledge the receipt of the evaluation. At this time the employee may document any comments concerning the evaluation in the “Employee’s Comments” section.

All employees shall meet existing basic standards of performance in their work. An employee will be evaluated in relation to the quantity and quality of work, dependability, knowledge of work, competence, efficiency, judgment, cooperation, responsibility, relationship with the public, and other factors as may be determined by management.

All evaluations shall be on the **Employee Performance Evaluation Form**, a sample of which is provided as **Appendix 14**. Evaluations will be conducted in a fair, equitable, non-discriminatory, confidential, and consistent manner. Supervisors found to be in notation of this standard will be disciplined up to and including determination.

Employees dissatisfied with their performance evaluation may seek reconsideration through the Grievance Procedure set forth in this handbook.

**SECTION 6.11 Compensation Plan & Wage Increases**

1. *Salary Tables*

Each employment category is assigned a salary table. These tables do not represent a yearly salary increase, but are rather used in conjunction with performance evaluations and the yearly budget to determine pay increases, if any.

1. *Exempt Employees*

Wage increases for exempt employees will be recommended by the Executive Director, and approved by the Park District Board of Commissioners, after considering the employee’s employment category salary table, performance evaluation, and the Park District budget.

1. *Non-Exempt Employees*

Wage increases for non-exempt employees will be recommended by the Executive Director, and approved by the Park District Board of Commissioners, after considering the employee’s employment category salary table, performance evaluation, and the Park District budget.

1. *Other Hourly Employees*

Wage increases for other hourly employees, such as temporary, seasonal and extended seasonal, are at the discretion of the Executive Director.

**SECTION 7 EMPLOYEE BENEFITS**

**SECTION 7.01 General**

The Park District provides a wide range of benefit programs to eligible employees. Certain legally required programs, such as Ohio Public Employees Retirement System, workers’ compensation, state disability, and unemployment insurance, cover all qualifying employees in the manner required by the laws.

Employee eligibility for each benefit program depends on a variety of factors, including employee classification. Employees should talk to the Records Coordinator to better understand for which benefit programs they are eligible. Employees may be referred to other sources, such as documents pertaining to the particular benefit.

**SECTION 7.02 Insurance**

The Park District offers a variety of benefit programs. Your benefits are one feature of your total compensation package. This portion of the handbook is meant to provide an overview of benefit programs. Complete descriptions of any group health, life, dental and disability insurance plans, are contained in the respective summary plan descriptions which are available once you are eligible to participate. The plan documents themselves will govern in all cases and constitute the only full statement of the coverage and benefits provided, causes for denial of and benefits, and termination of insurance.

The Park District, at any time and without notice except as otherwise mandated by state and federal law, reserves the right to amend or terminate any of the benefit programs, summary plan descriptions or to increase employee premium contributions toward any benefit.

The Park District offers health insurance in compliance with state federal and state law, for full-time employees and part-time employees working over 20 hour per week. Employees may be required to contribute to the costs of the coverage, and the amount is set by the Park District Board of Commissioners.

Questions regarding insurance benefits should be directed to the Miami County Benefit Coordinator.

**SECTION 7.03 Retirement Plan**

All employees of the Park District (with the exception of seasonal and volunteer employees) are required by law to participate in the Ohio Public Employees Retirement System (O.P.E.R.S). This program is entirely independent of the Federal Social Security System.

The Park District and all eligible employees are required to contribute to the retirement plan. A percentage of the employee’s gross earnings will be contributed into O.P.E.R.S. The Park District will also make a contribution as required by Ohio law.

All eligible employees, at the time of employment, will be provided with information regarding O.P.E.R.S. benefits. You are encouraged to contact O.P.E.R.S.:

# Ohio Public Employees Retirement System

177 East Town Street

Columbus, Ohio 43215

for all benefit updates.

**SECTION 7.04 Holidays**

Each year, the Board of Commissioners shall decide and publish a list of paid holidays for Park District employees, which will be communicated to the employees.

1. *Holidays Falling on a Weekend*

If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday. If a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

1. *Holiday During Vacation Leave*

If a holiday should fall during an employee’s vacation, the holiday shall not count as a vacation day.

1. *Holiday Pay Accrual*

Holiday pay (time plus one-half) will be given only to an employee who actually works the recognized holiday or is entitled to the actual holiday, not the day before or after the holiday. The recognized holiday is the actual time that all employees of the Park District take off. Therefore, an employee may not receive credit for holiday pay if the holiday falls on a Saturday or Sunday. This credit would be received on a Friday or Monday. Employees will be notified by their supervisor if they will receive holiday pay for working a Saturday or Sunday holiday.

If a holiday occurs while an employee is on vacation or sick leave, the holiday will not be charged against this vacation or sick leave.

No employee can accrue over-time pay for holiday usage.

1. **Full-Time & Permanent Part-Time Year Around Employees**:

If a Full-Time or Permanent Part-Time Year Around employee, including those serving the probationary period, is granted the day off on which the holiday is observed, he will be paid holiday pay at his regular hourly rate for the number of hours he is normally scheduled to work. This can be seven or eight hours, depending on the employee’s schedule.

If a Full-Time or Permanent Part-Time employee is required to work on a recognized holiday, he will receive time plus one-half (1 ½) for the actual hours worked, plus the hours for Holiday pay. Example: an employee normally works eight hours per day and actually works ten hours on a holiday. This employee would receive the following hours: 10 hours of regular pay for the hours actually worked, 5 hours for overtime holiday pay and 8 hours for a day to be taken at a later date.

**10 + 5 + 8 = 23 hours for working the holiday**

**Intermittent/Seasonal/ Apprentice Employees:**

If any Intermittent, Seasonal, or Apprentice employee works a holiday, that employee will receive time plus one-half for the total number of hours actually worked on that holiday. Example: the employee works 10 hours on a holiday. That employee will receive: 10 hours for the hours actually worked and 5 hours for overtime holiday pay.

**10 + 5 = 15 hours for working the holiday**

**SECTION 7.05 Requesting Time Off and Viewing Employee Information**

All employees will receive a copy of their vacation and sick balance at the beginning of each year. Employees will also be able to know their current actual accrued leave balance available to them for requesting time off.

An employee will request all leave desired to their supervisor through the **MUNIS Miami County Self-Service** portal with the current date, date of the desired leave and number of hours, and number of accumulated leave hours at time of request. The employee will be notified by the Supervisor or Director through **MUNIS** of the approval or denial of the vacation request. If the vacation request is denied, the reason for the denial will be stated.

Vacation approvals are determined by the immediate supervisor on a first come first serviced basis.

Employees are encouraged to apply for vacation time as soon as possible and as early in the calendar year as possible.

Should the leave be approved, these hours will automatically be reflected in the employee’s time record that includes the corresponding date of the leave request. This form is to be given to the employee’s supervisor and then approved by the Executive Director.

**SECTION 7.06 Vacation Leave**

1. *Exempt Full-Time Employees*

Exempt employees will accrue vacation leave based upon length of service as set forth in the **Vacation Schedule, Appendix 15**, but are not eligible to use it until one year after their hire date.

1. *Non-Exempt Full-Time Employees*

Non-Exempt employees will accrue vacation leave based upon length of service as set forth in the **Vacation Schedule, Appendix 15**, but are not eligible to use it until one year after their hire date.

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1. *Permanent Part-Time Employees*

Permanent part-time employees will accrue vacation on a pro-rata basis, according to the relationship of the employee’s regular schedule to forty hours per week (i.e. thirty hour employee – 75%)

Permanent Part-Time employees will accrue vacation leave based upon length of service as set forth in the **Vacation Schedule, Appendix 15**, but are not eligible to use it until one year after their hire date.

1. *Contractual Employees*

Contractual employees will accrue vacation leave based upon length of service as set forth in the **Vacation Schedule, Appendix 15**, but are not eligible to use it until one year after their hire date.

Contractual: Eligibility determination for contractual employees will be outlined in their individual contract with the Park District.

1. *Intermittent Employees, Seasonal Employees, Apprentice Employees*

Intermittent employees, seasonal employees, intern/apprentice employees are not eligible for paid vacation benefits.

1. *Accrual*

Paid vacation leave will be credited to each eligible employee on a bi-weekly pay period basis. Vacation is not accrued through the accumulation of overtime hours worked. Vacation is not credited while an employee is in non-paid status (leave of absence, disciplinary suspension, etc.). Military leave of absence has no effect on the calculations of vacation time earned.

Vacation may accrue to a maximum of two years of accumulation. For example: if an employee accrues 10 vacation days per year, he may only have a maximum of twenty (20) days accrued at any one time. No vacation shall accrue beyond the maximum allowable time. Any unused vacation time in addition to such two years of accumulation shall be used prior to the final pay date within the calendar year. Upon termination, unused vacation time will be paid to an exempt full time, non-exempt full time and permanent part-time employee, or their designated beneficiaries, at the current rate of pay.

1. *Prior Public Service*

Transfer of vacation leave and years of service for an employee who moves from an Ohio political subdivision or state public agency to the Park District will be computed in accordance with calculation set forth in Ohio Administrative Code § 123:1-32-10. It is the employee’s duty to provide written verification of service credit from the releasing agency.

**SECTION 7.07 Sick Leave**

For those employees entitle to a sick leave benefit, sick leave may be used for the following reasons:

1.   Personal injury, sickness, or physical incapacity of the employee;

2.   Personal injury, sickness, or physical incapacity of the employee’s immediate family, as defined by FMLA, requiring the employee’s personal care and attendance;

3.   Forced quarantine;

1. Physician visits, dental visits, medical testing, optical examinations, and related

fittings; and

5.   Mental health visits to any professional covered under the Park District’s insurance programs, and chemical dependency recovery.

1. *Exempt Full-Time Employees*

Exempt employees will accrue sick leave at the rate of .05770 hours per hour worked, excluding overtime hours and may be accumulated without limit.

1. *Non-Exempt Full-Time Employees*

Non-exempt employees will accrue sick leave at the rate of .05770 hours per hour worked, excluding overtime hours and may be accumulated without limit.

1. *Call-Off Procedure*

To call in sick, the employee will call the employee’s department to notify the immediate supervisor, as early as possible, but not later than the regular starting time of workday.

Management employees will schedule their absence in advance with the Executive Director or the Executive Coordinator when feasible.  For a same day absence, management employees are to report their absence to the Administrative Office before the start of the work day.

1. *Accrual*

Sick leave may be accumulated without limit for all employees who are entitled to a sick leave benefit.   25% percent, or up to 240 hours, of accrued sick leave will be paid upon termination, at the current rate of pay.  Upon death of an employee, the designated beneficiaries will receive 25% percent, or up to 240 hours, of all accrued sick leave at the current rate of pay at the time of the employee’s death.

1. *Prior Public Service*

Transfer of sick leave for an employee who transfers from an Ohio political subdivision or state public agency to the Park District will be computed in accordance with calculation set foth in Ohio Administrative Code § 123:1-32-10.

1. *Physician’s Certificate Required*

If requested, employees must provide a physician’s certificate before returning to work after three or more days of absence when requesting sick leave pay.

1. *Right to Investigate and Proper Use of Sick Leave*

The Park District shall have the right to investigate any employee’s absence. Employees who are off on sick leave due to illness and/or injury must remain at home caring for the employee’s illness and/or injury, or at a place receiving medical attention, and limit any necessary public appearances (i.e. necessary trips to pharmacy, grocery, dropping a dependent at school) to a minimum. No public appearance should occur which would cause the public to question whether or not the use of the Park District’s sick leave is being abused for improper purposes

The Park District may order any employee claiming an illness or injury rendering him/her unable to perform his/her duties to submit to an examination by a designated physician at the Park District’s expense at any time, including before returning the employee to work.  Employees are required to cooperate with all such requests and provide any requested information to such designated physician.

Sick leave may be used by the employee to care for the well-being of immediate family members, as “immediate family” is defined in Section 7.10. When extended absences occur, the Park District will comply with all applicable state and federal laws and will review each situation on a case by case basis in making employment decisions to best serve the Park District, the employee, and the residents the Park District is charged with serving.

1. *Transfer of Sick Leave*

Employees having more than 250 hours of accumulated sick leave may voluntarily donate hours of their sick leave to another employee who the Executive Director shall determine and confirm is suffering a “catastrophic” accident or long term illness that is not job related and is not related to an illness of an immediate family member.

Employees donating sick leave must retain, at a minimum, 250 hours of sick leave. Any unused donated time shall be returned equally to the donors on a pro-rata basis.

**SECTION 7.08 Workers’ Compensation**

Ohio State law provides that every Park District employee is eligible for Workers’ Compensation for injuries arising out of or in the course of his employment. Guidelines for administering Worker's Compensation are set forth below.

1. Should an employee be injured during the course of employment with the Park District, a complete accident report and a Miami County Incident Report will be written by the supervisor and employee injured. Reports are to be turned in within 48 hours after the accident. If the accident occurs on Saturday or Sunday or a recognized holiday, the form must be submitted by the next business day.
2. Should an employee's injury require medical attention, the supervisor will provide the injured employee with a Doctor's Report of Injury form (Workers’ Comp form), which must be completed by the attending physician. This completed report should be forwarded to the Executive Director or designee at the earliest possible date.
3. In the event of a serious injury, the injured employee's supervisor shall notify the Executive Director immediately so that, if necessary, an investigation may be initiated.
4. Workers’ Compensation claim forms shall be completed by the Park District for the purpose of initiating compensation claims for injured employees. If possible, the injured employee shall go to his work area to meet with the Executive Director or designee at a mutually agreeable time, to assist in completing the forms.
5. The Executive Director must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing the Executive Director their expected date of return (if known).
6. Any documents received from the injured employee, his physician, hospital, or the State, regarding the Workers’ Compensation claim must be immediately forwarded to the Executive Director.
7. Employees who are injured on the job and must leave work before completing their scheduled work period will be paid at their regular compensatory rate, for the balance of time left in their scheduled work day.
8. An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments from Workers’ Compensation. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from Workers’ Compensation.

**SECTION 7.09 Family Medical Leave Act (FMLA)**

1. *Purpose*

The FMLA was designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. The purpose of this section is to set forth the Park District’s policy for providing leaves of absence for eligible employees in accordance with the federal Family and Medical Leave Act (FMLA) of 1993, as amended, and applicable state leave laws.

1. *Eligibility*

To be eligible to take family and medical leave under this policy, an employee must meet all of the following conditions:

1. Have been employed by the Park District for a total of at least 12 months (or 52 weeks). The 12 months or 52 weeks need not have been consecutive, but typically periods of employment preceding a seven-year gap in employment will not be counted. Any portion of a week that the employee is on the payroll counts as a full week for FMLA eligibility. Employment does not have to be continuous.
2. Have worked at least 1,250 hours during the 12 month period immediately preceding the date when the requested leave would begin. These hours must be actual work hours, not compensated hours. Hours using any type of paid time off benefits or holiday time do not count toward this minimum requirement.
3. The employee must not have already received 12 weeks of FMLA in the current calendar year.

Time in the military service covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA) will count toward fulfilling the length of employment and hours of work requirements to be eligible for FMLA leave.

1. *Covered Events*
2. **Covered Family and Medical Leave Entitlements for Eligible Employees**
   1. The birth of an employee’s child, or to care for that child after birth;
   2. The placement of a child for adoption or foster care, or to care for the newly-placed child;
   3. To care for the employee’s spouse, child or parent who has a serious health condition; or
   4. The employee’s own serious health condition that makes the employee unable to work.
3. **Military Family Leave Entitlements for Eligible Employees**
   1. Qualifying exigency leave arising out of the eligible employee’s spouse, son, daughter or parent being a covered military member on active duty (or has been notified of any impeding call or order to active duty) in support of a contingency operation as either a member of the National Guard or Reserves or a retired member of the Regular Armed Forces or Reserves.
   2. Military caregiver leave in order to care for a covered service member with a serious injury or illness if the eligible employee is the spouse, son, daughter, parent or next of kin of the service member.
4. *Definitions*

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

1. **Family and/or medical leave of absence** – an approved absence available to eligible employees for up to twelve (12) weeks of leave per year under specific circumstances.
2. **Per year** – a rolling twelve (12) month period measured backward from the date an employee uses leave under this policy. Each time an employee takes FMLA leave, the Park District will compute the amount of leave the employee has taken under this policy and subtract from the twelve weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request.
3. **Serious health condition** – any illness, injury, impairment or physical or mental condition that involves:
   * inpatient care in a hospital, hospice or residential medical facility,
   * more than three consecutive calendar days of incapacity and either treatment on at least two occasions by a health care provider or one occasion of treatment by a health care provider with continuing treatment under a provider’s supervision,
   * any period of incapacity to due pregnancy or for prenatal care,
   * incapacity for a serious chronic health condition,
   * incapacity for a long-term untreatable illness,
   * incapacity due to multiple treatments for a condition that would require more than three days absence if left untreated,
   * substance abuse treatment
4. **Licensed health care provider** – a doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists and others as specified by law.
5. **Family member** – for purposes of this policy, family member is to include the employee’s spouse, children, or parent.
6. *Calculation of Entitled Leave*

1. Eligible employees seeking unpaid Family and Medical leave are eligible for up to 12 work weeks (480 hours) of unpaid Family and Medical Leave during any “rolling” 12 month period, which is measured backward from the date an employee uses any FMLA leave.
2. Eligible employees seeking unpaid Military Qualifying Exigency Leave are entitled Employees entitled to up to 12 total workweeks of unpaid leave during any rolling 12

month period.

1. Eligible employees seeking unpaid Military Caregiver Leave, where the employee is caring for a covered service member with a serious injury or illness, the employee shall be entitled to a total of 26 weeks of unpaid FMLA leave. Any leave taken under any of the other categories shall be included in calculating the 26 weeks of unpaid FMLA leave.
   1. For instance, if an employee takes 12 weeks of FMLA leave for the birth of her child in one year, that 12 weeks will count toward her 26 total weeks allowed under the military caregiver leave if requested in the same rolling 12 months.
2. In instances where leave qualifies under both military caregiver leave to care for a covered service member with a serious injury or illness and that of a family member with a serious health condition, the employee shall be entitled to a total of 26 weeks of unpaid FMLA leave.
3. *Intermittent Leave*

The FMLA permits eligible employees to take leave “intermittently or on a reduced leave schedule” when *medically necessary*. Intermittent leave is leave taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces your usual number of hours per workweek or hours per workday. Intermittent and reduced-work-schedule leave is not permitted for the birth or placement of a child for adoption or foster care.

**NOTE:** Intermittent leave and reduced working hours are included in the twelve-week leave maximum. Employees requesting intermittent leave must present certification issued by the relevant health provider showing the medical necessity for intermittent leave or reduced working hours. In addition, employees requesting intermittent leave for foreseeable reasons are required to try to schedule such leave so as to not unduly disrupt Park District operations. The Park District may temporarily place the employee on intermittent leave or a reduced workweek in an alternative position that better accommodates such leave.

1. *Restrictions*

The following restrictions apply:

1. Employees must use all accrued sick leave (if applicable), compensatory time, vacation leave, and holiday leave, in that order, before being eligible for unpaid family medical leave. Injury leave precedes sick leave, where applicable.
2. Paid leave used by the employee under this policy shall be subtracted from the twelve work weeks to which the employee is entitled.
3. Entitlement to family medical leave for birth or placement of a child shall expire twelve months after the date of such birth or placement.
4. When both the husband and the wife are employed by the Park District, the combined amount of family medical leave for reasons other than personal illness or illness of a child shall be limited to twelve work weeks. In case of personal illness or illness of a child, each spouse is entitled to twelve work weeks of family medical leave. Spouses are entitled to an aggregate of 26 weeks if taken to care for a covered service member with a serious injury or illness.
5. The Park District shall require that a request for leave be supported by certification issued by the health provider of the employee, son, daughter, spouse or parents of the employee, as appropriate. Certification shall be provided in a timely manner.
6. When leave is foreseeable for childbirth, placement of a child or planned medical treatment for a serious health condition, the employee must provide the Park District with at least 30 days advance notice, or with as much notice as practicable if 30 days notice is not possible. When the timing of the leave is not foreseeable, the employee must provide the Park District with notice of the need for leave as soon as practicable (i.e. within 1 or 2 business days of learning of the need for the leave).
7. Where an employee takes a full week of FMLA leave, the fact that a holiday may occur within the week does not affect how much of an employee’s FMLA allowance has been used, i.e. the week is still counted as a full week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week (i.e. intermittent leave), the intervening holiday will not count against the employee’s FMLA allowance unless the employee was otherwise scheduled and expected to work during the holiday.
8. *Benefits and Compensation*

While an employee is on FMLA-approved leave, the Park District will maintain the employee’s health benefits during the approved leave period (up to the exhaustion of FMLA leave) at the same level and under the same conditions as if the employee had continued to work. If an employee normally pays a portion of their health care premium, the employee must continue to make this payment while on FMLA leave, either through payroll deduction, if applicable, or in person or by mail.

1. The payment must be received by the first day of each month.
2. If the payment is more than 30 days late, the employee’s health coverage may be dropped for the duration of the leave or,
3. At the Park District’s option, the employee’s portion of the premium may be paid by the Park District and then recovered from the employee upon his/her return to work.

If the employee’s premium payment is more than 30 days late, the employee’s coverage may be dropped. The Park District shall provide written notice to the employee that the payment has not been received and allow at least 15 days after the date of the letter before coverage stops.

If the employee chooses not to return to work for reasons other than a continued serious health condition, or a serious injury or illness of a covered service member or other circumstances beyond the employee’s control, the Park District may require reimbursement by the employee for the amount it paid for the employee’s health insurance premium during the leave.

Employees are required to substitute any and all accrued paid leave benefits and disability benefits (if applicable) for any and all unpaid FMLA leave. If an employee exhausts his/her paid leave prior to the end of the 12 week FMLA entitlement, the remaining leave will be unpaid. **An employee on FMLA leave must first use paid sick leave, compensation time, vacation leave and holiday leave, in that order, before going on unpaid leave.** Injury leave precedes sick leave, where applicable. The total amount of family leave paid and/or unpaid will not exceed a total of 12 weeks (or 26 weeks if taken to care for a covered service member with a serious illness or injury).

Samples of all **FMLA Forms** are provided as **Appendix 16A-16G**.

**SECTION 7.10 Bereavement Leave**

In the event of a death in the immediate family, the employee is granted three scheduled working days off with pay. If more than three days are needed, the employee may, at the employee’s option, use vacation leave, compensatory time, or accumulated sick leave. Time paid under this benefit will not be calculated as hours worked toward overtime.

The definition of immediate family shall include the following, as related to the employee: spouse, spouse’s parent (including legal guardian or foster parent), significant other who resides with employee, child, stepchild, grandchild, parent (including legal guardian and foster parent), grandparent, brother, sister, son-in-law, daughter-in-law, brother-in-law, sister-in-law.

In the event of a death of other close persons, the employee shall be granted up to three days of vacation, sick leave, or compensatory time for bereavement purposes.

An employee needing additional bereavement time may take vacation leave, compensatory time or sick leave at the employee’s option.

Employees may voluntarily donate their vacation leave to an employee needing additional bereavement time who has exhausted the employee’s own vacation leave.

**SECTION 7.11 Jury Duty/Compulsory Attendance Leave**

1. *Amount of Compensation*

All employees will be granted time off when an employee is subpoenaed for jury duty by the United States, the State of Ohio or a political subdivision, or when an employee is subpoenaed by any court, agency, or body having power to issue subpoenas in a matter in which the employee is not a party for an appearance, during the employee’s regularly scheduled hours. The employee is expected to report to work on regular workdays, when not assigned to jury duty. If excused or dismissed from jury duty early, the employee is expected to report to work for the balance of the workday, as time permits.

Exempt full-time, non-exempt full-time, and permanent part-time employees, who have completed one year of service shall be eligible for full pay, less court reimbursement, for twenty working days. All other jury duty and compulsory leave served by all employees shall be unpaid leave time unless the employee requests the use of other available leave time. If the employee is already on paid leave, such employee may credit back the leave time used under this policy for jury duty/compulsory attendance. If an employee’s regular shift is after the normal court hours, his shift will be changed to the hours of the normal court hours while serving the court.

Immediately upon learning of jury duty or compulsory attendance, employees shall complete a request for Jury Duty/Compulsory Attendance Leave by providing a letter to their supervisor containing the following:

* + - 1. Name of court or agency commanding appearance;
      2. Name of proceeding in which appearance is commanded;
      3. Date and time appearance is commanded;
      4. Whether matter is personal or non-personal;
      5. Estimated time employee will be on leave from work; and
      6. A copy of order or subpoena commanding employee’s appearance.

If an employee is summoned during a critical work period, that employee may be requested by the Executive Director to request a waiver from such duties for a later date. The Executive Director will assist in filing with the court the reason for dismissal.

1. *Court Attendance for Personal Matter*

Vacation time, or compensation time, must be used if the attendance at court involves a personal matter of the employee.

**SECTION 7.12 Duty to Report Back to Work**

Failure of an employee to report for work at the time at which he or she is regularly scheduled to report at the termination of a leave, or to secure an approved extension of the leave from the Park District in advance, will result in termination of employment.

Misrepresentation of facts to obtain a leave of absence or to secure an extension of a leave of absence will result in termination of employment.

Unless specifically authorized in writing by the Park District or with respect to military duties performed pursuant to a military leave of absence, a leave of absence will not be granted to engage in employment elsewhere and any employee who engages in employment elsewhere while on a leave of absence will be deemed to have voluntarily quit employment.

**SECTION 7.13 Benefits During Leaves of Absence**

The Park District will continue to provide insurance benefits while an employee is on a paid leave.

While on any type of unpaid leave of absence from the Park District, the employee will be responsible for paying the total premiums for coverage, unless one of the below exceptions apply. Failure to pay premiums to continue coverage may result in loss of coverage and possible refusal by the insurance carrier to allow coverage to be reinstated. The Park District will continue to provide insurance benefits, as it does for all employees, while an employee is on unpaid leave only where the below exceptions apply:

1. Military leave;
2. Approved FMLA leave;
3. Unpaid leave of less than thirty days; and as
4. Otherwise required by law.

**SECTION 7.14 Tuition Reimbursement For Job Related Courses**

**And For Required State Licenses/Renewals For Job**

**Performance**

The Park District recognizes that the skills and knowledge of its employees are critical to the success of the organization. Within budgetary limitations, the tuition reimbursement program encourages professional and personal development through formal education, specialized training or courses.

The Educational Assistance program applies to recognized, vocational schools, seminars, academics, associates, bachelors and graduate level programs offering degrees that are related to the employee’s job duties.

* + 1. *Eligibility for Tuition Reimbursement*
       1. Job Related Courses

Full-time employees, after completing twelve months of employment, are eligible to apply to receive reimbursement by the Park District for tuition, books, and course materials for job related courses.

To maintain eligibility for educational assistance, employees must remain on the active payroll and maintain satisfactory job performance through completion of each course. Any employee on a last chance agreement is immediately ineligible for educational assistance.

* + - 1. Required State Licenses/Renewals

Full-time employees are eligible to apply to receive reimbursement by the Park District for tuition, books, and course materials for job related courses that are required for them to obtain state licenses and renewals. This includes water/wastewater licenses or college classes and commercial driver’s license endorsements, which are required by the Park District or any applicable State of Ohio agency.

* + 1. *Approval Required for Reimbursement*

All courses must be approved, in writing, in advance of beginning the course, by the Executive Director. To apply for approval, the Executive Director must be presented with a completed **Request for Tuition Reimbursement Approval Form**, a sample of which is provided as **Appendix 17.**

* + 1. *Tuition Reimbursement Conditions*

1. Yearly Tuition Fund Established

A tuition reimbursement account will be established each year in the Park District budget. All eligible employees will be reimbursed up to a maximum of $2,000 per calendar year.

The $2,000 per calendar year tuition reimbursement maximum does not apply to job specific training, certifications, licensures, or continuing education for maintaining certifications and licensures needed to perform job duties. Such educational opportunities, offered to employees at the sole discretion and expense of the Park District, will be offered as the economic health of the Park District permits and in correlation to the workforce needs of the Park District, and at the approval of the Executive Director. All other parts of this policy, however, do apply to job specific training, certifications, licensures, or continuing education for maintaining certifications and licensures needed to perform job duties.

1. Rate of Allowed Reimbursement

Tuition reimbursement for approved courses shall be at the following rate:

For a grade of “A” – 100%

For a grade of “B” – 100%

For a grade of “C” – 100%

No reimbursement shall be made for employees obtaining a grade of less than a “C.”

1. Other Available Reimbursement Sources Pay First

At the time reimbursement is sought by the employee, the employee must advise the Park District of any other reimbursements for the approved course and provide documentation showing what eligible expenses have already been satisfied by the other sources. In all instances, the Park District is a secondary reimburser, responsible only for eligible expenses not fully paid for by the other available sources. An employee’s failure to advise the Park District of other available sources will result in discipline up to and including termination. Where it is discovered that other available sources paid an eligible amount that the Park District reimbursed, the amount improperly reimbursed to the employee will be deducted by the Park District through payroll deduction.

1. Two Years Employment Required to Retain Reimbursement

Any employee who receives a benefit under this policy shall be required to repay the entire amount of the benefit back to the Park District if such employee voluntarily resigns employment from the Park District within two years of receipt of the benefit. All employees are required to sign an acknowledgement of this policy at the time the benefit is paid to the employee. The **Tuition Reimbursement Agreement**, a sample of which is reflected as **Appendix 18**, requires the employee to acknowledge and agree to the following:

If I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, voluntarily separate from Park District employment within two years of the last tuition reimbursement payment, the amount of the payment received by you over the two years before voluntary separation will be considered only a loan. Accordingly, I understand and know that I will be required to repay 100 percent of the amount of the payment received by me over the two years before separation. I agree all money owed back to the Park District will be automatically deducted from final salary or payment of accrued benefits. If this amount is insufficient to repay 100 percent of the owed tuition reimbursement payment, terms and conditions of the additional repayment will be negotiated with the Executive Director.

**SECTION 7.15 Military Leave**

The Park District supports its employees who are members of the U.S. Armed Forces. If you are ordered or volunteer for duty, please submit copies of your military orders along with a letter requesting leave to your supervisor as soon as possible. Your leave from work and reinstatement to work will be processed in accordance with all applicable state and federal laws.

**SECTION 7.16 Employee Assistance Program**

The Park District recognizes that a wide range of problems can affect an employee the employee’s job performance. Employees who are experiencing problems are encouraged to

seek counseling and information on a confidential basis by contacting the designated Employee Assistance Program (EAP) source. This information can be obtained from the Park District’s Administrative office.

**SECTION 8 EMPLOYEE CONDUCT, SAFETY RULES & DISCIPLINE**

**SECTION 8.01 Employee Work Rules of Conduct**

To assure orderly operations, high public regard for Park District business and affairs, and to provide the best possible work environment, the Park District expects employees to follow rules of conduct that will protect the interests and safety of all employees and the Park District. It is not possible to list all forms of behavior that would be considered unacceptable in the work place.

This handbook sets forth rules governing conduct throughout it, which, if violated, may lead to disciplinary action, including termination. The following are additional examples of infractions of rules of conduct that may result in disciplinary action, including termination:

1. Unsatisfactory performance or conduct, including but not limited to negligent or willful inattention to work;
2. Theft;
3. Inappropriate removal or possession of Park District property;
4. Dishonest conduct;
5. Conducting personal business on Park District time;
6. Falsification of any Park District maintained records including but not limited to: timekeeping records, financial records, bookkeeping records, maintenance and inspection records, reports made to outside agencies, etc.;
7. Violation of the drug and alcohol policy;
8. Fighting or threatening violence in or out of the workplace;
9. Inappropriate or disruptive behavior in or out of the workplace;
10. Negligence or improper conduct leading to damage of Park District property or others;
11. Insubordination or disrespectful conduct;
12. Failure to establish and maintain a harmonious working relationships;
13. Interfering with co-workers’ ability to properly complete work;
14. Violation of the health and safety rules;
15. Divulging confidential information, including information learned in executive session;
16. Immoral, indecent, or criminal conduct in or out of the workplace;
17. Abuse or misuse of leave time;
18. Conduct detrimental to the best interests of the Park District;
19. Violation of other Park District policies, rules and/or regulations.

All disciplinary actions will be at the discretion of the Executive Director and/or Park District Board of Commissioners. Discipline of the Executive Director will be at the discretion of the Park District Board of Commissioners.

**SECTION 8.02 Administrative Leave**

The Park District may place an employee on administrative leave with or without pay for an indefinite period of time, as determined by the Executive Director or the Board of Commissioners on a case by case basis, when determining whether the employee’s conduct violates work rules, including violations of any law, or when it is deemed necessary to protect the health, safety or welfare of the employee, Park District workforce, and/or Park District visitors. If an employee is on administrative leave with pay, that employee will receive all regular pay and benefits to which that that employee is entitled. If the employee is on administrative leave without pay, the employee will not be entitled to receive pay or benefits. This employee may not use vacation, comp-time or sick leave during the period of administrative leave without pay. The employee will receive back pay and benefits at his regular rate of pay if the Administrative Leave is determined to be unwarranted.

**SECTION 8.03 General Safety & Safety Equipment**

The Park District is sincerely concerned for the safety, health and well-being of each employee. Establishment and maintenance of a safe work environment is the shared responsibility of the Park District and employees at all levels of the organization. Common sense and personal interest in safety are the greatest guarantees of your safety at work, on the road, and at home.

* + 1. *Park District Compliance with Local, State and Federal Safety Laws*

The Park District complies with all applicable Occupational Safety Health Act rules, as well as all other local, state and federal rules governing safety. Employees failing to follow reasonable safety rules may be disciplined, up to and including, termination.

* + 1. *Safety Equipment*

The Park District issues safety equipment to its employees as necessary. Employees shall wear all appropriate safety equipment for the job task being performed at all times.

Your supervisor will see that you receive the protective clothing and equipment required for your job. Use them as instructed and take care of them. You will be charged for loss or destruction of these articles only when it occurs through negligence. The wearing of safety glasses by all shop employees is mandatory.

Your work location should be kept clean and orderly. Keep machines and other objects out of walkways. Clean up spills, drips, and leaks immediately to avoid slips and falls.

Sometimes the application of safety equipment takes time and an employee may feel rushed to respond to an emergency. The employee shall protect his/her safety first by applying the appropriate safety equipment before responding to the job task in all circumstances.

Only approved hearing protection is allowed when operating Park District vehicles, emergency vehicles, construction equipment, lawn mowers, chippers, or any motorized equipment.

Headphones, MP3 players, blue tooth devices, or any other device that projects sound are not authorized at any time by any employee while on duty.

* + 1. *Care of Park District Property*

Park District equipment, tools, supplies, etc. represent a considerable investment in resident tax dollars. Care shall be used in the operation and security of all Park District property.

Vehicles and equipment shall be used only in the manner for which they have been designed and intended. In the event that Park District equipment is damaged by an employee, the employee shall notify the supervisor immediately. The supervisor will ensure that an incident report is completed and written statements are obtained from all witnesses to the event.

Park District employees are prohibited from using the Park District facilities for personal repairs or Park District equipment for personal use.

**SECTION 8.04 General Driving Rules and Regulations**

1. *Overview*

As a Park District employee, you are constantly in the public eye. Every time you drive a vehicle in the performance of your duties, you are representing the Park District. You are not only responsible for your safety and security but the safety and security of citizens and visitors to the Park District. As a result, all Park District drivers are required to exercise the utmost care and caution while operating a motor vehicle. Employees who regularly or occasionally operate a Park District owned or personally owned vehicle while in the employ of the Park District, are required to abide by all applicable federal, state, and local laws, in additional to these rules and regulations.

1. *Definitions*

Vehicle – Unless otherwise specified, a vehicle is any automobile, truck, or piece of equipment allowed to operate on the streets and highways of the State of Ohio, whether licensed or not.

Assigned Vehicle – A vehicle that is provided to a particular employee. The employee is considered the principal driver of the vehicle and may or may not use the vehicle to commute to and from work.

1. *Driving Record Acceptability*

Any employee who drives a Park District or personal vehicle while in the employ of the Park District, whose driving record shows any one of the following conditions, will be considered to have an unacceptable driving record and will not be permitted to drive until his/her record no longer exhibits one of the criteria listed below:

1. One or more serious violation(s) in the last year.\*
2. Two or more at-fault accidents in the last year, where the accident results in property damage in excess of $3,000.
3. More than three moving violations in the last two-year period, including traffic citations received as a result of an accident.
4. Any combination of traffic accidents and/or moving violations equaling five or more in the last two years.

\*Serious violations include, but are not limited to driving while intoxicated, driving while under the influence of drugs, negligent homicide arising out of the use of a motor vehicle (gross negligence), operating a vehicle without a license, using a motor vehicle during the commission of a felony, aggravated assault with a vehicle, operating a vehicle without the owner’s authority (grand theft), permitting an unlicensed person to drive, reckless driving, speed contest, and hit and run driving.

Unless otherwise noted above, moving violations include those that involve personal vehicles that are or are not being used during employment.

At-fault accidents that occur in an “emergency vehicle” when the vehicle is on an emergency call will be counted only if the accident is determined by the Executive Director to have been “avoidable.”

1. *General Rules and Regulations*
   * + 1. Only employees who sign the accompanying **License/Insurance/Maintenance Requirements Form**, a sample of which is provided in **Appendix 19**, are allowed to drive a Park District owned or personal vehicle while performing work for the Park District.
       2. Assigned vehicles shall not be used to commute to or from work except as approved by Executive Director.
       3. Park District vehicles shall only be used to conduct matters of Park District business.
       4. Vehicles are to be driven in a manner such as to create a favorable impression to the public. Drivers shall exercise special precautions when:
2. Children are playing on a roadway, alley, or near the curb,
3. Passing schools or playgrounds,
4. Approaching persons on bicycles, and
5. Driving during inclement weather.
   * + 1. All employees shall use their seat belts (including shoulder straps) while driving vehicles other than equipment. Employees shall wear seat belts, if provided, when operating equipment. All passengers are required to occupy only those seating positions equipped with seat belts and use them.
       2. No employee under the age of 18 is allowed to drive a Park District owned or personal vehicle while performing work for the Park District on the public roadways.
       3. Authorization for temporary/seasonal employees to operate vehicles shall be limited, where practical. However, if authorized, these employees must sign the License/Insurance/Maintenance Requirements Form and approved by the Service Director.
       4. Vehicle Operators must possess a current Ohio Operators license appropriate to the vehicle being driven.
       5. Any employee who operates a vehicle on a regular or occasional basis is required to immediately report any license suspension or revocation, including those that result from the operation of personal vehicles to the Executive Director. All accidents and/or moving violations shall be immediately reported to the Executive Director and a copy of the citation should be provided to the Executive Director. The employee must report all work-related accidents and all accidents in a Park District vehicle to law enforcement. The **Ohio Department of Highway Safety Accident Report, Appendix 20**, must be completed immediately and at the latest within forty-eight hours of the accident unless injury prevents its completion.
6. The presence in a Park District vehicle of firearms and other dangerous weapons is prohibited. The only exception is that a 22 caliber may be carried if you need it to assist in the shooting of an unwanted animal in the parks.
7. The presence in a Park District vehicle of alcoholic beverages, prescription or illegal substances is prohibited.
8. Drivers will not operate vehicles when under the influence of alcohol or illicit and/or driving impairing drugs.
9. Drivers will use the proper signals when stopping, turning, or slowing down.
10. All drivers will give a pedestrian the right of way.
11. Flasher lights on trucks, cars, and equipment should be used as emergency or work conditions require. Flasher lights are not to be used as an excuse to gain the right of way or to break traffic rules.
12. All traffic laws of the State of Ohio, including signs and speed limits, will be obeyed.
13. While driving a public vehicle, employees are prohibited from wearing any personal audio equipment, such as headphones, MP3 players, blue tooth devices, or any other device that projects sound.
14. While driving a public vehicle, employees are prohibited from texting and any form of electronic communications while driving and prohibited from becoming distracted by any device while driving. Any form of electronic communications while driving is considered dangerous and puts employees and the general public at risk. When driving a vehicle while on official Park District business, all employees are reminded that safe driving is their responsibility and should be considered their first priority.
15. The Park District is not responsible for the penalty incurred as a result of any violation of state or local traffic laws, whether the violation occurs during or after work hours.
16. Employees shall not transport passengers, except for those who are employees of the Park District, or are conducting business with or on behalf of the Park District, without pre-approval in writing from the Executive Director.
17. At no time shall a Park District vehicle be used to transport an employee’s family member, friend, or members of the general public for purposes other than official Park District business unless approved by the Executive Director.
18. No one is permitted to ride outside the passenger compartment when a vehicle is in motion.
19. The Park District provides vehicles for employees’ use for work related travel. Employees shall use these employer provided vehicles for work related travel if available. No mileage for business related travel within Miami County will be granted to any employee who travels in the employee’s personal vehicle. Use of personal vehicles while performing work for the Park District must be pre-approved by the Executive Director in writing. Mileage requests for work related travel outside Miami County must be pre-approved by the Executive Director or Commission. Where an employee is found to have used a personal vehicle for work related travel when a Park District vehicle was available for use, the employee shall not be eligible under any circumstances to receive mileage reimbursement. Employees driving personal vehicles while performing work for the Park District will maintain primary automobile liability insurance coverage on the vehicle bring driven. State required minimum bodily injury/physical damage limits must be maintained. Mileage will be reimbursed for use of personal vehicle at the standard rate approved by the United States Internal Revenue Service. The employee driver must submit a **Mileage Claim Form, Appendix 21.**
20. Personal vehicles will not be used to pull trailers or haul equipment while being used in Park District related business.
21. Park District vehicles assigned to employees are to be garaged or parked off traveled streets when possible.
22. Employees driving Park District vehicles are expected to maintain complete logs of fuel usage in the record books provided.
23. Gasoline is to be obtained from bulk tanks at the reserves or other approved locations. When refueling is necessary while away from the Park District, gasoline is to be purchased from approved companies using a Park District credit card whenever possible. If in an area where approved companies cannot be found, gasoline may be purchased with cash or personal credit card to be reimbursed by the Park District. Delivery slips for fuel purchased with cash or personal credit card or Park District credit cards are to be turned in to the Park District office as soon as possible.
24. Under no circumstances, short of dire emergency, is gasoline or diesel fuel to be drawn from the bulk tanks in reserves and put into privately owned vehicles. If this is done, a written report must be made by the employee doing so to the Executive Director within twelve hours giving full details of the action including justification.
25. All Park District owned vehicles are to be maintained according to the manufacturer’s specifications by the employee assigned to such vehicle. Records of this maintenance activity are to be retained in log books provided. All personal vehicles driven while performing work for the Park District shall be maintained in a manner that promotes safe travel by the employee owning the vehicle. Routine maintenance and minor repairs to Park District vehicles are to be performed at the shop of the assigned duty station. Repairs which cannot be done by Park District personnel will be done by an approved repair agency. All outside repairs to Park District Vehicles above $100.00 are to be authorized in advance by the Executive Director.
26. Park District vehicles are to be kept clean and uncluttered inside and out and are to be washed as needed, waxed at least twice a year and rubbed out at least once a year. The Park District will pay for keeping the vehicles clean. Supervisors should ensure that the trucks at their stations are kept clean.
27. Park District owned vehicles shall be kept free of having placed on or within any stickers or signs which indicate any political candidate, party, organization, or theme, are in poor taste or relate to specific social concerns that maybe found objectionable by citizens.
28. No employee shall adjust, modify or otherwise alter a Park District vehicle in such a way as to change its looks or damage or decrease the efficiency or value of the vehicle.
29. Tampering with or otherwise altering the effectiveness of vehicle warning devices such as back-up alarms and seat belt alarms is strictly prohibited.
30. The use of all tobacco products, e-cigarette products, or any similar like product unless medically prescribed (such as a nicotine patch to stop smoking) is prohibited in Park District vehicles.
31. All vehicles are to be locked when unoccupied. No vehicle or piece of equipment is to be left unattended with the ignition key left in the ignition.
32. When a Park District employee to whom a vehicle is assigned is away from his assigned area (e.g. sick leave, vacation, attending conference) for more than five working days, arrangements are to be made to leave the vehicle at the assigned duty station. Keys and records are to be turned in. Any needs for service are to be communicated at that time so work can be performed during the driver's absence. In no instance shall a vehicle be impounded and/or the Park District to be deprived of its use during the absence of an employee.
33. Park District vehicles are not to be driven outside of Miami County and the adjacent counties (Champaign, Clark, Greene, Darke, Montgomery and Shelby) without authorization.

Any violation of this section observed or known by any employee shall be reported to the Executive Director for investigation and possible disciplinary action.

* + 1. *Backing*

Backing of vehicles should be discouraged, given the rate of accidents that take place during this operation. No vehicles should be backed up, unless the driver cannot avoid it and he has a clear view of the entire area into which the driver is backing the vehicle. If such a view is not present, the driver, if alone, will get out of the vehicle and inspect the area to be backed into or, if a second person is in the vehicle, the second person will get out and guide the driver using appropriate hand and/or voice signals.

* + 1. *Vehicle Inspection*

Park District owned personal passenger cars and pick-ups will be inspected on at least a quarterly basis. Inspections will focus on identifying any obvious physical damage, inoperable running lights and horns, loose steering, and inappropriate tire condition. Records of these inspections will be maintained. Any deficiency encountered will be reported to the employee’s Director immediately. It will be the Director’s responsibility to insure that appropriate action is taken to correct the problem.

* + 1. *Special Equipment*

Special Equipment such as tractors and mowers, or any vehicle that has special devices added for specific types of work, will require that the driver receive formal instruction prior to usage. This special training will comply with all appropriate OSHA, NFPA and DOT Standards and rules and regulations.

1. Explanation and demonstration of all control devices.
2. Explanation and demonstration of all safety equipment.
3. A walk through of all inspection criteria
4. Demonstration of operation.
5. Supervised new driver operation.

The departments will retain written documentation of all special training.

* + 1. *Proof of Insurance*

Each Park District owned vehicle should have an insurance card kept in the glove compartment or attached to the driver’s sun visor. Missing insurance cards should be reported to the Service Director. Any employee using their personal vehicle while performing work for the Park District should carry a proof of insurance card.

* + 1. *Driving Record Acceptability*

The Park District will obtain Motor Vehicle Records on all employees who drive once every year or more. These, along with any Uniform Police Traffic Accident and Ohio Uniform Accident Reports will be reviewed by the Park District to determine if any employees who drive have an unacceptable driving record. Those who do not will be notified in writing by the Service Director using the **Notice of an Unacceptable Driving Record Form**, a copy of which is provided in the **Appendix 22**. A copy of the completed form will be placed in the employee’s personnel file.

* + 1. *Roster of Drivers*

An official roster of drivers will be maintained by the Park District. This document will highlight the number of at-fault accidents, citations, and major violations that drivers have had annually.

* + 1. *Training*

Employees who drive while performing work for the Park District will attend a defensive driving course upon being hired and every three years afterwards, unless circumstances dictate that additional training is required. Drivers with one “at-fault” accident and/or two moving violations within a prior one-year period are required to attend.

* + 1. *Record Keeping*
       1. Any Notice of an Unacceptable Driving Record will become part of an employee’s personnel file.
       2. Motor Vehicle Records and Uniform Police Traffic Accident/Ohio Uniform Traffic Accident Reports will be maintained by the Park District in a central file.
       3. Signed and dated License/Insurance/Maintenance Requirements Forms will be maintained by the Park District in a central file.
    2. *Mandatory Reporting For Work Related Incidents*

Because a failure to report personal injury or property damage as prescribed in this policy may result in the denial of Workers’ Compensation benefits, follow these rules carefully.

Furthermore, mandatory drug and alcohol testing is required of employees involved in work related incidents. When involved in a work related incident, you must comply with immediate testing laws, which are outlined in this handbook at Section 8.07.

* + - 1. Unsafe Conditions to Permit Corrective Action

Employees are expected to obey safety rules, to exercise caution in all their work activities, and to **immediately report any unsafe conditions** to the employee’s supervisor. The Park District takes safety seriously, and if an employee violates the Park District’s safety standards, causes a hazardous or dangerous situation, or fails to report or to remedy such situations, he or she may be subject to disciplinary action, up to and including termination of employment.

Section 8.04(D)(2)-(3) below explains the proper reporting procedures that must be made in writing.

* + - 1. All Employee Accidents and Injury

Immediate communication in the Park District is essential when an accident occurs. In the case of an accident that results in an injury, **regardless of how insignificant the injury may appear**, employees must immediately notify the appropriate supervisor, director, or the Executive Director verbally. Prompt verbal reporting can ensure legal compliance and quick initiation of insurance and workers’ compensation benefits procedures.

All employees have been provided with a Bureau of Worker’s Compensation card. This card should be in the employee’s possession at all times when on duty. When an accident occurs, the injured employee shall immediately follow the steps on that card to report the injury and to obtain medical assistance and treatment.

Section 8.04(D)(3) below explains the proper reporting procedures that must be made in writing.

* + - 1. Written Incident Reports for Work Related Accidents, Injury and Property Damage Shall be in Writing
         1. Immediate Reporting

All incidents must be reported immediately, in writing, following the work related accident, injury or property damage, but no later than 24 hours after the incident or diagnosis of an occupational personal injury. All employees with knowledge of the event are responsible to make an immediate report of the incident.

* + - * 1. Personal Injury Incidents

In the case of personal injury, the employee shall complete and forward the **Accident Investigation Form**, a sample of which is provided in the **Appendix 23,** to the Executive Director. **Employees are not to file a First Report of Injury with the Bureau of Workers’ Compensation.** The Direct Supervisor will be responsible for notifying the Park District’s Managed Care Organization (MCO) upon receipt of the employee’s personal injury form. The MCO will complete all applicable First Report of Injury forms.

* + - * 1. Property Damage Incidents

In the case of property damage, the employee shall complete and forward the **Property Damage Incident Report Form**, a sample of which is provided as **Appendix 24**, to the Executive Director who will initiate an investigation within 24 hours of notification of the incident.

* + - * 1. Driving Incidents

Employees involved in an accident while operating a Park District vehicle shall:

1. Leave the vehicle in the exact position in which it came to rest after the accident unless instructed to move it by a law enforcement official or for public/personal safety reasons;
2. Request that all involved parties and/or witnesses remain at the accident scene until a law enforcement representative arrives;
3. Remain polite and helpful at all times and do not speculate about who caused the accident or why it happened;
4. Refrain from making any statements about the accident to anyone other than the police department involved and the appropriate Park District representatives;
5. Notify your supervisor immediately, who shall immediately notify the Executive Director;
6. Report for all required testing as required by law and this Handbook;
7. Complete an incident report immediately, but not later than twenty-four hours of the accident. The 24 hour time-period is provided to allow those in need of immediate medical attention a reasonable amount of time to report in writing. Please note it is the expectation and mandate of the Park District that the incident report is to be completed with detail, immediacy and haste, and where no intervening circumstances exist, the incident report is always to be completed immediately.

The Park District has established a safety committee to review driving accidents. Each time a Park District employee or authorized driver is involved in any accident with a Park District owned, leased, or controlled vehicle, the incident report completed on the accident will be provided to the Direct Supervisor. The Direct Supervisor will then communicate the accident to the director of the employee’s department who shall immediately collect statements from witnesses if not done by law enforcement reporting to the scene.

Based upon the facts of each accident, the Direct Supervisor shall refer the report of those accidents involving property damage, injury, or other issue considered to possibly involve safety concerns to a safety committee, chaired by the Police Administrator or his/her designee, and including the driver’s department or division director, and one other representative to be named by the Executive Director. The safety committee shall determine whether or not the accident was preventable and shall forward that information to the Executive Director, along with any relevant recommendations. The Executive Director shall then determine if there is cause for disciplinary action.

**SECTION 8.05 Drug-Free Workplace**

The Park District mandates that its workplace be drug-free for the safety of its employees and the community it serves. The Park District will not tolerate any drug or alcohol use that could endanger the health and well-being of its employees, customers, or the general public, or that threatens the Park District’s business or reputation.

1. *If You Need It, Get Help Immediately*

While the Park District does not condone the abuse of alcohol, prescription drugs, and/or use of illegal drugs, the Park District does recognize that addiction to drugs and/or alcohol can be treated. If an employee recognizes a personal addiction or abuse problem and seeks assistance from management ***in advance*** of detection, the Park District will confidentially assist the employee in seeking treatment while simultaneously taking necessary steps to protect the health, safety and welfare of its workforce and the public. If you need help, speak to your supervisor immediately.

No employee with an alcohol or drug problem will have his job security or promotion opportunities jeopardized by a request for treatment. The individual's right to confidentiality and privacy are recognized. All pertinent information and records of employees diagnosed with alcohol or drug problems will be preserved in the same manner as all other medical records. The Park District officials and employees will not attempt to diagnose alcoholism or drug addiction.

It will be the responsibility of the employee to comply with the Park District Board of Commissioners’ or designee’s referral for diagnosis and to fully cooperate with the prescribed treatment. An employee’s failure to accept diagnosis or treatment will be handled in a similar manner to any other situation which adversely affects job performance.

Any employee who is referred to a substance abuse rehabilitation program and fails to satisfactorily participate in the program will be terminated immediately. Referral to a rehabilitation program is designed primarily for those employees who appear to have a treatable condition, not to protect those employees who manufacture, distribute or dispense drugs in the workplace.

1. *Prohibited Conduct*

The following actions are prohibited and will result in discipline up to and including termination of employment.

1. Being under the influence of, using, possessing, manufacturing or selling illegal drugs or drug paraphernalia, controlled substances, or alcohol (including the presence of these substances in your system) while on the Park District premises or on Park District business, or at any time during work hours.
2. Using alcohol off Park District premises or possessing, using, manufacturing, distributing, dispensing or selling illegal drugs or other controlled substances off Park District premises where that conduct adversely affects the employee’s attendance, work performance, work safety, or adversely affects the Park District’s reputation in the community.
3. Testing positive for illegal drugs.
4. Refusing to submit to a drug or alcohol test.
5. Falsifying or altering (or attempting to falsify or alter) the employee’s or another employee’s sample or drug test results.
6. Abusing prescription drugs or possessing prescription drugs that have not been prescribed for that employee by a physician.
7. *Drug and/or Alcohol Testing*

The Park District requires that every employee be free of alcohol and drug abuse. Accordingly, the Park District may require you to submit urine, blood, breath or other samples for alcohol and/or drug testing under the following circumstances:

1. When the Park District management and/or supervisors have reason to suspect that an employee may be in violation of this policy. The suspicion must be documented in writing within 24 hours of the event or before the release of the test findings, whichever occurs first. Reasonable suspicion testing does not require certainty, but mere “hunches” are not sufficient to justify testifying. Reasonable suspicion maybe based upon the following:
   1. Observed behavior, such as direct observation of drug/alcohol use or possession and/or the physical symptoms of drug and/or alcohol use, including but not limited to slurred speech, disorientation, and abnormal conduct or behavior
   2. A pattern of abnormal conduct or erratic behavior;
   3. Arrest and conviction for a drug or alcohol-related offense and the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
      1. The employee is responsible for notification to the employee’s direct supervisor immediately, and should not report to work before notification occurs;
   4. Information provided either by reliable or credible sources or independently corroborated, regarding an employee’s substance use;
   5. Newly discovered evidence that the employee may have tampered with a previous drug or alcohol test.
2. After any accident or occurrence that results in an on-the-job injury, as defined by the Occupational Safety and Health Administration (OSHA) or the Federal Highway Administration or any other applicable federal, state, or local law;
3. After any vehicular accident;
4. After any incident where an employee may have engaged in an unsafe on-duty job-related activity that poses a danger to themselves, to others, or the overall operation of the Park District;
5. At hiring time, if the employee is required to pass a pre-employment drug-screening test as a condition of employment (Post-offer, pre-employment testing); and
6. Pursuant to the Federal Department of Transportation’s mandated drug and alcohol testing requirements, if the employee is required to possess a commercial driver’s license (CDL) as a condition of employment.
7. *Mandatory Conviction Reporting*

Any employee convicted of a federal or state criminal drug statute within the workplace must notify the Executive Director in writing within five calendar days of the conviction. The Park District Board of Commissioners will, within thirty days after receiving notice of a conviction from an employee or upon concluding an employee has violated this policy will:

1. Take appropriate disciplinary action against the affected employee up to and including termination or;

2. Require that the employee satisfactorily participate in a drug rehabilitation program.

Any employee who fails to report a workplace-related drug conviction will be terminated from employment and be held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

1. *Notice of Potential Impact on Benefits*

Results of or refusal to submit to requested alcohol and/or drug testing may affect an employee’s eligibility for workers’ compensation benefits.

**SECTION 8.06 Use of Prescription and Over-the-Counter Medication**

The Park District mandates that its workplace be drug-free for the safety of its employees and the community it serves. The legal use of prescribed drugs is permitted on the job only if it does not impair the employee’s ability to perform the essential functions of his/her job effectively and safely**.** If an employee is prescribed medication or taking over-the counter medication which could impair his/her ability to perform his/her job, the employee must promptly notify, in writing, the Executive Director, before reporting for duty so that the employer can determine if an independent medical review is needed before returning the employee work to evaluate fitness for duty to protect all involved. Such written notification must be provided through the use of a **Prescription or Over-the-Counter Medication Notification Form**, a sample of which is provided as **Appendix 25**. If an employee is uncertain as to the potential effects of a particular medication, it shall be that employee’s responsibility to consult with a physician or pharmacist as to its potential effects in order to report those to the Park District.

**SECTION 8.07 Alcohol & Drug Testing Policy for Employees**

**Who Operate Commercial Motor Vehicles**

1. Purpose.

The purpose of this policy is to comply with all applicable Federal regulations adopted by the Federal Highway Administration that mandate alcohol and drug testing and to establish testing standards for covered, safety-sensitive employees who operate commercial motor vehicles. This policy supplements, but does not replace or change, all existing policies and agreements concerning the use of, and testing for, alcohol and drugs, unless otherwise required by law or regulation.

* + - 1. The Executive Director is the person designated to:

1. Answer questions about these materials and the implementation of the Federal Highway Administration regulations;
2. Receive confidential information regarding alcohol and drug testing results; and
3. Receive confidential information from substance abuse professionals.
   * + 1. The public expects Park District services to be delivered in the safest and most conscientious manner possible. Involvement with drugs and alcohol can adversely affect job performance and employee safety. The presence of drugs or alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with the objective of maintaining a drug and alcohol-free workplace.
       2. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek assistance from the Employee Assistance Program. While the Park District will be supportive of those who seek help voluntarily, the Executive Director will be equally firm in identifying and disciplining those who are, or continue to be, substance abusers and who do not seek help.
4. Covered Employees.

This policy applies to all employees who operate a commercial motor vehicle to carry out their job duties or who are required as a condition of employment to possess and maintain a commercial driver’s license (CDL). Participation in the Alcohol and Drug Testing Program is required for these employees and is considered to be a condition of employment.

For purposes of this section, “commercial motor vehicle” means a vehicle that:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
2. Has a gross vehicle weight rating of 26,001 or more pounds;

1. Is designed to transport sixteen or more passengers, including the driver; or
2. Is of any size and is used in the transportation of materials that are found to be hazardous for the purposes of the Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under the Hazardous Materials Regulations.
3. Safety-Sensitive Functions.

The Federal Highway Administration alcohol and drug rules apply to employees when performing safety-sensitive functions. “Safety-sensitive functions” under these rules include any of the following;

1. All time waiting to be dispatched;
2. All time inspecting, servicing or conditioning any commercial motor vehicle;
3. All time driving a commercial motor vehicle;
4. All time spent loading or unloading a vehicle, supervising or assisting in the loading or unloading of a vehicle, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments loaded or unloaded;
5. All time spent dealing with a commercial motor vehicle accident;
6. All time spent repairing, obtaining assistance for, or remaining in attendance upon a disabled commercial motor vehicle; and
7. All other time spent in or any commercial motor vehicle.
8. Prohibited Conduct.

The Federal Highway Administration regulations include the follow rules on prohibited conduct:

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater (see subsection “I” hereof for provisions relating to alcohol concentrations between 0.02 and 0.04);
2. No employee shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment;
3. No employee shall use alcohol while performing safety-sensitive functions;
4. No employee shall perform safety-sensitive functions within four hours after using alcohol;
5. No employee shall use alcohol for eight hours following an accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first;
6. No employees shall refuse to submit to a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test or a follow-up alcohol or drug test; and
7. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any drug, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee’s ability to safely operate a commercial motor vehicle.
8. Supervisor Responsibilities.

Supervisors must not permit an employee to perform safety-sensitive functions if they have actual knowledge that the employee:

1. Has a blood alcohol concentration of 0.02 or greater;
2. Has alcohol in his or her possession;
3. Is using alcohol on the job;
4. Has used alcohol within the past four hours;
5. Refused to submit to an alcohol or drug test required by this policy;
6. Has used a controlled substances; or
7. Tested positive for drugs.
8. Alcohol and Drug Testing.

In addition to alcohol, the substances for which the employee will be tested include, but are not limited to, the following: marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

Testing for alcohol concentration will be through the evidential breath testing procedure. Testing for controlled substances will be accomplished through urine sampling. The employee may be required to sign an authorization form permitting the medical facility to conduct the test and release the results to the Direct Supervisor and the Executive Director. An employee is subject to Federal Highway Administration mandatory testing for alcohol and drugs under the following circumstances:

1. Pre-employment/pre-duty testing. An applicant or newly hired employee must be tested for alcohol and drugs before the first time the driver performs any safety-sensitive function. In order to return to duty involving safety-sensitive functions, the driver must test with an alcohol concentration level of less than 0.02 and/or test negative for controlled substance use.
2. Post-accident testing. An employee must be tested for alcohol and drugs as soon as practicable following an accident involving a commercial motor vehicle, if:
3. The employee was performing a safety-sensitive function with respect to the vehicle and the accident resulted in the loss of a human lie (whether or not the driver caused the accident); or
4. The employee receives a citation under State and local law for a moving violation arising out of the accident.

In the case of post-accident testing for drugs, the driver must immediately notify the Service Director of the accident and remain readily available for testing. The American Truckers Association shall administer the tests as soon as possible, but not more than eight hours after the accident in the case of alcohol testing and not more than thirty-two hours after the accident in the case of controlled substance testing. The results of a breath or blood test for the use of alcohol, or of a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test, shall be deemed to meet the requirements of this policy, and the Executive Director may choose to use this type of test instead of performing one of his or her own.

1. Random testing. Employees will be randomly selected for unannounced alcohol and drug testing. The minimum annual percentage rate for random alcohol testing will be twenty-five percent of the average number of driver positions. The minimum annual percentage for random drug testing will be fifty percent of the average number of driver positions. Employees will be selected on a random basis, which assures that all drivers have an equal chance of being tested. The dates for testing will be spread out throughout the calendar year and will be unannounced. A driver shall only be tested during, just prior to, or just after the performance of safety-sensitive functions.
2. Reasonable suspicion testing. An employee must be tested for alcohol or drugs if there is a reasonable suspicion that a driver has violated the rules on the use of alcohol or drugs. Reasonable suspicion will be based on specific, current and describable observations concerning the appearance, behavior, speech or body odors of the employee made during , just preceding, or just after, the period of the work day when the employee is performing a safety-sensitive function. The observation and determination that a reasonable suspicion exists will be made by a supervisor, manager or other Park District official trained in detecting the symptoms of alcohol or drug use. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.
3. Return-to-duty testing. An employee must be tested for alcohol and drugs before returning to any safety-sensitive duties following a violation of the Federal Highway Administration alcohol or drug rules.
4. Follow-up testing. An employee who has been identified by a substance abuse professional as needing assistance in resolving problems with alcohol or drugs and who has returned to duty is subject to a minimum of six follow-up alcohol or drug tests over the first twelve months following the return to duty. The substance abuse professional may require the employee to undergo additional alcohol or drug testing for up to sixty months.

All alcohol and drug testing dome under the Federal Highway Administration rules will comply with 49 CFR, Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. These procedures require separate screening and confirmation tests and a number of other procedures which are intended to protect the driver and the integrity of the testing processes, to safeguard the validity of the test results and to ensure that those results are attributed to the correct driver.

1. Refusal to Submit to Alcohol or Drug Test.

The Federal Highway Administration rules mandate that an employee submit to the alcohol and drug tests required by the Federal Highway Administration rules. A refusal to submit is itself a violation of the Federal Highway Administration rules.

1. A refusal to submit to an alcohol or drug test includes any of the following conduct;
2. Failure to provide adequate breath for alcohol testing, without a valid medical explanation, after the driver has received notice of the requirement for alcohol testing under the Federal Highway Administration rules;
3. Failure to provide adequate urine for drug testing, without a valid medical explanation, after the driver has received notice of the requirement for drug testing under the Federal Highway Administration rules;
4. Engaging in conduct that clearly obstructs the testing process; and
5. Failure to remain readily available for testing following an accident involving a commercial motor vehicle.
6. A refusal to take an alcohol or drug test required by the Federal Highway Administration rules will have the following minimum consequences:
7. An applicant who refuses a pre-employment/pre-duty test will not be hired;
8. An employee who refuses a return-to-duty test will not be returned to duty; and
9. An employee who refuses a post-accident, random, reasonable suspicion or follow-up test will be treated as if he or she had a positive test result, as described in subsection H hereof.

An employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration or substitution, shall be removed from duty immediately and subject to discipline up to and including dismissal. Refusal can include an inability to provide a specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

1. Violations of Federal Highway Administration Rules.

Employees who violate the Federal Highway Administration rules on alcohol or drugs will:

1. Be removed from all safety-sensitive functions and placed on an unpaid leave of absence, unless otherwise determined by the Executive Director;
2. Be referred to and evaluated by a substance abuse professional, who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol or drugs;
3. Not be returned to work unless the driver passes a return-to-duty alcohol test (if the violation involved alcohol) or a return-to-duty drug test (if the violation involved drugs) and has properly followed any rehabilitation program prescribed by the substance abuse professional; and
4. Be subject to Federal Highway Administration-mandated unannounced follow-up drug and alcohol testing, including a minimum of six tests during the first twelve months following the driver’s return to work.

These are the minimum consequences mandated by the Federal Highway Administration rules. The Executive Director may take additional disciplinary action, up to and including dismissal, for conduct which violates work rules or policies.

1. Alcohol Test Results Between 0.02 and 0.04.

A positive alcohol test is defined by the Federal Highway Administration rules as a test finding an alcohol concentration of 0.04 or greater. However, if a driver’s alcohol test finding is between 0.02 and 0.04, the driver must be removed from duty until the driver’s next regularly scheduled duty period, but not less than twenty-four hours following the test.

1. Employee Requested Confirmation Testing.

An employee who questions the results of a required drug test may request that an additional test be conducted at a different DHHS-certified laboratory. The test will be conducted on the split sample that was provided at the same time as the original sample. The cost of the second test will be borne by the employee, unless the second test invalidates the first.

The method of collecting, storing and testing the split sample is as prescribed by the procedures in 49 CFR, Part 40. The employee’s request for a split sample test must be made to the designated medical review officer within seventy-two hours of notice of the initial test result. Requests after seventy-two hours will be acceptable only if the delay was due to documentable facts that were beyond the control of the employee.

1. Confidentiality.

Laboratory reports or test results shall not appear in an employee’s general personnel folder. Information of this nature will be secured in a separate confidential folder in the Personnel Department. The reports or test results may be disclosed to management on a need-to-know basis and to the tested employee upon request. Legal counsel for the Park District may also disclose confidential information pertaining to an employee to the decision-makers in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee, and arising from the results of an alcohol and/or controlled substance test administered under Federal Highway Administration rules, or from the Executive Director’s determination that the employee engaged in prohibited conduct.

1. Federal Highway Administration Mandated Alcohol/Drug Evaluation/Treatment.

Employees who test positive for the presence of alcohol or illegal drugs will be referred to, and evaluated by, a substance abuse professional (SAP). A substance abuse professional is a licensed or certified physician, psychologist, social worker, employee assistance professional or addiction counselor with knowledge of, and clinical experience in, the diagnosis and treatment of drug and alcohol-related disorders. The substance abuse professional will evaluate each employee to determine what assistance, if any, the employee needs to resolve problems associated with prohibited substance abuse or misuse of alcohol.

Under certain circumstances, including positive alcohol or drug tests, employees may be required to undergo treatment for substance abuse. If an employee is not discharged, but is allowed to return to duty after such evaluation and/or treatment, he or she must properly follow the rehabilitation program prescribed by the substance abuse professional, must pass the return to duty alcohol and drug test(s) and must be subject to unannounced follow-up tests for a period of one to five years, as determined by the substance abuse professional or as required by Federal Law. Any employee who refuses treatment when required, or who fails to comply with the individualized treatment plan prescribed by the substance abuse professional for treatment, aftercare or return to duty, shall be subject to disciplinary action, up to and including discharge.

1. Additional Alcohol and Drug Information.
2. The use of alcohol or drugs can have negative effects on an individual’s health, work and personal life.
3. The National Institute on Alcohol Abuse and Alcoholism (NIAAA) reported in 1987 that two of every three adults in the United States drink, but ten percent of those drinkers consume half of the nation’s beer, wine and liquor. According to the National Institute on Drug Abuse (NIDA), an estimated seventeen million U.S. adults are alcoholics. The cost to society from alcohol misuse is enormous. The potential effects include lost lives, personal injuries, property damage, business losses (lost productivity, absenteeism, increased health care costs, etc.) and environmental damage.
4. In 1987, the NIAAA estimated the economic costs to society of alcohol misuse to be nearly $117 billion a year, including $18 billion from premature deaths, $66 billion in lost productivity and $13 billion for rehabilitation.
5. Accident statistics indicate that nearly half of the fatally injured noncommercial motor vehicle drivers had a measureable amount of alcohol in their blood compared with about fifteen percent of fatally injured drivers of medium and heavy trucks. For those truck drivers who had been drinking before an accident, the highest accident rate was among those consuming the most alcohol. Drivers of heavy and medium trucks with measureable alcohol concentrations are involved in about 750 fatal crashes annually, along with another 7,700 crashes resulting in personal injuries and 4,750 crashes involving only property damage.
6. In 1990, the National Transportation Safety Board (NTSB) published the results of a study of alcohol and other drugs used by CMV operators in fatal-to-the-driver, heavy truck accidents. Thirteen percent of the fatally injured drivers tested positive for alcohol. Another twenty percent of the drivers tested positive for drugs.
7. Additional information concerning the effects of alcohol and drug use, and the signs and symptoms of an alcohol or drug problem, will be periodically provided to covered employees and their supervisors.
8. When an available service, information regarding the benefits that can be obtained through an Employee Assistance Program can be obtained from the Executive Director’s office.
9. Copies of the Federal Highway Administration rules on alcohol and drug use and testing, 49 CFR, Part 382 and the Department of Transportation rule on procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 CFR, Part 40, are available for review in the Personnel Department.
10. Employees are urged to request assistance with any drug or alcohol problem before disciplinary action is necessary. If an employee advises the Executive Director of a drug or alcohol problem, the employee will be urged to receive counseling and, if appropriate and necessary, will be permitted to take accrued paid sick leave or vacation to receive the recommended treatment. If an employee has exhausted accrued paid sick leave and vacation, he or she may apply for an unpaid personal leave of absence for the period of time necessary to receive the recommended treatment.
11. Alcohol and drug dependencies are treatable. Employees covered by the Park District-sponsored health insurance program have limited coverage for treatment of alcoholism and drug dependency. Any costs associated with treatment that are not covered by insurance will be the responsibility of the employee.
12. Employees who suspect that another employee is in violation of the Federal Highway Administration alcohol and drug rules should immediately report their suspicion, and the basis for it, to their supervisor or to the Executive Director, so that appropriate action may be taken and a potentially unsafe situation avoided. (Ord. 95-31. Passed 12-18-95.)

**SECTION 8.08 Smoke-FreeWorkplace**

In accordance with Ohio Revised Code Chapter 3794, smoking is prohibited in any Park District-owned equipment or vehicle, in any Park District-owned facility, and within 30 feet of any entrance or exist to any Park District building Smoking, as defined by Ohio Revised Code §3794.01(A), and as used in this section, means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant, including e-cigarettes.

Compliance with the smoke-free policy and all other provisions of this policy is mandatory for all employees and persons visiting public buildings.

**SECTION 8.09 Violence Prohibited In and Out of the**

**Workplace**

The Park District does not tolerate violence within its workplace. The Park District does not tolerate violence by its employees outside the workplace. Park District employees hold the privilege of public employment and must conduct themselves at all times in an appropriate and ethical manner so that the public maintains trust in Park District operations.

No employee shall be the instigator of, or participant in, any of the following: (a) vulgarity, ethnic slurs or epithets directed at another; (b) threats of bodily harm or damage to one’s property; (c) callous or intentional disregard for the physical safety or well-being of others; (d) possession of any weapon or the brandishing an object that could reasonably be perceived as a weapon, including firearms, knives or explosives, unless otherwise authorized by law; or (e) any other conduct that a reasonable person would perceive as constituting a threat of violence, unless otherwise authorized by law.

Any such behavior, comments and/or weapon possession shall be reported immediately to law enforcement for the jurisdiction in which the incident occurs by all with knowledge. Supervisors shall be required to take appropriate, immediate action to curtail any such behavior or comments. Any known concealed weapon violation or potentially violent situations shall be reported immediately to the Miami County Sheriff’s Department. Any employee found to have violated this policy may be disciplined, up to and including termination of employment. Any violation committed by an official will be handled according to law.

**SECTION 8.10 Concealed Weapon/Dangerous Ordnance**

**Prohibited in the Course and Scope of**

**Employment**

No employee or Park District official, except an employee who is employed by the Park District as a peace officer and/or park ranger, is permitted to carry, convey, or possess a deadly weapon or dangerous ordnance within Park District facilities, structures, vehicles, or public spaces while engaged in the course and scope of employment for the Park District. A valid license to carry a weapon does not authorize the licensee to carry or possess a weapon while engaged in the course and scope of employment for the Park District or in his/her vehicle as prohibited above.

Any suspected or known weapon possession violations shall be reported immediately to law enforcement for the jurisdiction in which the incident occurs by all with knowledge and later when safety permits, to the Executive Director. Supervisors shall be required to take appropriate, immediate action to curtail any such behavior or comments. Any known concealed weapon violation or potentially violent situations shall be reported immediately to the Miami County Sheriff’s Department. Any employee found to have violated this policy may be disciplined, up to and including termination of employment. Any violation committed by an official will be handled according to law.

**SECTION 8.11 Communications**

It is the Park District’s goal to provide its employees with full, accurate and current information regarding job duties, responsibilities and Park District policies. In addition to the exchanges of information and expressions of ideas and attitudes which occur daily, employees should make certain they are aware of and utilize all Park District methods of communication, including this handbook, bulletin boards, discussions with Park District management, internal e-mail, employee meetings, memos and bulletins.

Successful working conditions and relationships depend upon successful communications. Not only do employees need to stay informed of changes in procedures, policies and general information, but also employees need to communicate their ideas, suggestions, personal goals or problems as they affect the employees’ work.

On occasion, employees have an honest difference of opinion and an employee may not be satisfied with management’s solution to a problem. Should this happen, remember that the Park District has a Grievance Procedure for that purpose. Supervisor and the Executive Director are aware of this procedure and how it can help employees and the Park District. The employees who initiate a grievance, should be assured the issue will be reviewed by appropriate management personnel and the employee will be apprised on the progress and outcome of the grievance.

1. *Purpose*

Effective communications and customer service responsiveness are vital to the success and culture of our Park District. This policy establishes communications expectations, procedures, responsibilities and guidelines for all Park District employees.

1. *Communications Mission Statement*

Park District employees will increase public awareness, interest, understanding of and participation in Park District-related programs, services and issues. Employees will conduct themselves with patience, courtesy and respect for others, actively listening with a genuine intention and desire to understand the communication needs of those they serve.

1. *Public Records Requests*

Employees will be guided by the Park District’s Public Records Policy, which is consistent with and in accordance with Ohio laws. Public records requests should be coordinated through the Executive Director. Department heads will be notified of all public records requests that apply to their respective department.

1. *Notifying Supervisors of Potential Communications Issues*

Park District employees shall notify their department head whenever a potential communication problem or misunderstanding with the public may develop.

1. *Website*

The Park District maintains a basic website. It is for informational purposes and offered as a convenience for the public. The website does not constitute a repository of official public records.

If Park District employees have suggestions regarding how the website can better serve the public, such suggestions should be directed to the Executive Director. The website will be further developed as the budget allows.

1. *The Media*

The Executive Director serves as the primary media source for Park District-related information. Inevitably, the Executive Director will not receive all media requests. It is important that employees approached with media requests immediately direct such requests to the Executive Director and be available to assist the Executive Director as needed.

1. *Legal Representation for the Park District*

The Park District may engage legal representation as needed to serve the Park District as provided for by Ohio law. Communications with Park District attorneys are privileged. In order to control costs, all calls to legal counsel, except those deemed an emergency, shall be made by the Executive Director or designee.

**SECTION 8.12 Electronic Devices and Communications**

1. The Park District owns electronic and wire communication systems, including but not limited to:
2. Electronic mail (“e-mail”), including attachments;
3. Telephones and Voice mail;
4. Cell Phones;
5. Internet and Intranet use; and
6. Hard Drive Storage Units.
7. Because these systems are owned by the Park District, and are to be used for business reasons, the contents of any communications transmitted through or stored within these systems are Park District property and are subject to review by and disclosure to the Park District at any time and for any reason. Furthermore, in some situations (e.g., litigation involving the Park District, disclosure under public records law), these communications may be subject to disclosure to a third party.
8. In order to assure that the systems are being used properly and in compliance with this policy, the Park District, without notice, may periodically access, display, copy, delete or listen to any messages or communications sent, received, created, deleted or stored through or in its systems.
9. Occasional personal use of the systems is permissible. Occasional personal use means minimal and infrequent use that does not interfere with Park District business or job performance. Any employee communicating personal messages should do so with the understanding that his or her messages or communications are subject to being heard or read by the Park District. You should not expect that any of these messages or communications will be confidential or private. Park District technology resources may not be used for personal, commercial or profit-generating activities unrelated to Park District’s business.
10. The Park District may monitor internet use, including reviewing the list of sites accessed by any individual computer. Your internet use is not private. No employee should have any expectation of privacy regarding internet usage. The Park District reserves the right to inspect any computer anytime or to use monitoring software in order to monitor internet and computer use.
11. These systems may not be used to access or transmit material, which could embarrass, harass, or offend other persons. Additionally, the Park District strictly prohibits the use of its systems to communicate sexually offensive material or comments or anything that might offend or disparage another person because of his or her race, color, religion, age, gender, national origin, disability or veteran’s status.
12. Consistent with existing policies, employees are not to use the system for solicitation of any kind, including the distribution of chain letters.
13. To maintain system security employees have the responsibility to safeguard passwords and codes. All passwords and codes are the property of the Park District. Employees may be asked to release passwords or codes to management on a need-to-know basis. Employees must also take adequate measures to ensure that their account on the Internet is not used by any other individual including other members of their household.
14. No employee shall use the passwords or codes of another employee in order to gain access to that employee’s e-mail, voice mail, files, or internet communications/data. All passwords and codes used in connection with these systems are the property of the Park District. No employee shall use a password or code that is not readily available to the Park District at all times. The Executive Director maintains a locked file documenting all passwords used by all employees for Park District business. All passwords and codes must be surrendered upon termination of employment for whatever reason. There are limited exceptions to this policy, none of which are to be read as a limitation of the Park District’s rights to access all such systems at any time. The exceptions are:
15. An employee’s department head or the Executive Director may gain access for any

lawful reason to maintain the operations of the Park District;

1. Any employee charged with responding to a public records request may gain access for that purpose;

1. Any person retained by the Park District to perform IT services may gain access for that purpose;
2. Only software authorized by the Park District for its use may be installed on Park District computers. The Park District may, at any time, conduct an audit of computers for installed software and related printed material that is not included on a then-current inventory of Park District authorized software. All unauthorized software will be removed. In addition, employees may not post, download or otherwise misuse any copyright protected material without the prior permission of the copyright owner.\
3. For security reasons, employees accessing the internet for business use must only do so through the Park District authorized connection or another private, password-protected network.

**SECTION 8.13 Cell Phones**

The Executive Director will designate employees authorized to use cell phones. The cell phone is intended only for business related calls, but in the event a non-business call is made or received, the employee must reimburse the Park District for the call if there are charges for the call.

All phone bills will be reviewed on a monthly basis. If the number of minutes used is over the allowed monthly minutes, the employee must review their billing. All charges for personal calls must be remitted to the Park District and paid into the general fund.

**SECTION 8.14 Electronic Devices-No Privacy Interest and**

**Other Limitations Notice**

The Electronic Devices – No Privacy Interest and Other Limitations Notice is intended to and acts as a supplement to, and not a restriction of, the Electronic Devices and Communications policy above.

The Park District purchases computers and electronic devices for its employees to use in the performance of their daily jobs. These computers and devices are equipped with internet capabilities which allow Park District employees access to various resources to best and most efficiently perform their jobs. Employees are further provided with email accounts to communicate electronically for work related purposes.

All computers and device equipment and services are purchased with public funds expended under the control of the Park District. As such, they are the sole and exclusive property of the Park District. Employees should not be using Park District computer equipment, devices or services to store personal information or documents. All information stored on, or accessed with, Park District computers, devices and/or services, are subject to Ohio’s Public Record’s law.

Park District employees have no expectation of privacy on any computer, device or service owned by the Park District. There is no expectation of privacy in any content, file, or email stored on any Park District computer, device or service. All Park District computer equipment, devices and services are subject to monitoring, inspection and search, at any time for any reason, by the Park District. Park District employees should assume that all computers, devices and services are being monitored. The Park District is committed to assuring its residents that Park District employees are in compliance with all applicable laws, and that the Park District’s property is being suitably used at all times.

Park District employees are prohibited from accessing web-sites that are inappropriate for any reason. Accessing inappropriate web-sites on Park District computer equipment, devices and services, during working or non-working hours, could result in immediate termination. Forwarding inappropriate material or information could also result in termination. By accessing personal web-based email on a Park District computer or device, employees are doing so at their own risk with no expectation of privacy in the content that is accessed.

Employees are strictly prohibited from changing the configuration of any Park District computer equipment, device, or service or adding/deleting programs without the approval of the appropriate supervisor. In addition, no files or information shall be deleted or altered without approval of a supervisor to ensure compliance with Ohio’s Public Record’s Law.

Employees will be provided a Login ID and Password to access Park District computers and devices which should not be shared with anyone. If the employee changes the Login ID or Password, this information must immediately be provided to the Executive Director. Sharing computer passwords with others in violation of the policies in this handbook is strictly prohibited and could result in termination should inappropriate use of any computer, device or services occur under an employee’s Login ID and Password.

While employees are permitted to use computers for an occasional personal matter, abuse could result in disciplinary action, up to and including termination. All employees are expected to be dedicated to serving the mission of the Park District and should be focused and centered on performing their respective job duties.

**SECTION 8.15 Social Media**

The Park District understands that social media can be a fun and rewarding way for employees to share their life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist employees in making responsible decisions about their use of social media, the Park District has established these guidelines for appropriate use of social media. Employees should contact the Executive Director if they have questions or need further guidance regarding this policy.

1. *Guidelines*

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the internet, including your own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Park District, as well as any other form of electronic communication.

The following principles and guidelines, which apply to conduct in the workplace, also apply to employees’ conduct on-line:

1. Be respectful;
2. Be honest and accurate; and
3. Post only appropriate and respectful content.

Ultimately, employees are solely responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved, keeping in mind that any employee conduct that adversely affects job performance, the performance of fellow employees, or otherwise adversely affects customers, suppliers, Park District officials, other people who work on behalf of the Park District, or the citizens of the Park District may result in disciplinary action up to and including termination. Of utmost concern here is the public’s trust and confidence in the Park District and its employees.

1. *Know and Follow the Rules*

Employees should carefully read these guidelines in conjunction with the policies contained in this handbook. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or any other inappropriate or unlawful conduct will not be tolerated and may subject employees to disciplinary action up to and including termination.

1. *Be Respectful*

Employees should always be fair and courteous to fellow employees, customers, the public at large, and those who affiliate with the Park District to carry out its purpose and mission. Also, employees should keep in mind that they are more likely to resolve work-related complaints by speaking directly with co-workers or by utilizing the policy in this handbook than by posting complaints to a social media outlet. Nevertheless, if employees decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage fellow employees, Park District Officials, customers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law.

The Park District’s best interest is not served when its employees address personnel issues on social media outlets. The Park District’s best interest is served when personnel issues are addressed by following the process in this handbook and the Agreement, where it applies.

1. *Be Honest and Accurate*

Employees need to make sure they are always honest and accurate when posting information or news, and if an employee makes a mistake, he/she should correct it quickly and be open about any previous posts he/she has altered. Employees need to remember that the internet archives almost everything. Therefore, even deleted postings can be searched. Employees should never post any information or rumors that the employee knows to be false about the Park District, fellow employees, Park District officials, customers or other people working on behalf of the Park District.

1. *Post only appropriate and respectful content*

Employees must maintain the confidentiality of Park District information according to law and shall not post confidential or privileged information. If you do not know if information is confidential or privileged, do not post it. Take care to first ask questions of appropriate Park District personnel if you desire to post Park District information but are uncertain of whether or not the information is confidential or privileged and, therefore, not subject to disclosure to the public.

Any communication protected by the executive session privilege, attorney client privilege, or other lawful privilege shall not be communicated by any employee or Park District Board of Commissioner member to any third party, via social media outlet or any other means of communication. Violation of such policy may result in discipline, including termination for employees, and possible ethical or misconduct proceedings for Park District Officials.

Employees may not create a link from their blog, website or other social networking site to a

Park District website without prior approval from the Executive Director.

Employees may never represent themselves as spokespersons for the Park District. If the Park District is a subject of the content created by the employee, the employee should be clear and open about the fact that he/she is an employee of the Park District and make it clear that his/her views do not represent those of the Park District, fellow employees, Park District officials, or other people working on behalf of the Park District. If an employee publishes a blog or post online related to the work done on behalf of the Park District or associated with the Park District, the employee must make it clear that he/she is not speaking on behalf of the Park District. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the Park District.”

1. *Using social media at work*

Employees must refrain from using social media while on work time or on equipment the Park District provides, unless it is work-related as authorized by a supervisor or consistent with the Park District policies. Employees may not use Park District email addresses to register on social networks, blogs or other online tools utilized for personal use.

1. *Retaliation is prohibited*

The Park District prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in

an investigation will be subject to disciplinary action, up to and including termination.

1. *Media* *contacts*

Employees should not speak to the media on the Park District’s behalf without Executive Director approval.

All media inquiries should be directed to the Marketing Administrator.

**SECTION 8.16 Progressive Discipline Policy and Steps**

The Park District follows progressive discipline to address employee conduct.  The purpose of progressive discipline is to assist employees by being clear and precise about problems and the consequences if the same or other mistakes or misconduct reoccur. It is important that discipline is applied in a fair and consistent manner. The supervisor has a critical role in conducting a fair and objective investigation of a situation. An investigation may be as simple as confirming a late arrival through a time clock or more complex with interviewing many employees and reviewing documents. More complex investigations may be conducted by the Executive Director, or a designee.  Unless investigation protocol is mandated by another section in this handbook, when investigating employee conduct matters the supervisor should review all relevant documents, review how the employee was notified of the expectation that has been violated, speak with any witnesses (and obtain written statements, if appropriate) and ask the employee about the situation. The conversation with the employee should include asking if any extenuating or mitigating circumstances exist.

An employee may be placed on a paid or unpaid administrative leave during an internal investigation. During the administrative leave, the supervisor should remind the employee that s/he is expected to be available during their regularly scheduled hours of work, should not be in the workplace, and should not conduct any business on behalf of the Park District.

While the Park District follows a progressive discipline policy, it is important to note that steps may be combined and skipped.  Each matter is accessed on a case-by-case basis to reach a fair and equitable resolution. The seriousness of the offense and the employee's disciplinary and performance history will be considered when determining the level of discipline to be applied.  An employee is expected to have sustained improvement when progressive discipline is issued.

The steps to be utilized by the Park District are:

### Step 1- Verbal Warning:

In many situations a verbal warning/counseling is sufficient. The purpose of a verbal warning is to clarify policies and expectations. The impact of the incident or violation should also be taken into consideration. The supervisor should document that the conversation occurred in a memo to be placed in the employee’s personnel file, keeping in mind the significance of the impact of the act or omission.

**Step 2 - Written Warning:**

If the conduct addressed by a verbal warning is repeated or additional problems occur following the verbal warning, the supervisor should follow up with a written warning in the form of a letter. On the other hand, if a single incident is more serious than is appropriate for a verbal warning, the supervisor should issue a written warning in the form of a letter. The letter should describe the unacceptable conduct, outline expectations, and state that further disciplinary action will occur if the behavior is repeated.

### Step 3 - Final Written Warning (which may include a suspension without pay):

If the conduct addressed by the written warning is repeated or additional problems occur following the written warning, discipline may progress to a final written warning, which may include an unpaid suspension. However, a single incident may be so severe as to merit an immediate final warning and suspension without pay.

### Step 4 - Termination of Employment:

Employment may be terminated based on progressive discipline or based on the severity of a single incident.

**SECTION 9 PUBLIC RECORDS & PERSONNEL FILES**

**SECTION 9.01 Public Records**

1. The Park District will prepare and make available for inspection and/or copying “public records,” as defined in O.R.C. §149.43, upon the request of any member of the general public. Employees should consider that most records are public, but some are not. The Park District’s policy is to follow the law in striking the proper balance between the public’s right to certain records and the individual’s or Park District’s right to privacy or duty to keep certain information confidential.
2. The Park District shall make all records requested available for inspection during regular business hours within a reasonable period of time from the date of the request.
3. The Park District may waive any or all provisions under this policy when a request to inspect or obtain copies of records is made:
4. By another governmental agency;
5. By an authorized representative of another governmental agency;
6. By an authorized agent of the Park District; or another Park District Appointing Authority; or
7. In accordance with a court order.
8. The Park District shall refuse to make the following confidential records available for inspection and copying:
9. Medical records;
10. Adoption, probation and parole records;
11. Juvenile records under O.R.C. Section 2151.85 and appeals therefrom;
12. Trial preparation records;
13. Confidential law enforcement investigation records; and
14. Records, the release of which is prohibited by state or federal law.
15. All public records in the custody of the Park District shall be retained in accordance with all state and federal laws establishing record retention periods for specific classes of records. Public records shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by state and federal laws establishing limitations for specific classes of records.
16. Questions regarding whether or not a record is a public record as defined in O.R.C. Section 149.43 shall be determined by legal counsel for the Park District. Requests for such opinions shall be submitted in writing to the Executive Director, who shall then request a written opinion from legal counsel.
17. Self Help to Records Prohibited:
18. No employee may copy or remove any record or writing, even those regarded as “public records,” without first obtaining advanced written permission from the Park District, or without going through the process for obtaining public records outlined above.
19. No employee may copy, or use any agency writing, document, or record in any grievance, appeal, or legal action without having first obtained a written permission of the Park District. This particular policy does not apply to matters obtained through formal “discovery” under the Rules of Civil Procedure.
20. No employee shall tape record any meeting, hearing, or appeal before the Park District without the written permission of the Park District.
21. Except for official agency business, employees may not have any agency writing or document in their possession, unless obtained through this policy.
22. Penalty for Breach of this Policy: Any employee who is discovered to have violated any of the above enumerated policies will be subject to termination. Any former employee who is discovered to have obtained unauthorized documents or produced any unauthorized tape recordings will be barred from re-employment by the Park District and may be subject to civil or criminal penalties.
23. Retention:

All public records in the custody of the Park District shall be retained in accordance with all state and federal laws establishing record retention periods for specific classes of records. Public records shall not be removed, destroyed, mutilated, transferred or otherwise damaged or disposed of, in whole or in part, except as provided by state and federal laws establishing limitations for specific classes of records.

**SECTION 9.02 Personnel Files**

The Park District or designee maintains and is responsible for personnel information maintained concerning employees. “Personnel Information” includes all information about an employee as defined in O.R.C.§1347.04(E), and may include but may not be limited to, such information as:

1. Personal data;
2. Employment application documents;
3. References;
4. Medical reports;
5. Documentation pertaining to an employee’s change of status;
6. Performance evaluations;
7. Communications or disciplinary actions;
8. Paid and unpaid leave records.

The Park District shall only use the personnel information in the personnel information system in a manner consistent with the system and in accordance with O.R.C. Section 1347.01 et seq., O.R.C. Section 149.43 et. seq., or as otherwise required by Ohio law or court orders.

Each employee shall be allowed to review the contents of their personnel file(s) pertaining to them upon reasonable request.

Employees may also request that the Park District conduct an investigation to determine if the information in their file is accurate, relevant, timely and complete. All information determined by the Park District to be inaccurate as a result of such investigation shall be removed from the active file. If the Park District determines the record to be correct, the employee may append a brief statement to the file explaining the employee’s position regarding the document.

The Park District may refuse to allow inclusion of defamatory or scurrilous attacks upon another employee, supervisor or the Park District.

**SECTION 10 MISCELLANEOUS POLICIES &**

**PROCEDURES**

**SECTION 10.01 Personal Appearance**

Our employees are in the public’s eye on a daily basis and impressions, both positive and negative are formed, in part, by appearance. All employees are required to have a neat and professional appearance that reflects well upon the Park District. Clothes should be neat, clean and appropriate to the type of work as well as location. It is expected that employees will use good judgment in making work-appropriate clothing choices.

Departments may require the Park District issued uniform be worn as their standard to insure safety, efficacy, consistency and public identification. All employees issued uniforms by the Park District are required to wear the uniforms while on duty status. Employees not issued uniforms shall wear their Park District ID.

Personal appearance, and the regulation of personal appearance, furthers the Park District’s purpose and objective in providing its mission to the community and protecting its workforce. The regulation of appearance creates a discipline and uniform look for Park District employees within its workforce. Employees must appear approachable and be readily recognized by Park District visitors in order to best serve and protect the safety and welfare of Park District visitors and the employees. Employees needing to deter and enforce Park District regulations are more likely to be obeyed if their appearance is uniform, neat and professional.

Multiple facial piercings are not allowed and will be subject to management discretion. Single post earrings are only allowed in a single facial piercing. All tattoos must be covered by normal attire.

Beards and mustaches are permitted to be worn, but must be kept closely trimmed and in strict adherence with the following. Beards and mustaches must be trimmed so that the upper and lower lips are visible. Mustaches without a beard are not to extend below the corners of the mouth or more than one-half inch outside the corners of the mouth. Goatees, Van Dykes, handlebar mustaches and Fu-man-chu mustaches are not permitted.

If any member of management determines an employee’s appearance and/or attire fails to conform to Park District standards, you will either be warned or told to leave the workplace until you are suitably attired. Any time missed from work for an employee’s failure to comply with this policy will be counted as unpaid unless the employee elects to use available paid time off.

**SECTION 10.02 Wearing/Carrying Employee Identification**

Employees will receive photo identification cards. All employees who are off premises, while acting in an official capacity, must wear and display their identification card. Otherwise, employees must carry their identification cards at all times when performing their duties for the Park District. Also, an employee acting in an official capacity shall furnish their name to any person requesting it, unless withholding such information is necessary for the performance of his/her duties.

**SECTION 10.03 Voluntary Participation in Off-Duty Park District Sponsored Events**

Neither the Park District nor the insurance carrier will be liable for the payment of Workers’ Compensation benefits for injuries that occur during an employee’s voluntary participation in any off-duty recreational, social or athletic event sponsored by the Park District.

**SECTION 10.04 Travel, Business Meals & Reimbursements**

1. Background

The Park District strives to provide a workplace that fosters efficiency, creativity, and productivity without unnecessary rules and regulations. In formulating this policy, it is recognized that the citizens of the Park District receive both tangible and intangible benefits through having individuals working for the Park District who enjoy their working environment. Nevertheless, as custodian public money and trust, policies must be established concerning certain spending practices.

The Park District recognizes that employees travel both within and sometimes outside the State of Ohio for the purpose of representing the Park District at meetings and professional associations, as well as for training to enhance their skills regarding the performance of their various positions within Park District administration. The Park District benefits from providing the opportunity for those in Park District service to participate in forums through which informal networking and information exchanges may occur. The quality of life for the citizens is improved through an informed and educated appointed and administrative body, and the expense for the Park District to bear.

It is inherently understood in this policy that an individual conducting official Park District business is expected to exercise the same care in incurring expenses that a prudent person would exercise if he or she were expending personal funds. At all times, the official or employee should keep in mind the best economic interests of the Park District. Excessive costs, indirect routes, or solely for the convenience or personal preference of the official or employee in the performance of official Park District business are not acceptable. Under this standard, officials and employees may be held responsible for unauthorized costs and additional expenses incurred.

1. Scope of Policy

This policy shall apply to all employees and appointed officials, and any other person traveling on approved Park District business and personal use of government equipment.

1. Mileage, Parking , Tolls

Whenever possible, employees should use a Park District vehicle for official business. When it

becomes necessary for an employee to travel on Park District business using his own private

vehicle the following guidelines apply:

1. The Executive Director or Board of Commissioners must authorize all mileage.
2. Travel must be the most direct route unless an alternative route would be less time consuming and/or more effective. To receive mileage reimbursement, the employee or Commissioner must submit a **Mileage Claim Form, Appendix 21**, giving origin, destination, miles traveled and purpose of the travel. A detailed account of actual miles traveled must be provided by the employee or Park Board member.
3. All employees and Commissioners using personal vehicles are required to have insurance on the vehicle that they are driving.
4. Employees and Commissioners may not use the Park District purchasing card for any fuel purchases except in Park District vehicles, unless approved by the Executive Director or Board of Commissioners.
5. Normal commuting to and from the job are not eligible for mileage reimbursement.
6. No mileage may be reimbursed for in-county use unless authorized by the Executive Director or Board of Commissioners.
7. Employees will be reimbursed for actual miles, while on official

business, at the current rate approved by the Board of Commissioners, when using a personal vehicle. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g. gas, oil, depreciation, etc.). Mileage reimbursement is payable to only one of two or more employees traveling on the same trip, in the same automobile.

Charges incurred for parking at the destination, and any highway tolls are reimbursable at the actual amount. Receipts for parking and highway tolls must be submitted before reimbursement can be made.

Any vehicle rented by the Park District, the employee or Commissioners may not be reimbursed for any mileage accrued while using such vehicle. Park District business credit cards may be used for the cost of the vehicle, mileage and fuel when authorized by the Board of Commissioners.

1. Frequent Flier Miles

All frequent flier miles earned by an employee while on official Park District business are the property of the Park District and shall only be used for Park District Business.

1. Meals and Food

It is expected that individuals order reasonably priced meals while traveling at the Park District’s expense. Expenses incurred for meals while on official business will be reimbursed at the actual cost up to the maximum per diem amounts set by Miami County. A Commissioner and/or employee are eligible for such reimbursement only when the expense has been approved by the Executive Director.

If meals are included in registration fees, then duplicate meals shall not be reimbursable.

Foreach meal for which reimbursement is claimed, individuals must have a receipt identified by date and location on which the expense was incurred and list the items purchased.

Only employees and Commissioners are eligible for reimbursement of meals. All meals purchased for any other people shall be approved by the Board of Commissioners or Executive Director.

All meal expenses include food, drink and gratuity. Alcoholic beverages are not to be purchased with Park District funds or purchasing cards.

No reimbursements for meals will be made for in Miami County meals unless authorized by the Executive Director or Board of Commissioners.

1. Lodging

Expenses covering the actual cost of a motel room (single room rate) will be reimbursed in full when an employee or commissioners travels out of the county on official Park District business and such travel requires an overnight stay. If an employee or Commissioner takes a spouse, child, friend or relative, that employee or Commissioner is responsible for all costs that may result from doing so. Lodging expenses will be reimbursed only with authorization by the Board of Commissioners.

Only expenses incurredduring the length of time for official business may be reimbursed. If an employee or Commissioner opts to extend his stay beyond the normal official business time, he is responsible for all costs that may occur during that time.

The Park District will not reimburse the cost of movies or other items. The Park District for business purposes will pay telephone costs that may be incurred during the stay only. All other items will be paid in full by the employee or Commissioner at the time of check out and not billed to the Park District or Park District business credit card.

No lodging expenses will be reimbursed for travel within Miami County without the approval of the Park Board.

1. Reimbursements

The employee or Commissioner should try to use the Park District’s business credit card at times of purchasing meals and lodging. Expenses will not be reimbursed without proper documentation and receipts.

Employees must submit a sales tax exemption form to restaurants and hotels when applicable. Submission of this form will eliminate the need to pay sales tax when traveling on Park District business. The employee or Commissioner will, otherwise, pay all taxes.

All mileage reimbursements will be reimbursed for each mile traveled. The mileage reimbursement rate may be obtained through the Finance Administrator.

**SECTION 10.05 Credit Account Policy**

In the rare event an employee misplaces or loses a receipt, a **Missing Receipt Form**, a sample of which is provided as **Appendix 26**, must be fully completed and submitted. This form must be signed by the employee and by the Finance Administrator.

Employees must surrender all Park District credit cards upon their separation of employment or when requested by their director. In the event the card is lost or stolen, the cardholder must notify his/her director as soon as reasonably possible and assist the Finance Administrator in identifying and resolving any charges made to the account.

The Park District provides a business credit card to any full-time employee determined by need. Employees who purchase goods and services may be eligible for a business credit card. The Executive Director will determine who will be given a business credit card.

1. *Use of the Business credit card*

Employees who are issued a business credit card, will also be issue the “Business Credit Card Cardholder Guide and Procedures”. Employees shall read it carefully and make all of the procedures are understood before using the business credit card.

1. *Card Control and Limits*

The business credit card has limits and restrictions. As with any credit card the participating merchant must receive authorization from the appropriate banking network before the purchase can be approved. This will help ensure that the purchase is within Park District program controls and protects the Park District from improper or fraudulent use.

The following limits apply to the business credit card:

1. Spending Limits:
2. Each employee card holder has a monthly limit of $1,500.
3. Authorized Director and Coordinator monthly limits of $2,500.
4. Prohibited Uses:
5. ATM/Cash advances and other cash-related activities
6. Personal Purchases

# *Card Holder Responsibilities*

Each card holder will be assigned the appropriate responsibility of making purchases for the Park District for business purposes only. Cardholders will be held accountable for using the business credit card in a prudent manner in accordance with Park District policies and procedures.

Intentional use of the card for personal purchases or for violating any provision of this policy or the “Business Credit Card, Cardholder Guide and Procedures” will result in immediate card cancellation. In addition, any employee cardholder found to have violated this policy will be subject to disciplinary action up to and including termination of employment. In addition, if it is proven that the employee purposefully intended to defraud the Park District, criminal charges will be pursued by the Park District.

# *Card Security*

Securing the business credit card will be the responsibility of each employee card holder and should be given the same level of security the employee would give a personal credit card. Employees shall not give the card or card number to anyone. Employees intending to be absent due to vacation, sick leave or leave of absence for a period over one week shall turn the card into the employee’s supervisor before leave commences.

**SECTION 10.06 Emergency or Calamity Closings/Delays**

It is the policy of the Park District to remain open during most periods of inclement weather. In cases of an emergency or calamity day, a day when conditions exist which makes it unnecessary or unsafe for non-essential personnel to come into or stay at work during their scheduled work times the Park District reserves the right to close the office, parks and reserves. These days are decided by the Executive Director or his designee. Examples of such days would include but are not limited to hazardous road conditions caused by weather, natural disasters, physical or plant malfunctions rendering offices unsuitable for working conditions.

Regardless of whether the Park District being open or closed, it is each employee’s decision as to whether you will report for work during such weather or disaster. If an employee elects not to work on a given day, the Park District requires that this be reported to your Supervisor, Director or Executive Director before the start of your shift.

* + - * 1. *Notification*

Employees will be notified of the declaration of a cancellation of work via television postings, email, or direct phone notification. If there is a question as to whether an emergency or calamity day has been declared employees should contact their immediate supervisor no later than one hour before to the start of his/her scheduled work time. If employees are already at work and the above conditions apply, employees will be notified they are released from work and the compensation policy applies for the described position status.

* + - * 1. *Essential Staff*

Due to the nature of the park district areas, it may be necessary for certain essential staff to report to work on emergency or calamity days. Essential staff, as determined by the Executive Director or his designee, is defined as staff required to maintain the safety of the public thru their daily duties and to maintain the operations of buildings and facilities at the park district. These duties include and are not limited to snow/ ice removal, facility maintenance, and opening/ closing parks. Upon declaration of an emergency or calamity day, essential staff as defined above will receive notification whether they are to report to work or not. In the event an essential employee feels he/she cannot make it to work they are required to make contact with their immediate supervisor so that the matter can be discussed. Please note emails, text messages and voicemails are not considered “making contact” because it is essential to actually talk to a supervisor directly and not via a message.

* + - * 1. *Compensation*

In the event an emergency or calamity day is declared, all full-time and permanent part-time staff normally scheduled during the effected time of the event that are notified not to report to work will receive equal credit hour for hour of loss work time.

Part-time or seasonal staff notified they are not to report to work will receive no compensation.

Any hourly staff who is considered essential or is required to be at work during the above mentioned situations will receive time plus one half of their rate of pay on a per hourly basis for hours which they worked. It will be the responsibility of the department heads to determine what staff will be needed to handle emergency situations.

**SECTION 11 ETHICS**

**SECTION 11.01 Policy on Ethics**

The Park District conducts business fairly, impartially, in an ethical and proper manner, and in compliance with all applicable laws and regulations. The Park District is committed to conducting business with integrity underlying all relationships, including those with citizens, vendors, contractors and amongst employees. The highest standards of ethical business conduct are required of all employees in performance of their responsibilities. Employees are not to engage in any conduct or activity that may adversely impact the Park District and its operations. Employees will avoid any action, whether or not specifically prohibited, that may result in or reasonably be expected to create an appearance of the use of their position for private gain or giving preferential treatment to any person or entity, or any action that adversely affects the confidence of the public in the integrity of the Park District and its operations.

Ohio Ethics Law recognizes that many public officials and employees are in a position to make or influence decisions that directly affect their personal interests. The Ethics Law attempts to prevent this type of activity. A complete copy of the Ohio Ethics Law and Related Statutes is available online at:

<http://ethics.ohio.gov/education/factsheets/ethicslaw.pdf>

All employees shall review this material and reference it as needed.

Employees can also access the Ohio Ethics Commission website where the latest ethics commission advisory opinions and other useful resources are available online:

[www.ethics.ohio.gov](http://www.ethics.ohio.gov)

Furthermore, if you have any doubt as to whether conduct violates Ohio Ethics Law, the Park District and you, its employee, are both best served if you immediately avoid all doubtful action/inaction and, instead, obtain an advisory opinion from the Ethics Commission:

Ohio Ethics Commission

William Green Building

30 West Spring Street

Columbus, OH 43215-2256

Phone: (614) 466-7090

Fax: (614) 466-8368

TTY/TDD: 1-800-750-0750

**SECTION 11.02 Other General Rules of Ethical Conduct**

1. *Collection of Notary Fee*

While on Park District time or performing Park District business, employees are prohibited from collecting any fees for services as a Notary Public.

1. *Courtesy to the Public*

Employees shall initiate all contact with the public in a courteous and tactful manner. Employees should refrain from coarse, violent or profane language, and exercise patience and discretion.

# C. *Display of Material in Public Facilities*

# As a general rule, only authorized material is to be posted within or upon Park District property. Employees shall not deface, damage, destroy, or tamper with authorized posted material.

# D. *Expenditures of Funds*

No expenditures of money or financial obligations are to be incurred in the name of the Park District by Park District personnel without prior authorization as required under the Charter and Park District ordinances. All requests to expend money shall be made on a Park District Purchase Order and properly approved before the expenditure of funds occurs.

1. *Insubordination*

Employees are to obey any lawful directive of a supervisor. Insubordination includes, but is not limited to, any language or action directed toward a supervisor, which is disrespectful, mutinous, insolent, or abusive.

# *Neglect or Inattention to Duty*

Employees shall not commit an act expressly forbidden or omit an act specifically required by the laws of the State of Ohio, the ordinances of the Park District, these personnel policies, the Agreement where applicable, or any other order, policy, procedure, or directive of the Park District. Employees shall not engage in activity or personal business which may result in neglect or inattention to duty.

# *Reporting Arrests or Court Actions*

Employees shall immediately report to the Executive Director any arrests or court action where the employee is a defendant or plaintiff. This includes a personal civil proceeding that impairs the employee’s ability to perform his/her assigned duties or brings disrespect to the Park District. An exception is when an employee is involved in a divorce or child support proceeding, unless the proceeding has attached a criminal action or will involve withholding of pay.

# *Personal Correspondence and Inspection of Parcel and Packages*

Employees are not to use the Park District as their mailing address or to use the official letterhead for private correspondence.

The Park District may inspect all packages and parcels entering and leaving Park District premises, with or without notice to anyone.

# *Representation of Park District*

No employee shall represent the Park District in outside activities or other employment without the approval of the Park District.

# *Special Treatment Prohibited for Park District Employees*

No Park District employee or official may request or expect special treatment with regard to any Park District provided service.

# *Personal Use of Park District Equipment or Facilities Prohibited*

No employee is permitted to use Park District equipment or facilities, even if it is on their own time. If an exception is ever to be made to this policy, it must be approved in advance and in writing by the Executive Director.

**SECTION 12 SEPARATION**

**SECTION 12.01 Resignation**

While the Park District hopes both you and the District will mutually benefit from continued employment, we realize it may become necessary for you to leave your employment with the Park District. Employees who wish to voluntarily resign must initiate the process by submitting to their supervisor a formal, written letter of resignation. Such notification should be directed to the Executive Director and must include:

1. a statement indicating the employee's intention to resign from District service;
2. the date the notice was given;
3. the effective date of the resignation;
4. the reason for the resignation (optional)**;** and
5. the employee's signature.

Failure to give proper notification shall result in ineligibility for reinstatement.

The Executive Director or his designee will notify the Auditor's office at the time of resignation so payroll records may be updated and appropriate documents processed.

The employee shall return all District property to the Executive Director on or before the last day of work.

**SECTION 12.02 Employment Separation**

Employment separations are an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. Below are examples of some of the most common circumstances:

1. Resignation

While the Park District hopes both you and the District will mutually benefit from continued employment, we realize it may become necessary for you to leave your employment with the Park District. Employees who wish to voluntarily resign must initiate the process by submitting to their supervisor a formal, written letter of resignation. Such notification should be directed to the Executive Director and must include:

1. a statement indicating the employee's intention to resign from District service;
2. the date the notice was given;
3. the effective date of the resignation;
4. the reason for the resignation (optional)**;** and
5. the employee's signature.

Failure to give proper notification shall result in ineligibility for reinstatement.

The Executive Director or his designee will notify the Auditor's office at the time of resignation so payroll records may be updated and appropriate documents processed.

The employee shall return all District property to the Executive Director on or before the last day of work.

Once notice has been given the Park District reserves the right to and may request that the employee leave prior to the notice date if it is in the best interests of the Park District.

1. *Termination or Discharge*

Employment separation initiated by the Park District of its employees, as stated throughout this handbook, is at-will. The Park District is free to terminate the employment relationship at any time and for any reason so long as there is no violation of federal, state or local law.

1. *Medical Separation*

Employment separation initiated by the employee or by the Park District when an employee is unable, for medical reasons, to continue to perform the essential functions of the job.

1. *Retirement*

This is the voluntary separation from active employment status initiated by the employee meeting age, and any other criteria for retirement from the organization. Employee benefits will be affected by employment separation. All accrued, vested benefits that are due and payable at separation will be paid. Some benefits may be continued at the employee’s expense if the employee so chooses in accordance with federal law. The employee will be notified in writing of the benefits that may be continued and of terms, conditions, and limitations of such continuation.

**SECTION 12.03 Return of Property**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all property of the employer that is in their possession or control in the event of termination of employment, resignation, layoff, or immediately upon request.

Where permitted by applicable laws, the employer may withhold from the employee’s check or final paycheck the cost of any items that are not returned when required. The Park District may also take all action deemed appropriate to recover or protect its property.

An **Employee Separation Form**, a sample of which is provided in the **Appendix 27**, must be completed by the resigning employee and the employee’s department head. The completed form will be maintained in the employee’s personnel file.

# 

**SECTION 12.04 Post-Employment Benefit Administration**

**(COBRA)**

The Consolidated Omnibus Budget Reconciliation Act of 1986 (“COBRA”) and its state corollary allow qualifying former employees, some retirees, spouses, and dependent children the right to continuation of health plan coverage at slightly above group rates. The federal COBRA “qualifying events” are:

* + Termination of employment for reasons other than “gross misconduct” or a reduction in the number of employment hours
  + Divorce or legal separation
  + Medicare eligibility of the covered employee
  + The death of the covered employee

COBRA notices will be hand-delivered upon a qualifying event or in the exit interview (with a written acknowledgement of receipt to be signed by the employee) or will be mailed by certified mail to the last known address of a qualifying employee.

**APPENDIX - FORMS**

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