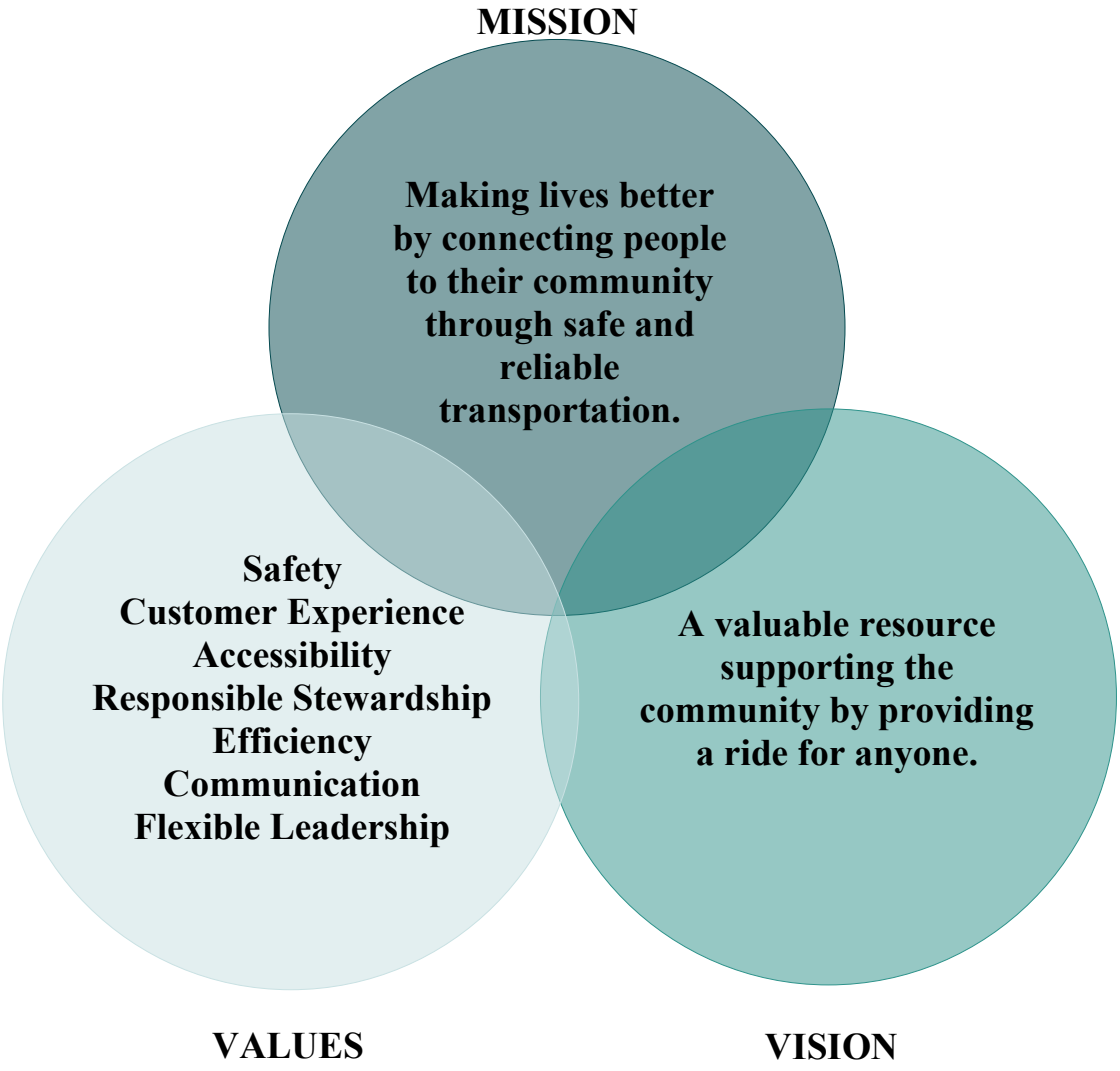
DELAWARE COUNTY TRANSIT

PERSONNEL POLICY MANUAL

2026


MISSION
Making lives better by connecting people to their community through safe and reliable transportation.
Safety
Customer Experience
Accessibility
Responsible Stewardship
Efficiency
Communication
Flexible Leadership
A valuable resource supporting the community by providing a ride for anyone.
VALUES
VISION

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I. INTRODUCTION, APPLICABILITY AND ADMINISTRATION

The Delaware County Transit Board (DCTB) is the governing body of the Delaware County's Public Transit System established by the Delaware County Commissioners under the authority of Ohio Revised Code (ORC) section 306.01 and 306.02. Delaware County Transit is the common name given to the public transit system. As used in this handbook, the employee will be referred to as an employee of DCT.

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

The policies adopted in this manual supersede all previous written and unwritten personnel policies or operational guidelines that directly conflict with this manual. All previous written personnel policies or operational guidelines that do not conflict with this manual shall continue in full force and effect. This manual is also intended to be construed in such a manner as to comply with all applicable federal, state, and civil service laws and regulations. Employees are responsible, as a condition of their employment, to familiarize themselves with, and abide by, these policies and procedures.

Delaware County Transit will endeavor to give employees advance notice of any manual changes. However, DCT may revise these policies with or without advance notice. Notice of revisions shall be provided to all employees. Employees are encouraged to make suggestions for improvements in personnel policies and practices to the Appointing Authority or Designee.

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

II. CLASSIFICATION STATUS

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

Unclassified employees serve at the pleasure of the Executive Director or the Delaware County Transit Board and may be terminated or otherwise separated from employment for any reason not inconsistent with law. An unclassified employee may not be rendered classified due to the provisions of this Manual.

III. MANAGEMENT RESPONSIBILITIES

The DCTB of Directors, also known as the Delaware County Transit Board, and hereafter referred to in this handbook as DCTB, are bound by law to exercise their authority in accordance with existing laws and rules of the United States and the State of Ohio.

DCTB reserves all rights which are authorized under the Ohio Revised Code specifically including, but not limited to, the following:

1. The right to manage its business;

2. The right to determine the methods and means by which its operations are to be performed; and

3. To direct the workforce to conduct its operations in a safe and effective manner.

It is the policy of Management that all provisions of operations of DCT will be applied to all employees following its respective responsibilities under DCTB policy, Federal and State Civil Rights Laws, and Fair Employment Practice Acts.

IV. PROFESSIONAL CONDUCT

Employees are expected to maintain a satisfactory and harmonious relationship with fellow employees and the public to sustain normal and effective operations. Therefore, DCT requires that all employees maintain high standards in interpersonal relationships with internal and external customers. Interpersonal skills include, but are not limited to, professional, positive and effective communication, active and efficient listening skills, positive attitudes and professional demeanor.

DCT also believes that all employees should be able to work in an environment free of threatening speech or actions. Threatening behavior consisting of any words or actions that intimidate a staff member or cause anxiety concerning their physical well-being is strictly prohibited. Anyone who is found to have threatened a member of the staff or the public will be subject to discipline up to and including termination following applicable policies.

In order to maintain the integrity of DCT, and the confidence that the public has in it, and to provide an orderly, positive, and productive workplace, it is essential that employees of DCT observe a professional standard of conduct following all applicable policies set forth in the DCT Personnel Policy Manual and the established Standard Operating Procedures. Such a higher standard of conduct will benefit and protect both DCT and the employee, as well as provide the highest standard of service to the citizens for whom we are employed.

In pursuit of providing the highest quality standard of service to the customers, employees are expected to perform their duties within the policies, procedures and directives of management. Employees are expected to be efficient and to utilize their hours at work to conduct the public work. Employees are subject to disciplinary action for inefficiency and loss of production if personal issues interfere with productivity.

Employees must also professionally provide services to the public. Conduct that is abusive, discourteous, neglectful, purposefully performed incorrectly and against policy or standard procedure, or not performed when required will not be tolerated. Further, speech that is disparaging of DCT, its officers, management or employees and not constitutionally protected shall not be tolerated. To be constitutionally protected, speech must:

a) Address a matter of public concern, and

b) Outweigh any governmental interests.

Speech that is purely job related or of purely personal interest is not a matter of public concern.

An employee's conduct or misconduct while not on duty that brings discredit to DCT, interferes with DCT's ability to provide services to the public, or violates any policy, procedure, or agreement of DCT will not be tolerated.

An employee who is arrested for any criminal offense, including, but not limited to, any crime that constitutes a misdemeanor or felony and any arrest or charge of operating a motor vehicle while under the influence of drugs and / or alcohol must report that arrest immediately to their supervisor or department director. DCT will carefully consider the impact that the arrest or criminal charge makes on its operations and consider any applicable employment decisions based on that impact.

Any employee found to be in violation of this Section shall be subject to possible disciplinary action up to and including removal and/or criminal prosecution.

Any employee who has a question as to whether or not their actions or activities are in violation of this Section should review the DCT Personnel Policy Manual, and Ohio Ethics Policy and/or direct such inquiry to the Appointing Authority or Designee.

V. EQUAL EMPLOYMENT OPPORTUNITY

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

DCT condemns and will not tolerate any conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that their rights have been violated under this policy should submit a written complaint of discrimination to the Executive Director.

VI. AMERICANS WITH DISABILITIES ACT

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

DCT will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on or direct threat to the facility. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. An employee who wishes to request an accommodation shall direct such request to the department supervisor, each of whom shall have the authority and responsibility to work directly with the department's Appointing Authority or Designee to investigate and take appropriate action concerning the complaint. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The employer and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given.

Any employee who feels that their rights have been violated under this policy should submit a written complaint as set forth in the Unlawful Discrimination and Harassment Policy.

Service Animals

Individuals may have the right to bring service animals into a public building. Service animals are those animals that are individually trained to do work or perform tasks for people with disabilities. Questions concerning a service animal should be presented to the department's Appointing Authority or Designee.

VII. UNLAWFUL DISCRIMINATION AND HARASSMENT

A. Policy

DCT is committed to providing a facility that is safe and free from unlawful discrimination and harassment. Unlawful discrimination or harassment is behavior directed toward an employee because of their membership in a protected class such as: race, color, religion, sex, national origin, age, ancestry, disability, genetic information, or military status. Unlawful discrimination and harassment is inappropriate and illegal and will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.

B. Definitions

Unlawful discrimination occurs when individuals are treated less favorably in their employment because of their membership in a protected classification. An employer may not discriminate against an individual with respect to the terms and conditions of employment, such as promotions, raises, and other job opportunities, based upon that individual's membership in that protected class.

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

1. Enduring the offensive conduct becomes a condition of continued employment.

2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

C. Examples

Sexual harassment is one type of unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Harassment on the basis of an employee's membership in any protected classification is unlawful, will not be tolerated, and must be reported so DCT may investigate and take appropriate action. Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may still form the basis of a legitimate complaint.

D. Off Duty Conduct

Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Employee conduct that occurs off duty and off premises may also be subject to this policy.

E. Workplace Romances

To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform the Appointing Authority or Designee if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should DCT determine that a conflict exists between an employee's employment and a personal relationship with a co-worker, DCT will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties must separate from employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee they directly, or indirectly, supervise.

Disclosure Form

F. Complaint Procedure

Employees who feel they have been subject to unlawful discrimination or harassment by a fellow employee, supervisor, or other individual otherwise affiliated with DCT, as outlined in paragraph J below, shall immediately report the conduct, in writing, to the Appointing Authority or Designee to investigate and take appropriate action concerning the complaint. Similarly, employees who feel they have knowledge of discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact the Appointing Authority or Designee. Late reporting of complaints and verbal reporting of complaints will not preclude DCT from taking action. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit complaints in writing and in an expedient manner following the harassing or offensive incident. All supervisors are required to follow up on all claims or concerns, whether written or verbal, regarding unlawful discrimination and harassment.

Although employees may confront the alleged harasser at their discretion, they are also required to submit a written report of any incidents as set forth above. When DCT is notified of the alleged harassment, it will timely investigate the complaint. The investigation may include private interviews of the employee allegedly harassed, the employee committing the alleged harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality is not guaranteed. All employees are required to cooperate in any investigation. Determinations of harassment shall be made on a case-by-case basis. If the investigation reveals the complaint is valid, prompt attention and disciplinary action designed to stop the harassment and prevent its recurrence will be taken.

G. Retaliation

Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe

discriminate against protected individuals, in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. DCT and its supervisors and employees shall not in any way retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels they have been subjected to retaliatory conduct as a result of actions taken under this policy, or as a result of their relationship with someone who took action under this policy shall report the conduct to the Appointing Authority or Designee. Disciplinary action for filing a false complaint is not a retaliatory act.

H. False Complaints

Legitimate complaints made in good faith are strongly encouraged; however, false complaints or complaints made in bad faith will not be tolerated. Failure to prove unlawful discrimination or harassment will not constitute a false complaint without further evidence of bad faith. False complaints or dishonest statements in a complaint or in an investigation of a complaint are considered to be a violation of this policy.

I. Corrective Action

If DCT determines unlawful discrimination, harassment, or retaliation has taken place, appropriate corrective action will be taken, up to and including termination. The corrective action will be designed to stop the unlawful conduct and prevent its reoccurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior towards an employee who exercised a right under this policy, or who is a close personal friend or family member of someone who exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.

J. Coverage

This policy covers all employees, supervisors, department heads and elected officials. Additionally, this policy covers all suppliers, subcontractors, residents, visitors, clients, volunteers, and any other individual who enters DCT property, conducts business on DCT property, or who is served by DCT personnel.

Harassment Complaint Form

VIII. MEDICAL EXAMINATIONS AND DISABILITY SEPARATION

A. DCT may require an employee to take an examination, conducted by a licensed medical practitioner, to determine the employee's physical or mental capacity to perform the essential functions of their job, with or without reasonable accommodation. This examination shall be at DCT's expense. If the employee disagrees with DCT's licensed medical practitioner's determination, the employee may request to be examined by a second licensed medical practitioner of the employee's choice at the employee's own expense. If the reports of the two practitioners conflict, a third opinion shall be rendered by a neutral party chosen by DCT and paid for by DCT. The third opinion shall be controlling.

B. If an employee, after examination, is found to be unable to perform the essential functions of their position with or without reasonable accommodation, the employee may request use of accumulated**,** unused, paid and unpaid leave benefits, if applicable.

If a classified employee remains unable to perform the essential functions of their position after exhausting available leaves, they may request a voluntary disability separation. If, after exhausting available leave, an employee refuses to request a voluntary disability separation, an Appointing Authority or Designee may place the employee on an involuntary disability separation if the Appointing Authority or Designee has substantial credible medical evidence to indicate that the employee remains disabled and incapable of performing the essential job duties. Such involuntary disability separation must be done in accordance with Ohio Administrative Code (O.A.C.) Chapter 123:1-30.

C. An employee's refusal to submit to an examination, to release the findings of an examination, or to otherwise cooperate in the examination process will be considered insubordination.

IX. DRUG AND ALCOHOL POLICY

A. Drug-Free Workplace.

Alcoholism and drug addiction are treatable diseases. Therefore, employees who believe that they may have an alcohol or drug addiction problem are encouraged to seek professional treatment and assistance. No employee who seeks such treatment or assistance prior to detection will have his/her job security, promotional opportunities, or other job conditions jeopardized by a request for treatment. The individual's right to confidentiality and privacy will be recognized in such cases. DCT will reasonably accommodate a recovering employee's alcohol or drug addiction in accordance with federal and state law.

Treatment pursuant to this accommodation policy will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action. DCT may take disciplinary action for any violations of work rules, regardless of the effect of alcohol or drug abuse. Nothing in this policy shall be construed to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem.

DCT maintains a drug and alcohol free workplace[1] in order to eliminate the inherent risks and liability to DCT, the affected employee, co-workers and the public. Employees are hereby notified that the manufacture, distribution, dispensing, possession, use or being under the influence of alcohol, drugs or other controlled substance is strictly prohibited during working hours at any location where employees are conducting DCT business. Also prohibited is the use of legal substances including CBD oils (or like products) resulting in a positive test.

In order to further DCT's objective of maintaining a safe, healthful, and drug-free workplace, DCT may require an employee to submit to a urine and/or blood test if there is reasonable suspicion as explained in Section C, paragraph 2, below, to believe that an employee is under the influence of a controlled substance or alcohol. Refusal to submit to a drug or alcohol test and/or to release the results of the same shall be considered insubordination and will be construed as a positive test result.

Employees are put on notice that an employee who is under the influence of drugs or alcohol may forfeit their right to obtain workers compensation benefits. The law establishes a rebuttable presumption that if an injured worker tests positive for the use of drugs or alcohol, the worker will have to prove the use of drugs or alcohol did not cause the accident. A refusal to test for the use of drugs or alcohol will also establish the presumption. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing in accordance with this policy**.**

[1] As set forth in detail in paragraph B.8. below medical or recreational marijuana (also referred to as cannabis) use as authorized by state law is <u>not</u> exempted from DCT's drug and alcohol free workplace policy, constitutes a violation of this policy, and employees are subject to discipline up to and including discharge for any violation of this policy, including use for medical purposes.

B. Drug Policy.

1. Controlled Substance: Means any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812; or as defined in § 3719.01 O.R.C.).

2. Conviction: Means any finding of guilt, including a plea of *nolo contendere* (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

3. Criminal Drug Statute: Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with O.R.C. § 3719.01 *et seq.*

4. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the employer's work place is strictly prohibited and will result in criminal prosecution and employee discipline.

5. Any employee arrested or convicted of any Federal or State criminal drug statute must notify the employer of that fact immediately, but in no event longer than five (5) calendar days, of the arrest or conviction.

6. Any employee who reports for duty in an altered or impaired condition which is the result of the use of controlled substances and/or alcohol will be subject to disciplinary action up to and including removal.

7. Any employee arrested or convicted of a drug or alcohol offense, who fails to timely report the arrest or conviction, may be terminated from employment and/or held civilly liable for any damage caused, including a loss of state or federal funds, resulting from the misconduct.

8. DCT has a zero tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using medical or recreational marijuana as authorized by Ohio law are not exempt from this policy in any way. The use of marijuana in any form for any purpose, authorized for medicinal purposes or unauthorized, will be treated the same as the use of all other Schedule I controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule I controlled substances or illegal drugs, including medical or recreational marijuana authorized by and in accordance with Ohio law and CBD oil (or like products) resulting in a positive drug test, are still subject to all provisions of this policy and may be subject to discipline including termination for such use.

X. TOBACCO USE POLICY

In order to promote a healthy and comfortable work environment DCT employees are prohibited from using tobacco throughout DCT owned buildings. This includes, but is not limited to: buildings; offices; restrooms; hallways; common work areas; garages; shelters; DCT vehicles; conference rooms; stairs; cafeterias/break rooms; storage areas; and all other undesignated DCT property or offsite locations. Designated smoking locations are provided outside DCT buildings where smoking receptacles are provided. The receptacles must be far enough away from building entrances to prevent the smell of smoke from traveling into the building.

For the purpose of this policy tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial/faux cigarette, cigars, cigarillos, pipes, oral tobacco, or any other manner of using or consuming tobacco, tobacco derived substances and/or substances mimicking tobacco. It also includes any product that delivers nicotine other than for purpose of cessation.

XI. LACTATION BREAKS

Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one year after the child's birth. The employee will be provided appropriate space, other than a bathroom, that is shielded from view and free from intrusion from other employees, teleworking video systems, and members of the public. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee. Employees who request reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions will be provided accommodations that do not cause undue hardship to the employer.

XII. JOB ASSIGNMENTS / TEMPORARY ASSIGNMENTS

Employees shall be expected to fully, dutifully, and conscientiously perform those tasks as assigned to them. Employees may be expected, from time to time, to complete job assignments which are typically not performed by them or contained in their job description. No employee can refuse a job assignment unless it would violate law or place the employee in an imminently harmful or life-threatening situation. If an employee objects to an assignment, they should complete the assignment first and then file a complaint under this manual.

XIII. PERFORMANCE EVALUATIONS

DCT may complete annual performance evaluations. Evaluations may be conducted more frequently such as on quarterly or mid-year basis as determined necessary by the departmental director or Appointing Authority. Evaluations, if conducted, will be based upon defined and specific criteria and will generally be reviewed and signed by the employee's direct supervisor, and those superiors in the direct chain-of-command. The results will be discussed with the employee and the employee will be asked to sign the evaluation. An employee's signature will reflect their receipt of the evaluation, not their agreement with its contents. Should the employee refuse to sign, a notation will be made reflecting the date and time of the review along with the employee's refusal to sign. Employees may offer a written response to their performance evaluation. Such response, if given, will be maintained with the evaluation.

XIV. HOURS OF WORK AND OVERTIME

DCT will establish the hours of work for all employees. Staff may be required to work days, evenings, nights and/or weekends due to operational needs. Additionally, DCT may alter schedules, days off and shifts based upon operational needs. Unless prohibited due to operational needs, DCT will meet in advance with employees and give at least two weeks advance notice for significant shift and schedule changes.

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

Failure to properly sign in or out as required, misrepresenting time worked, altering any time record, working overtime without approval, or allowing a time record to be altered by others will result in disciplinary action.

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

In any work week in which an employee uses accrued leave, including sick leave, vacation leave, personal leave, holiday leave, or unpaid leave, and subsequently works sufficient hours to reach or exceed forty (40) actual hours worked, the employee may elect to submit a payroll correction or timekeeping change request to reduce or remove the leave hours previously reported for that work week. If the employee chooses not to submit a correction request, any compensated hours in excess of forty (40) actual hours worked will be paid at the employee's regular straight-time rate. Such hours will not be considered overtime unless they constitute hours actually worked in excess of forty (40) within the work week.

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

A. Overtime Exempt Employees

Employees who are exempt from the overtime provisions of the FLSA are not eligible for overtime payment. The appropriate Appointing Authority shall determine if an employee is exempt from overtime requirements for purposes of the FLSA. Such exemptions may include employees whose job duties are executive, administrative or professional in nature.

At the discretion of the Appointing Authority, exempt employees may be required to keep track of, and report, their hours without destroying their exempt status.

B. Improper Deductions

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

XV. REPORTING TO WORK AND TARDINESS

Employees are expected to report for and remain at work as scheduled and to be at their workstations at their starting time. Employees who call off work for personal reasons should call off in advance of their starting time in accordance with procedures established by their Appointing Authority or Designee. Employees who call off must make contact with their supervisor or Designee each day of their absence unless they have made alternate arrangements. Calling off work in accordance with this procedure will not necessarily result in an employee receiving approved leave for their absence. DCT will consider the underlying reason for the absence in order to determine whether to grant approved leave.

Any employee, who doesn't report to work, reports to work late, extends their lunch or break without authorization, or who leaves before the end of their scheduled shift without prior approval, may be disciplined and docked pay. Pay will be docked in the lowest increments permitted by DCT's timekeeping system, or in 15-minute increments. Leave time may not be used without authorization for reporting to work late or leaving work early.

If an employee requests leave and the request is denied or placed in a pending/hold status, and the employee subsequently calls off for the same date(s), DCT may review the circumstances surrounding the absence. If it is determined that the employee improperly used the call-off process to circumvent the leave approval process, the employee may be subject to disciplinary action, up to and including termination.

XVI. LAYOFF

If it becomes necessary to reduce staffing levels, DCT shall lay off employees in accordance with law. DCT shall determine the number of positions and the classifications in which layoffs will occur. Layoffs and job abolishment may occur for lack of work, lack of funds, or reorganization.

XVII. PROBATIONARY PERIOD

Newly hired or newly promoted employees shall be required to successfully complete a one year probationary period. Lateral transfers shall be required to complete a 180 day probationary period. The probationary period allows DCT to closely observe and evaluate the employee's fitness and suitability for the position. Only those employees who demonstrate an acceptable standard of conduct and performance shall be retained in their positions.

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

Employees working irregular schedules and intermittent employees shall have their one year probationary period based upon the completion of one thousand forty (1040) hours in active pay status.

Pay increases for employees in the probationary period are subject to the approval of the Appointing Authority or Designee and are not guaranteed.

The failure of a promoted employee or an employee laterally transferred to complete a probationary period due to unsatisfactory performance shall result in the employee being returned to the same or similar position the employee held at the time of their promotion or transfer.

XVIII. ETHICS/CONFLICTS OF INTEREST

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

A. No employee shall use their official position for personal gain, or shall engage in any business or shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of their official duties.

B. No employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of DCT, nor shall the employee use such information to advance the financial or other private interest of themselves or others.

C. No employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation that is interested directly or indirectly in any manner whatsoever in business dealings with DCT; nor shall an employee accept any gift, favor or item of value that may tend to influence the employee in the discharge of their duties or grant, in the discharge of the employee's duties any improper favor, service or item of value.

D. No employee shall represent private interests in any action or proceeding against the interest of DCT in any matter wherein DCT is a party.

E. No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair their independent judgment or action in the performance of their official duties. Neither shall other employment, private or public, interfere in any way with the employee's regular, punctual attendance and faithful performance of their assigned job duties.

Any employee having doubt as to the applicability of these provisions should consult their supervisor or legal counsel. Any employee offered a gift or favor who is not sure whether acceptance is a violation of the Code of Ethics, should inform their supervisor of the gift offer. The supervisor will make a decision or will refer the individual to the Prosecutor's Office. No employee will accept from any contractor or supplier doing business with DCT, any material or service for the employee's private use.

State law prohibits DCT employees and officials from having a financial interest in companies that do business with public agencies, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to consult an attorney. Additional information may be found at: www.ethics.ohio.gov.

XIX. NEPOTISM

A. Hiring

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

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

B. Employment

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

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

XX. OUTSIDE EMPLOYMENT

Employees are required to notify their Appointing Authority or Designee of any outside employment. No employee shall have outside employment which conflicts in any manner with the employee's ability to properly and efficiently perform their duties and responsibilities with DCT. Employees are expected to be at work and fit for duty when scheduled.

Employees are prohibited from engaging in secondary employment during the hours for which they are normally scheduled to work for DCT while on approved sick leave, disability leave, administrative leave or family medical leave. Employees may not engage in secondary employment during any period while on sick leave, disability leave, and FMLA if the employment can be reasonably construed to delay or preclude full recovery and return to work. Employees are strictly prohibited from engaging in or conducting outside private business during scheduled working hours and are further prohibited from engaging in conduct which creates a potential or actual conflict of interest with their duties and responsibilities as a DCT employee.

Request for Outside Employment Form

XXI. POLITICAL ACTIVITY

A. Although DCT encourages all employees to exercise their constitutional rights to vote, certain political activities are legally prohibited for classified employees of DCT whether in active pay status or on leave of absence. The following activities are examples of conduct permitted by classified employees:

1. Registration and voting.
2. Expressing opinions, either orally or in writing.
3. Voluntary financial contributions to political candidates or organizations.
4. Circulating non-partisan petitions or petitions stating views on legislation.
5. Attendance at political rallies.
6. Signing nominating petitions in support of individuals.
7. Displaying political materials in the employee's home or on the employee's property.
8. Wearing political badges or buttons, or the display of political stickers on private vehicles.
9. Serving as a precinct official under O.R.C. § 3501.22.

B. The following activities are examples of conduct prohibited by classified employees.

1. Candidacy for public office in a partisan election.
2. Candidacy for public office in a non-partisan general election if the nomination to candidacy was obtained in a primary partisan election or through the circulation of a nominating petition identified with a political party.
3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
4. Circulating official nominating petitions for any partisan candidate.
5. Holding an elected or appointed office in any partisan political organization.
6. Accepting appointment to any office normally filled by partisan election.
7. Campaigning by writing in publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.
8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate.
9. Solicitation for the sale, or actual sale, of political party tickets.
10. Partisan activities at the election polls, such as solicitation of votes for other than

nonpartisan candidates and nonpartisan issues.

11. Service as a witness or challenger for any party or partisan committee.

12. Participation in political caucuses of a partisan nature.

13. Participation in a political action committee that supports partisan activity.

C. Unclassified employees whose jobs are funded in whole or in part by the federal government may also be subject to prohibitions against partisan political activity. Any employee having a question pertaining to whether specific conduct of a political nature is permissible should contact their immediate supervisor prior to engaging in such conduct.

XXII. INVESTIGATIONS, CORRECTIVE ACTION AND DISCIPLINE

DCT has the right to investigate all alleged disciplinary violations. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented, and advised by an attorney. For all employees, the failure to respond, to respond truthfully, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during the pendency of the investigation. Investigations shall be conducted upon receipt of an allegation of potential misconduct. Investigations shall be conducted promptly and in a reasonable and efficient manner to determine whether the alleged misconduct occurred.

Classified employees may be placed on a paid "administrative" leave of absence pending an investigation. Classified employees placed on paid "administrative" leave are expected to remain available to their employer, including coming to their designated workplace, if requested, during their designated working hours while placed on paid "administrative" leave. A classified employee who has been charged with a violation of law that is punishable as a felony may be placed on unpaid "administrative" leave, for a period not to exceed two months, pending an investigation. However, a classified employee who is placed on unpaid leave and is later exonerated of a felony must be reimbursed for lost pay, plus interest, and lost benefits. Unclassified employees may be placed on paid or unpaid leave pending an investigation.

Employees who have completed their probationary period and who are in the classified civil service may only be disciplined for just cause. Disciplinary action will be commensurate with the offense. Discipline for minor infractions will normally be imposed in a progressive manner with consideration given to the nature of the offense, prior disciplinary action, length of service, the employee's position, the employee's record of performance and conduct along with all other relevant considerations. Nothing in the policy shall be construed to limit DCT's discretion to impose a higher level of discipline under appropriate circumstances.

The following forms of misconduct constitute grounds for disciplinary action: incompetency, inefficiency, unsatisfactory performance, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, policy or work rule violations, conviction of a crime, failure of good behavior including a violation of ethics of public employment, failure to maintain licensing requirements, and any other acts of misfeasance, malfeasance, nonfeasance or any other reason set forth in O.R.C. § 124.34.

The property and image of DCT is to be respected at all times; as such, an employee's off duty conduct that has a nexus to the workplace or could reasonably negatively impact DCT may form the basis for discipline. Any comments or questions concerning the standard of conduct expected should be directed toward the employee's immediate supervisor.

Employees have an obligation to immediately inform DCT of any on-duty or off-duty arrests or convictions. An arrest or conviction may, or may not, result in discipline depending on the nature of the incident, the job performed, and other relevant considerations. Employees will not be permitted to use any accumulated leave in order to serve jail time.

The filing or prosecution of criminal charges or other civil administrative investigations against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action, if any, under this policy. DCT may investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending administrative or criminal charges. The disposition of such administrative or charge is independent of a disciplinary investigation. Although DCT may utilize information obtained during other investigations, DCT's decision to take appropriate disciplinary action may or may not correspond with the filing, or non-filing, of criminal charges or civil actions. A felony conviction while employed with DCT is just cause for termination.

Staff is responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of DCT Policies and Procedures whether the conduct occurs on-duty or off-duty. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts

When DCT believes that discipline of a classified employee in the form of a paid or unpaid suspension, reduction or elimination of longevity pay, demotion or termination is possible, a pre-disciplinary conference shall be scheduled. Prior to the pre-disciplinary meeting, the employee will be provided with written notice of the charges against them. At the pre-disciplinary conference, the employee may respond to the charges, verbally or in writing, or have their chosen representative respond. The employee may also waive the Pre-Disciplinary conference. Failure to attend the pre-disciplinary conference shall be deemed a waiver of the conference.

Unclassified employees and probationary employees are not eligible for a Pre-Disciplinary Conference.

Disciplinary files may not be destroyed and are subject to the Ohio Public Records Act. Disciplinary action shall remain in the employee's personnel file for twenty-four (24) months after which time the documentation may be placed in a separate disciplinary file upon the employee's request. After the twenty-four month waiting period, an employee may file a request with their department manager in writing asking that the disciplinary action be removed from their personnel file and be placed in a separate disciplinary file. Such action may be removed if no additional disciplinary action exists. Such discipline may be considered in any future action.

XXIII. COMPLAINT PROCEDURE

Employees may have questions or concerns caused by misunderstandings in the application of policies, procedures and work rules. DCT believes these questions and concerns must be heard promptly, and action taken to resolve or clarify a particular situation. Complaints regarding unlawful discrimination or harassment should be brought according to the unlawful discrimination and harassment policy contained in this manual and the Discrimination Prohibited Standard Operating Procedure.

All employees shall have the right to file a complaint without fear of retaliation. No employee shall be disciplined, harassed or treated unfairly in any manner as a result of filing a complaint. A complaint is defined as a disagreement between an employee and DCT as to the interpretation or application of official policies, departmental rules and regulations, or other disagreements perceived to be unfair or inequitable relating to treatment or other conditions of employment. The following is the procedure to be followed when an employee has a complaint as defined above:

A. Step 1: Immediate Supervisor

An employee having a complaint shall file it in writing with their Immediate Supervisor, as outlined in the procedure for their work unit. The employee's Immediate Supervisor will review the complaint and attempt to resolve the complaint within a reasonable time and will provide the employee with a written response. Step 1 may be bypassed by either the employee or Immediate Supervisor if the Immediate Supervisor lacks the authority to make a change and/or the Immediate Supervisor is the subject of the complaint.

B. Step 2: Department Head

Where the employee is not satisfied with Step 1 response of the Immediate Supervisor, the employee may submit the original complaint to the Department Head within seven (7) calendar days of the supervisor's written response. The Department Head will review all material provided and provide the employee with a written response in a timely manner.

C. Step 3: Employer (Appointing Authority or Designee)

Where the employee is not satisfied with the Step 2 response, the employee may submit the original complaint to the Appointing Authority or Designee within seven (7) calendar days. The Appointing Authority or Designee will review all material provided and will provide the employee with a written response in a timely manner. The Step 3 response shall be final.

XXIV. SOLICITATION

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

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

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

A. Distribution of literature, solicitation and the sale of merchandise or services are prohibited in public areas.

B. Soliciting and distributing literature during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term "working time" does not include an employee's authorized lunch or rest periods or other times when the employee is not required to be working.

C. Distributing literature in a way that causes litter on DCT property is prohibited.

DCT maintains various communications systems to communicate DCT-related information to employees and to disseminate or post notices required by law. The unauthorized use of the communications systems or the distribution or posting of notices, photographs, or other materials on any DCT property is prohibited.

Violations of this policy will be addressed on a case-by-case basis. Disciplinary measures will be determined by the severity of the violation, not the content of the solicitation or literature involved.

XXV. DCT PROPERTY

A. General

Employees are prohibited from using DCT materials, tools, facilities, equipment and labor for personal or private use regardless of whether the use is during working or non- working time. Employees may not perform private work for themselves, co-workers, friends or family members during working time or while using DCT materials, tools, facilities, or equipment. All DCT tools and equipment must be used and operated within the laws of the State of Ohio and/or rules and regulations of DCT. Employees who separate from service with DCT are responsible for return of reusable DCT property in their possession.

Employees have no reasonable expectation of privacy in the use of DCT property and facilities. In order to safeguard employees and the workplace, and in order to maximize efficiency, safety and productivity, DCT reserves the right, in its sole discretion and without notice to employees, to inspect, monitor or otherwise search DCT property and facilities or any other enclosed or open area within DCT property or facilities and to monitor or inspect any items found within such facilities. Employees are required to cooperate in any work place inspection. DCT also reserves the right to inspect any packages, mail, parcels, handbags, briefcases, or any other possessions or articles carried to and from DCT facilities and job sites where permitted by law.

Employees required to answer the telephone or other communication, as part of their assigned duties shall do so in a polite and courteous manner. No employee shall use foul or abusive language over the telephone, or other communication, or in any dealings with the public. DCT reserves the right to monitor any phone or other communications at any time. Personal phone calls or other person communication must be kept to an "on emergency basis" only. Toll calls and/or long distance calls for personal reasons shall not be charged to DCT.

DCT may issue cellular phones or other electronic devices to its employees. Cellular phones and other electronic devices are not only capable of making and receiving phone calls, they may also be capable of email, text messaging, internet browsing, running third party applications, GPS, and entertainment. Regardless of the capability of a particular cellular phone or electronic device, all DCT-issued electronic devices are considered DCT property and are for business use only. Features other than phone use must not be used or activated without direct authorization from a supervisor.

B. Vehicles

Employees operating a DCT motor vehicle are required to have a proper and valid motor vehicle operator's license and remain insurable on DCT's fleet policy. Employees shall comply with all motor vehicle laws and regulations while operating a DCT vehicle or a personal vehicle for DCT related business.

An employee who operates a motor vehicle for work and who has their license suspended, but who has acceptable court-ordered driving privileges, may nevertheless have their driving privileges temporarily suspended by DCT. When DCT suspends driving privileges, the employee may be temporarily reassigned. DCT need not reassign an employee who drives for work and has their license suspended by a court with no work-related driving privileges.

Any DCT employee who operates a DCT-owned motor vehicle, or a privately owned motor

vehicle in the discharge of official DCT business, shall at all times during the course of operation, fully utilize the front seat occupant restraint systems provided in the vehicles and require like use of said systems by any passengers in the vehicle, excluding vehicles not required by law. Employees who operate DCT vehicles must have appropriate insurance coverage as established by DCT's Self Insurance Policy.

Use of a DCT-owned vehicle must be pre-approved by the employee's supervisor. Employees shall not use, or permit the use of, DCT automobiles or privately-owned motor vehicles for the discharge of official DCT business for any purpose other than official DCT business. Passengers not on official DCT Business (i.e. children, spouses, friends, etc.) are not permitted in DCT-owned vehicles. Employees, as representatives of DCT, are expected to be courteous to the public and to obey all traffic laws**.** DCT employees should drive and conduct themselves as to enhance the reputation of DCT and Department.

Employees who drive DCT vehicles or who drive their personal vehicles for DCT business are subject to periodic (at least annual) record checks at the Bureau of Motor Vehicles. Employees who utilize DCT vehicles or drive their personal vehicle on DCT related business are responsible for reporting to their supervisor any moving traffic violations obtained while on, or off, duty as an employee's personal driving record may impact their ability to be covered on DCT's liability policy. Employees who drive on behalf of DCT are subject to reassignment and/or discipline up to and including termination in the event of a license revocation, suspension or traffic offense conviction.

DCT may, at its discretion, monitor the use of DCT vehicles through the use of a GPS and camera system, to confirm that a vehicle is being used for a purpose consistent with this policy.

C. Driving DCT Vehicles

In the event that you are driving a DCT vehicle, you must follow the following standards:

1. A DCT vehicle is a reflection of DCT and the public has a right to expect that the employees and vehicles they support are engaged in conducting business in a proper manner. You are required to follow all laws and drive in the safest and most courteous manner. Any fines or citations received for driving or parking violations are your sole responsibility.

2. Smoking, vaping, or the use of any tobacco product is prohibited in all DCT owned or leased vehicles.

3. Should you discover any unsafe or hazardous conditions with a vehicle while using it, report these conditions immediately to dispatch and/or mechanic to have the vehicle checked, repaired, or replaced.

D. Driving on DCT Business

Prior to driving on DCT business, an employee must be given authorization by his/her supervisor and meet or exceed the "Qualifications for Driving on DCT Business," listed below. These qualifications apply to all employees, including bus operators and office staff, as well as DCT-owned and personal-owned vehicles. From time-to-time DCT may check your motor vehicle record. An accumulation of violations that violates the "Qualifications" will result in a loss of driving privileges for DCT business.

Qualifications for Driving on DCT Business

As a Public Transit System, driving is our primary service provided to the community. Perhaps the largest single liability exposure and definitely the highest frequency of liability losses is incurred by automobile accidents. Whenever an employee, including supervisors and managers is driving a DCTB owned or leased vehicle or his/her own vehicle on DCT business, the DCTB is exposed to potential liabilities. The exposure is directly related to the employee's ability to operate the vehicle safely. Therefore, the following qualifications will apply to all employees while driving on DCT business:

1. All employees must be at least eighteen (18) years of age.

2. All employees must be eligible to be covered by DCT's insurance coverage through the Ohio Transit Risk Pool. All Operators and Road Supervisors must be at least 19 years of age.

3. All employees must have a current, valid, Ohio driver's license that covers the type of vehicle to be operated (e.g. commercial driver's license, etc.). A copy of the license must be filed with the employee's personnel file. All employees that drive on DCT business are required to report any suspension or revocation of their driver's license or any arrest for or conviction of any violation, including any misdemeanor or felony violation to their supervisor immediately and within 24 hours of the incident. Failure to report such incident, may result in disciplinary action. Suspension or revocation of the employee's driver's license by the State of Ohio may be grounds for discipline, up to and including termination, if the employee no longer meets the job requirements for his/her position.

4. All employees that drive on DCT business with two (2) moving violations or two (2) at fault accidents within a twelve (12) month period may be placed on driving probation and suspended from driving on DCT business until the employee completes a remedial or defensive driving course at his/her own expense. A certificate of completion of the driving course must be placed in the employee's personnel file prior to the employee resuming driving privileges. Failure to take and pass a remedial or defensive driving course may result in discipline, up to and including termination, if that employee no longer meets the job requirements for his/her position.

5. All employees that drive on DCT business with three (3) moving violations and/or three (3) at fault accidents within a thirty-six (36) month period may not be permitted to operate a vehicle on DCT business and may be disciplined, up to and including termination, if that employee no longer meets the job requirements for his/her position.

6. All employees that drive on DCT business that accumulate seven (7) or more points on their license shall not operate a vehicle on DCT business and may be disciplined, up to and including termination, if that employee no longer meets the job requirements for his/her position.

7. All employees that drive on DCT business that are charged with major violations, (e.g. violations that accumulate four (4) or more points under Ohio law such as reckless operation, driving under the influence, etc.), shall not operate a vehicle on DCT business and may be disciplined, up to and including termination, if that employee no longer meets

the job requirements for his/her position.

8. All employees that drive on DCT business convicted of reckless operation or driving under the influence of alcohol or drugs, both of which are unlawful actions, while driving on DCT business will be subject to disciplinary action including immediate termination, if that employee no longer meets the job requirements for his/her position.

9. All employees that drive on DCT business who use their personal vehicles or DCTB owned or leased vehicles must comply with the above qualifications.

10. For a personal vehicle to be used on DCT business, the driver/owner must maintain current insurance coverage on that personal vehicle. DCTB's coverage will act as secondary insurance coverage excess of the employee's personal insurance when a personal vehicle is being used for DCT business if, and only if, the employee carries personal insurance with state minimum limits of insurance.

11. Minor infractions will be evaluated and addressed at the discretion of DCT Administration. The appropriate response will be determined based on the specific circumstances of each incident, ensuring fairness and consistency in our approach.

XXVI. COMPUTER USE & CYBERSECURITY POLICY

A. General

DCT computers and information systems are DCT property. They may be used only for explicitly authorized purposes. DCT reserves the right to examine all data stored in or transmitted by their computers and systems. Without notice, DCT and authorized DCT supervisors may enter, search, monitor, track, copy, and retrieve any type of electronic file of any employee or contractor. These actions may be taken for business-purpose inquiries including but not limited to theft investigation, unauthorized disclosure of confidential business or proprietary information, excessive personal use of the system, or monitoring work flow and employee productivity.

Employees have no right to privacy with regard to the Internet and email on DCT systems (public or private). Authorized Designees (as referenced above) may access any files stored on, accessed via, or deleted from computers and information systems. When necessary, Internet, email, and Instant Messenger (IM) usage patterns may be examined for work-related purposes, including situations where there is a need to investigate possible misconduct and to assure that these resources are devoted to maintaining the highest levels of productivity. All software installed on any DCT computer must be licensed to DCT. No DCT employee may install, uninstall, or reconfigure any software or hardware owned by DCT without prior authorization from DCT. The use of privately-owned or contractor-owned computers for official DCT business must be authorized in advance by DCT.

Employees are required to maintain passwords for their computers. Employees are responsible for safely securing their passwords. Absent supervisor approval, employees shall not share passwords. Employees may be required to periodically change passwords. Employees shall follow all IT Guidelines regarding passwords.

B. Allowable Uses of Computer and Information Systems for Business Purposes

1. Facilitating job function performance.
2. Facilitating and communicating business information within the DCT network.
3. Coordinating meeting locations and resources for DCT.
4. Communicating with outside organizations as required in the performance of employee job functions.

C. Prohibited Uses of Computers and Information Systems, Including But Not Limited to E-mail, Instant Messaging, and the Internet

1. Violating local, state, and/or federal law.
2. Harassing or disparaging others based on age, race, color, national origin, sex, sexual orientation, disability, religion, military status or political beliefs. Harassment and disparagement include but are not limited to slurs, obscene messages, or sexually explicit images, cartoons, or messages.
3. Threatening others.

4. Soliciting or recruiting others for commercial ventures, religious or political causes, outside organizations, or other matters which are not job related.

5. Using computers or information systems in association with the operation of any for-profit business activities or for personal gain.

6. Sabotage, e.g. intentionally disrupting network traffic or crashing the network and connecting systems or intentionally introducing a computer virus.

7. Vandalizing the data of another user.

8. Forging electronic mail and instant messenger messages.

9. Sending chain letters.

10. Sending rude or obscene messages (anything that would embarrass or discredit DCT).

11. Disseminating, without authorization, confidential or proprietary DCT documents or information or data restricted by government laws or regulations.

12. Browsing or inquiring upon confidential records maintained by DCT without substantial business purpose.

13. Disseminating (including printing) copyrighted materials, articles, or software in violation of copyright laws.

14. Accessing the Internet in any manner that may be disruptive, offensive to others, or harmful to morale.

15. Transmitting materials (visual, textual, or auditory) containing ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on age, race, color, national origin, gender, sexual orientation, disability, religious or political beliefs.

16. Sending or soliciting sexually-oriented messages or images.

17. Using the Internet or instant messenger for political activity.

18. Using the Internet to sell goods or services not job-related or specifically authorized in writing by an approving authority.

19. Downloading and viewing non-work-related streaming audio or video (i.e. listening to radio stations, etc.) that is a distraction to the employee's work and to those around them.

20. Intentionally using Internet facilities to disable, impair, or overload performance of any computer system or network or to circumvent any system intended to protect the privacy or security of another user.

21. Speaking to the media or to the public within any news group or chat room on behalf of DCT if not expressly authorized to represent DCT.

22. Uploading or downloading games, viruses, copyrighted material, inappropriate graphics or picture files, illegal software, and unauthorized access attempts into any system.

NOTE: Whether on working time or not, these prohibitions apply at all times to DCT-owned computers and information systems. Personnel cannot expect that the information they convey, create, file, or store in DCT computers and information systems will be confidential or private regardless of the employee's intent.

Please remember that there is no expectation of privacy for anything sent by email or IM, and that others can view this information at any time.

D. Guidelines for Incidental/Occasional Personal Internet Usage

Generally, the Internet is to be used for work-related purposes. DCT will permit personal use of the Internet with reasonable restrictions as to the amount of time devoted to personal usage and sites visited provided such use does not adversely affect business or productivity. Incidental/occasional use is comparable to time authorized for meals and reasonable breaks during the workday and those times only should be used to attend to personal matters. Personnel are not permitted to utilize the Internet for personal use equal to meal and break times and also take their scheduled meal and breaks. Agency Internet resources must be devoted to maintaining the highest degree of productivity. Personal Internet usage is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason or for no reason. Aside from scheduled breaks and unpaid lunch periods, employees are prohibited from engaging in personal use of the internet while on DCT time.

E. Securing Computer Equipment and Electronic Data

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

Employees accidentally sharing DCT information, or accessing an improper website, or opening an email with a virus are to immediately notify their supervisors. Employees who receive ransomware, or other malware/virus, are to immediately notify a supervisor. Employees shall not open emails, or click links, about which they have a concern.

Employees working remotely must ensure that their home or remote work location and remote systems are protected by a modern "Wi-Fi router" using at least a WPA2 encryption and authentication methods (a WPA3 is preferred). Employees using a mobile device for work shall use password protection, data encryption and security apps to protect the device; Two-Factor Authentication should be used wherever possible.

Employees must immediately report any security breach, or lost equipment, to the appropriate IT professional, or other designated individual.

F. Use of Artificial Intelligence

Artificial Intelligence (AI) models rely heavily on data to develop, train, and operate effectively. In recognition of associated data privacy, security, and compliance concerns, the following standards shall apply to the use of AI technologies:

1. Definition of Sensitive Information For the purposes of this policy, Sensitive Information is defined as any data that is confidential, personally identifiable, proprietary, privileged, or otherwise protected by law, regulation, or County policy. This includes, but is not limited to:
    - Personally Identifiable Information (PII) such as names, identification numbers,
    - addresses, contact details, financial or health-related information;
    - Protected Health Information (PHI);
    - Confidential communications and documents;
    - Legal, investigative, or regulatory data;
    - Any other data classified as sensitive under applicable laws, regulations, or
    - County resolutions, policies, or SOGs.

2. Use Restrictions
   Employees shall not input Sensitive Information into AI tools, systems, or applications unless the following conditions are met:
    - Written permission has been obtained from both:
        - The Appointing Authority, or their Designee, responsible for the employee's use of AI tools; and
        - The Appointing Authority, or their Designee, and the Data Owner responsible for the data to be used. The "data owner" is the individual responsible for the accountability and authority over a specific data set including compliance, data quality, governance policies, etc.
    - AI use adheres to any and all County policies

3. Data Minimization and Redaction
   When AI use is authorized, the employee shall exercise best efforts to minimize data exposure, including, without limitation, anonymizing, de-identifying, or redacting Sensitive Information to the extent practicable before inputting any data into an AI system.

4. Compliance and Accountability
   All AI use involving County data must be documented and traceable. Employees are responsible for ensuring that the use of AI does not compromise the confidentiality, integrity, or availability of Sensitive Information and County data, and must be able to demonstrate compliance upon request

XXVII. SOCIAL MEDIA POLICY

A. Social Media Limitations

DCT supports the free exchange of information and camaraderie among employees on the internet. However, when the use of social media platforms (including, but not limited to, Facebook, Twitter, Instagram, TikTok, LinkedIn, and Nextdoor), blogs, chat rooms, email, text messages or other forms of electronic communication results in an employee revealing confidential information or posting material prohibited by DCT policy, the employee may be subject to disciplinary action. Employees shall not post on personal social media accounts, either on a DCT electronic device, or personal electronic device, during working hours unless permitted by a Supervisor.

Employees are reminded to be careful of the information they disclose on the internet, including social media sites. **Postings made on agency-owned social media sites, as well as personal social media sites, may be subject to Ohio's public records laws.** The following uses of social media are strictly prohibited, whether on or off duty:

1. Comments or displays that are vulgar, obscene, defamatory, threatening, intimidating, harassing, or a violation of DCT's workplace policies against discrimination, harassment or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, military status or other protected class, status, or characteristic.

2. Unauthorized use of DCT's authority, information, insignia, logo or equipment.

3. Communication that has a substantial risk of negatively affecting DCT's reputation, mission or operations, including, but not limited to, communications that give rise to any legal cause of action, whether criminal or civil in nature.

4. Disclosure of confidential and/or proprietary information acquired in the course of employment. Confidential information includes not only information that would not be available pursuant to a public records request, but also includes any information which does not relate to an issue of public concern.

5. Comments or displays which impact employees' abilities to perform their job duties or DCT's ability to maintain an efficient workplace.

Social media sites may be inspected by DCT for cause to determine potential policy violations. If an employee believes that an online communication violates a DCT policy, the employee should immediately report the communication to his or her supervisor. DCT may investigate the matter, determine whether such communication violates policy, and take appropriate action. Employees shall be held strictly responsible for any social media accounts they personally own or operate, regardless of whether the content in violation of this policy was posted or uploaded by the employee or another person. This policy does not apply to communications protected by the U.S. or Ohio Constitutions.

In the event a DCT agency operates and maintains a social media site, the elected official, or department director / supervisor, shall designate the employee(s) who are permitted to post, maintain and monitor the postings on behalf of the agency. Absent prior approval, employees shall not add, or remove, any information, or posting, from the agency's social media site.

XXVIII. CONCEALED CARRY

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

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

This policy does not prohibit employees that may lawfully possess a firearm from transporting and/or storing a firearm or ammunition in their personal vehicle at work locations where their personal vehicle is otherwise permitted to be (e.g. DCT Parking Lot). However, the employee must leave the firearm and ammunition in their personal vehicle. Employees are neither permitted to remove their firearm or ammunition from their personal vehicles while at work locations nor are they permitted to bring a concealed firearm or ammunition into a DCT owned building. The employee's firearm and ammunition must be stored in their personal vehicle in accordance with the storage provisions of the Concealed Carry statute. The firearm and ammunition must be in a locked vehicle either in the glove compartment, a lock box or the trunk.

Employees shall immediately contact a supervisor if they suspect an employee or member of the public is carrying a concealed weapon, firearm, or ammunition on DCT premises. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a concealed weapon or firearm in violation of this policy at any time while they are working for DCT, acting within the course and scope of employment, or acting as a representative of DCT.

XXIX. WORKPLACE VIOLENCE

A. Zero Tolerance

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

B. Prohibited Acts of Violence

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

C. Warning Signs and Risk Factors

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

XXX. CONTACT WITH NEWS MEDIA/CITIZENS

Any employee contacted by the news media or a citizen on a matter related to DCT operations should direct the caller to contact the Executive Director, Appointing Authority or Designee. This policy is designed to avoid duplication, assure accuracy, and protect employees and DCT from the dissemination of misstatements and misinformation.

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

XXXI. SICK LEAVE

All employees shall be entitled to sick leave in accordance with §§ 124.38 and 124.39 of the Ohio Revised Code as follows:

A. Accumulation

Each employee shall be entitled for each completed eighty (80) hours of service to sick leave of 0.0575 per hour worked, and unused sick leave may be accumulated without limit. Previous accumulated sick leave of an employee who has separated from public service shall be re-credited if reemployment in public service takes place within ten (10) years of the last termination from public service and the employee provides proof of the prior leave balance. An employee is expected to provide proof of a prior sick leave balance within ninety (90) days of commencing employment with DCT. An employee who transfers from one public agency to another shall be credited with up to the maximum of sick leave accumulation permitted in the public agency to which the employee transfers.

B. Use

Sick leave may be used by employees and upon approval of DCT for absences due to only the following:

1. Illness, injury, or pregnancy-related medical condition of the employee.

2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.

3. Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate licensed medical practitioner.

4. Death of a member of the employee's immediate family. Such usage shall be limited to reasonably necessary time, not to exceed five (5) days. DCT may grant additional time off on a case by case basis.

5. Illness, injury, or pregnancy-related medical condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.

6. Medical, dental or optical examinations or treatments of an employee or of a member of an employee's immediate family where the employee's care and attendance is reasonably required.

Elective cosmetic surgeries or other procedures that are not medically necessary do not constitute an appropriate usage of sick leave. Other appropriate leaves of absence, such as vacation, may be requested for such purposes.

For purposes of sick leave, immediate family is defined as: grandparent; great- grandparents; brother; sister; brother-in-law; sister-in-law; daughter-in-law; son- in-law; father; mother; father-in-law; mother-in-law; spouse; child; step-child; step-parent**;** grandchild; legal guardian; or other person who stands in place of a parent.

Grandparent-in-law, aunts and uncles shall also be considered immediate family for

bereavement leave purposes. Such usage shall be limited to reasonably required time, not to exceed one (1) day. DCT may grant additional time off on a case by case basis not to exceed three (3) days.

C. Employee Notification

When an employee is unable to report to work due to illness or other acceptable sick leave reason, the employee shall notify their supervisor by calling the supervisor and speaking directly with the supervisor or, if unavailable, with another supervisor in their department. In the event the employee is unable to speak directly to a supervisor, the employee is permitted to leave a message, text or email their supervisor when notifying them of their absence. Employees must receive confirmation. Absences must be reported at least one half hour prior to the employee's scheduled shift. An employee must continue such notification each succeeding day of absence except in cases of prolonged illness or absence where the employee has been granted a set period of leave. Failure of an employee to make proper notification may result in denial of sick leave and/or appropriate disciplinary action.

D. Written Statement

Proof of illness, such as a doctor's excuse, may be required when DCT believes the absence(s) to be excessive, chronic, patterned, or abusive. A satisfactory licensed medical practitioner's certificate may be required at any time, but will generally be required in each case when an employee has been absent more than three (3) consecutive days. When a licensed medical practitioner's certificate is required, it must be submitted to the Department Head or Designee before an employee will be permitted to return to work from leave. The licensed medical practitioner's certificate must be signed personally by the treating practitioner, and must verify the nature of the illness, and that the employee was unable to work during the period in question, not simply that the employee was "under the doctor's care." For absences where a licensed medical practitioner's certificate is not required, the employee may be required to submit a written statement to the Department Head or Designee explaining the nature of the illness.

E. Sick Leave Abuse

Application by an employee for sick leave through fraud or dishonesty will result in denial of such leave together with disciplinary action up to and including termination. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation, days off and/or weekends or excessive sick leave usage may result in sick leave denial and appropriate disciplinary action. DCT reserves the right to investigate allegations of sick leave abuse. DCT reserves the right to question employees concerning their sick leave use. Whenever an employee is on sick leave the employee must be at home during the employee's scheduled work hours or obtaining treatment or medication.

F. Uses of Other Leave

Other accumulated unused leaves may be used for sick leave purposes, at the discretion of the Appointing Authority.

G. Sick Leave Charge

Sick leave shall be charged in minimum increments of one-quarter (1/4) hour. When sick leave is used it shall be deducted from the employee's credit on the basis of one hour of sick leave for every one hour of absence from previously scheduled work. Sick leave payments shall not exceed the normal scheduled workday or workweek earnings. Employees may utilize sick leave only for the hours and days on which they are scheduled to work.

Sick leave may only be used after it has been accrued and is available in the employee's leave balance. The use of sick leave in advance of accrual is not permitted. All sick leave usage must comply with applicable policies and departmental procedures.

H. Sick Leave Upon Retirement

An employee may elect at the time of disability or service retirement under the Public Employees Retirement System, to be paid in cash for one-fourth of the value of their accrued, but unused, sick leave balance accumulated with DCT. The total value of the sick leave paid, earned with DCT, as severance pay shall not exceed the value of 60 days paid leave. The payment shall be based on the employee's rate of pay at the time of retirement.

An employee, who has a sick leave balance that has accumulated with the state of Ohio, or any other political subdivision of state, may elect at the time of disability or service retirement under the Public Employees Retirement System, to be paid in cash for one- fourth of the value of the employee's accrued, but unused, sick leave. The total value of the sick leave paid, earned with another political subdivision, as severance pay shall not exceed the value of 30 days paid leave. The payment shall be based on the employee's rate of pay at the time of retirement.

To qualify for this severance benefit, the employee must meet the requirements for a disability or service retirement and have at least 10 years of service with the state, any political subdivision of the state, or any combination of such service.

The total value of the sick leave paid under this policy, earned with DCT and another political subdivision combined, as severance pay shall not exceed the value of 60 days paid leave. Payment for sick leave will eliminate all sick leave credit accrued by the employee at that time.

I. Sick Leave Upon Death

Upon the death of an employee in the active service with DCT, unused accumulated sick leave shall be paid to the employee's spouse, children, or parents, if any, in that order or to the employee's estate. Payment for sick leave accumulated while in the employ of DCT shall be based on the employee's straight- time hourly rate at the time of death and will be paid in cash for one-fourth of value of the employee's accrued, but unused sick leave balance, with no limit.

J. Medical Information

DCT will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to the Executive Director.

XXXII. FAMILY MEDICAL LEAVE ACT ("FMLA")

A. Statement of Policy.

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

B. Definitions.

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

1. "Family and/or medical leave of absence": An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:

    a. Upon the birth of an employee's child and in order to care for the child.

    b. Upon the placement of a child with an employee for adoption or foster care.

    c. When an employee is needed to care for a family member who has a serious health condition.

    d. When an employee is unable to perform the functions of his/her position because of the employee's own serious health condition.

    e. Qualifying service member leave.

2. Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on "covered active duty" or receiving a "call to covered active duty." In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a "single twelve (12)-month period" to care for a service member with a "serious injury or illness" sustained or aggravated while in the line of duty on active duty. The "single twelve (12)-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.

3. "Per year": A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four weeks beginning June 1, 2009, and four weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until

February 4, 2010.

4. "Serious health condition": Any illness, injury, impairment, or physical or mental condition that involves:

   a. Inpatient care.

   b. Any period of incapacity of more than three consecutive calendar days that also involves:

      i. Two or more treatments by a health care provider**,** the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or

      ii. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.

   c. Any period of incapacity due to pregnancy or for prenatal care.

   d. A chronic serious health condition which requires at least two "periodic" visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.

   e. Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer's disease, etc.).

   f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).

5. "Licensed health care provider": A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.

6. "Family member": Spouse, child, parent or a person who stands "in loco parentis" to the employee.

7. "Covered Service Member": Means either:

   a. A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or

   b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.

      i. Note: An individual who was a member of the Armed Forces (including National Guard or Reserves) and who was discharged or released under

conditions other than dishonorable prior to March 8, 2013, the period of October 28, 2009 and March 8, 2013, shall not count toward the determination of the five-year period for covered veteran status.

8. "Outpatient Status": The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.

9. "Next Of Kin": The term "next of kin" used with respect to a service member means the nearest blood relative of that individual.

10. A "serious injury or illness", for purposes for the twenty six (26)-week military caregiver leave means either:

    a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,

    b. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

        i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or

        ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service–Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

        iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

        iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

11. "Covered Active Duty" or "call to covered active duty":

    a. In the case of a member of a Regular Armed Forces means duty during the

deployment of the member with the Armed Forces to a foreign country. (Active duty orders of a member of the Regular components of the Armed Forces generally specify if the member is deployed to a foreign country."

b. In the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to specific sections of the U.S. Code, as outlined in 29 CFR § 825.126.

12. "Deployment to a foreign country" means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.

13. "Qualifying Exigency": (For purposes of the twelve (12)-week qualifying exigency leave) includes any of the following:

a. Up to seven days of leave to deal with issues arising from a covered military member's short notice deployment, which is a deployment on seven (7) or fewer days notice.

b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.

c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.

d. Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.

e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.

f. Rest and recuperation leave of up to fifteen (15) days to spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. This leave may be used for a period of 15 calendar days from the date the military member commences each instance of Rest and Recuperation leave.

g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored

by the military, as well as addressing issues arising from the death of a covered military member.

h. Qualifying parental care for military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age, when the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living, as described in 29 C.F.R. § 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.

i. Any qualifying exigency which arose out of the covered military member's covered active duty or call to covered active duty status.

C. Leave Entitlement.

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

1. Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.

2. Actually worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.

3. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius. DCT health districts and DCT are not considered a single employer for purposes of FMLA leave entitlement**.**

   a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.

   b. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

D. Use of Leave.

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

1. Generally: An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc.) in conjunction with/concurrent to their use of accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an

employee's twelve (12) week FMLA entitlement will be counted against such time.

2. Birth of An Employee's Child: An employee who takes leave for the birth of his/her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust all of her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. *(Note: See section E below for information on disability leaves.)*

3. Placement of a Child for Adoption or Foster Care: An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

4. Employee's Serious Health Condition or Family Member's Serious Health Condition: An employee who takes leave because of their serious health condition or the serious health condition of their family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

E. FMLA and Disability/Workers' Compensation.

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

F. Procedures for Requesting FMLA Leave.

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

FMLA requests must be submitted on a standard leave form prescribed by the Employer. The Employer will determine whether the leave qualifies as FMLA leave, including instances of Family Medical Leave that are not requested by the employee, and designate any leave that counts against the employee's twelve (12) week entitlement, and notify the employee that the leave has been so designated.

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

operations.

G. Certification of Need for FMLA Leave for Serious Health Condition.

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

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

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

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

H. Certification for Leave Taken Because Of A Qualifying Exigency.

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

I. Intermittent/Reduced Schedule Leave.

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

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

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

J. Employee Benefits.

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

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

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

employee.

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

K. Reinstatement.

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

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

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

L. Records.

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

XXXIII. CIVIC DUTY LEAVE

A. Jury Duty

Employees will be excused from regularly scheduled work for jury duty. If an employee's jury duty is concluded prior to the completion of the employee's regularly scheduled workday, the employee must return to work for the remainder of the workday, unless otherwise approved by your supervisor. DCT will compensate an employee who is called to, and reports for, panel and/or jury duty, at the employee's straight-time hourly rate during the hours the employee was scheduled on that day. The employee must give DCT prior notice of jury duty in order to receive their regular pay.

B. Work Related Proceedings

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

C. Personal Matters

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

XXXIV. VACATION AND PERSONAL LEAVE

A. Vacation Leave Accrual

Full-time permanent DCT employees shall accrue and be entitled to vacation leave, to be credited each bi-weekly pay period, at rates as established in the following schedule:

Completed Years of Service	Vacation Leave Earned Per Eighty (80) Hours Worked	Annual Vacation Hours Accrued	Vacation Accrual Factor
Less than 4 years	3.1	80	(.03875)
4 but less than 9 years	4.6	120	(.0575)
9 but less than 14 years	6.2	160	(.0775)
14 but less than 19 years	6.9	180	(.08625)
19 years or more	7.7	200	(.09625)

An employee who is not in active pay status for part of a bi-weekly pay period shall earn a pro-rated amount of vacation leave for that period. Employees who are regularly scheduled to work less than eighty (80) hours in a pay period will accrue vacation at a prorated amount of the standard rate multiplied by the ratio of the employee's regular scheduled hours in a pay period to eighty (80) hours. Under no circumstances will an employee accrue vacation at a greater rate than the standard rate.

Vacation leave will accrue during periods of authorized paid leaves of absence but will not accrue while an employee is on unpaid leave status.

In accordance with O.R.C. § 9.44, employees may be entitled to prior service credit for time spent with the State of Ohio or any political subdivision of the State. It is the employee's responsibility to provide necessary documentation of prior service.

An employee will not be entitled to marry his/her prior service time if he/she has retired from public service with his/her prior employer.

B. Vacation Leave Use

Vacation leave may be accumulated for up to two (2) years from an employee's anniversary date. Employees may not accrue vacation in excess of this two-year limit. Once the maximum is reached, no additional vacation will accrue until the employee's balance falls below the limit, and any vacation leave in excess of the two-year maximum is forfeited.

Vacation requests should generally be received by the employee's immediate supervisor in advance. Vacation requests will be granted per departmental procedure and are subject to operational needs. Vacation time may be taken in one-quarter (1/4) hour increments.

Vacation leave may only be used after it has been accrued and is available in the employee's leave balance. The use of vacation leave in advance of accrual is not permitted. All vacation leave usage must comply with applicable policies and departmental procedures.

DCT reserves the right to revoke previously approved vacation leave when operational needs require staffing adjustments or if the employee does not have sufficient accrued vacation leave available at the time the leave is taken to cover the approved absence.

C. Unused Vacation Leave

Upon separation from service with at least one (1) year of recognized public service, an employee is entitled to compensation at their current rate of pay for accrued but unused vacation leave. In the case of the death of a DCT employee, the unused vacation leave to the credit of the employee shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate.

E. Personal Leave

Each payroll calendar year, all employees shall be entitled to up to a maximum of two (2) eight (8) hour days of personal leave not to be deducted from the employee's sick leave balance.

Personal leave may be taken in one-quarter (1/4) hour increments up to a full 8 hour work day.

Personal leave used shall not exceed a total of two (2) eight (8) hour working days. Personal leave not used during the calendar year is forfeited.

Personal leave is prorated and may only be used once it has been granted and is available in the employee's leave balance, as reflected on the employee's pay stub. Use of personal leave prior to its availability is not permitted. All personal leave usage must comply with applicable policies and departmental procedures.

Personal leave is subject to the approval of the employee's supervisor based upon the operational needs of the department. DCT may revoke approval of the use of personal leave if required by operational reasons.

At no time shall an employee receive a payout for unused personal leave.

F. Unused Holiday Pay

Upon separation from service with at least one (1) year of recognized public service, an

employee is entitled to compensation at their current rate of pay for accrued but unused holiday leave. In the case of the death of a DCT employee, the unused holiday pay to the credit of the employee shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate.

Earned holiday pay cannot exceed 100 hours annually for full-time employees or 50 hours annually for part-time employees.

XXXV. HOLIDAYS

Due to the nature of DCT's service to the public, it is recognized that not all employees can have each holiday as time off from work. DCTB therefore establishes the following holiday schedule:

Holiday Pay: All employees will earn holiday pay at a rate of 0.0480 hours for each hour in paid status. Earned holiday pay cannot exceed 100 hours annually for full-time employees or 50 hours annually for part-time employees.

Holidays (Closed): DCT will be closed on the following holidays:

a. New Year's Day

b. Memorial Day

c. Independence Day

d. Labor Day

e. Thanksgiving Day

f. Christmas Day

Holidays (Open): DCT will be open on all other holidays recognized by the county:

a. Martin Luther King Day

b. Presidents Day

c. Juneteenth

d. Little Brown Jug Day

e. Veterans Day

f. Day after Thanksgiving

g. Christmas Eve

Holiday Hours: For all holidays where DCT is open but county offices are closed, DCT will operate on holiday hours, from 6 AM to 6 PM with the exception of Little Brown Jug Day which will be regular operating hours.

Holiday Leave: All employees may take holiday leave at a time mutually convenient to the employee and DCT if the employee has earned holiday leave available.

XXXVI. UNPAID LEAVE

Employees may request an unpaid leave of absence for professional, educational, or other personal reasons. Employees will be required to utilize their accumulated unused paid leave (vacation, holiday, or personal) before requesting unpaid leave. DCT has sole discretion to grant or deny the leave. A personal leave of absence may be granted for one day to six months for any reason DCT deems appropriate. Upon completion of approved unpaid leave, the employee will be returned to their former position or to a similar position within the same classification. Requests for, and approvals of, unpaid leave shall be made in writing.

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

DCT may revoke an unpaid leave of absence for business reasons upon one week's written notice to the employee that they must return to work. An employee on an unpaid leave of absence who is determined to be using the leave for purposes other than for which the leave was granted may be subject to disciplinary action and ordered to return to work immediately.

XXXVII. MILITARY LEAVE

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

A. Paid Military Leave

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

Pursuant to O.R.C. § 5923.05, employees are authorized up to twenty-two (22) eight (8)- hour working days or one hundred seventy-six (176) hours within a federal fiscal year. Public safety employees as defined in O.R.C. § 5923.05 are authorized up to seventeen (17) twenty-four (24) hour days or four hundred eight (408) hours, within one federal fiscal year. During this period, employees are entitled to receive their regular pay in addition to compensation from military pay. Any employee required to be serving military duty in excess of twenty-two (22) days or 176 hours, or seventeen (17) twenty-four (24) hour days or four hundred eight (408) hours for Public safety employees, in a federal fiscal year due to an executive order issued by the President of the United States or an act of Congress or by the Governor in accordance with law shall be entitled to a leave of absence. During this leave of absence, employees are entitled to be paid a monthly amount equal to the lesser of (1) the difference between the employee's gross monthly wage and their gross monthly uniformed pay and allowances received for the month, or (2) five hundred dollars ($500). No employee is entitled to receive this benefit if the amount of gross military pay and benefits exceeds the employee's gross wages from DCT for that period.

Employees who are on military leave in excess of twenty-two (22) days or one hundred seventy-six (176) hours, or seventeen (17) twenty-four (24) hour days or four hundred eight (408) hours for public safety employees, in a federal fiscal year may use their accrued vacation leave, personal leave or compensatory time while on military leave. Employees who elect this option shall accrue vacation leave and sick leave while on such paid leave.

For military leave up to twenty-two (22) days or one hundred seventy-six (176) hours, or seventeen (17) twenty-four (24) hour days or four hundred eight (408) hours for public safety employees, in a federal fiscal year, the employee shall continue to be entitled to health insurance benefits as if they are working. These benefits shall continue beyond this period if the employee is on military leave and elects to utilize paid leave. Employees who exceed the twenty-two (22) days or one hundred seventy-six (176) hours, or seventeen (17) twenty-four (24) hour days or four hundred eight (408) hours for public safety employees, and do not elect to utilize paid leave are not entitled to the health insurance benefits on the same basis as if they are working. In these circumstances, employees will be provided notice of their rights to continue this coverage at their cost in accordance with applicable law.

XXXVIII. PERSONNEL FILES

DCT shall maintain personnel files for all DCT employees. Such files may include individual employment data, payroll information, schedules, records of additions or deductions, application forms, and records pertaining to hiring, promotion, demotion, transfer, layoff and termination. Personnel files shall be available to members of the public in accordance with the law. An employee shall have a right of reasonable inspection of their official personnel file. No personnel records shall be removed from the official records unless in accordance with state or federal law or in accordance with DCT's retention of records policy**.**

When a public records request is made for an employee's records, DCT will endeavor to inform the employee of the request in advance of the release of records. DCT will make reasonable efforts to redact personal information, and other non-public information, from the files before release. Notifying the employee of the release may not result in an unreasonable delay in releasing the records pursuant to an appropriate request. Employees are responsible for taking legal action in the event they wish to prohibit release of the requested documents to the requesting individual or entity.

Employees must timely advise DCT of any change in name, address, marital status, telephone number, number of tax exemptions, citizenship, or association with any government military service organization.

DCT will maintain medical, and drug and alcohol testing files separately from general personnel files. These files will be stored in a secure, confidential manner and will only be accessible to authorized personnel. This practice ensures compliance with privacy regulations and safeguards the confidentiality of sensitive information.

XXXIX. REHIRING RETIRED OPERS MEMBERS

A. DCT Employees Who Take OPERS Retirement May Be Rehired Subject To The Following

1. In accordance with O.R.C. §145.381, if the retiring employee is subject to hire through a Board, then sixty (60) days prior to rehire in the same job from which the employee retired, the hiring Board must give public notice of the employee's intent to rehire. The hiring Board must then hold a public hearing on the issue between fifteen (15) and thirty (30) days prior to the retired employee's rehire date.

2. At the time of retirement, the employee must be paid all accrued vacation time.

3. When rehired, the employee will begin accruing vacation as a new employee. The employee will not receive credit for prior years' service in determining the vacation accrual rate.

4. If the employee requests payment of sick leave upon retirement, the employee will start with a zero balance and accrue sick leave as a new employee. The employee will not be eligible for any future payment of unused sick leave earned during post-retirement employment.

5. If the employee does not request payment of sick leave upon retirement, the employee may retain the sick leave balance for use when rehired provided the employee's re-hire date is within ten years of their retirement. If the employee chooses not to request payout upon retirement, the employee shall not be eligible for any payment of unused sick leave upon separation from the post-retirement employment.

6. Employees who are rehired subsequent to taking OPERS retirement will receive no credit for prior service. Rehired employees will start a new period of classified service for the purpose of calculating service credits in the event of layoff or other action affecting their employment.

7. Employees are required to notify their employer of their retirement date. DCT reserves the right to start a rehired employee at a newly negotiated rate of pay.

XL. AUDITOR OF STATE FRAUD REPORTING SYSTEM

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

Telephone: 1-866-FRAUD OH (1-866-372-8364) US Mail: Ohio Auditor of State's Office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215
Web: www.ohioauditor.gov

WHISTLEBLOWER RIGHTS AND PROTECTIONS

Notice to Delaware County Transit Employees
(41 U.S.C. § 4712, 2 C.F.R. § 200.217)

Protected Disclosures

Delaware County Transit ("DCT") is a recipient of Federal grant money. As such, DCT employees may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that an employee reasonably believes is evidence of:

- A gross mismanagement of a Federal contract or grant;
- A gross waste of Federal funds;
- An abuse of authority relating to a Federal contract or grant;
- A substantial and specific danger to public health or safety; Or
- A violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

The persons or bodies that may receive the disclosed information are as follows:

- A member of the U.S. Congress or a representative of a committee of Congress;
- An Inspector General;
- The Government Accountability Office;
- A Federal employee responsible for contract or grant oversight or management at the relevant agency;
- An authorized official of the Department of Justice or other law enforcement agency;
- A Court or grand jury; Or
- A management official or other employee of DCT who has the responsibility to investigate, discover, or address misconduct.

Employee Rights in Case of Reprisal

If a DCT employee believes that he/she has been subjected to reprisal for a disclosure listed above, he/she may submit a complaint to the Office of the Inspector General within three (3) years of the date on which the alleged reprisal took place. https://www.oig.dot.gov/hotline

The submitted complaint triggers an administrative process involving investigation and adjudication. Whistleblowers who do not have a favorable outcome through this administrative process, or who do not receive a timely decision, may seek relief in federal district court before a jury within two years of the date on which administrative remedies are deemed exhausted. This process is set forth in 41 U.S.C. § 4712.

XLI. EMPLOYEE INFORMATION AND RECORDS

A. Employee Information

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

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

B. Release of Records

With the exception of certain law enforcement entities, DCT, as well as, its employees is subject to the mandates of Chapter 1347 of the Ohio Revised Code regarding personal information systems. DCT maintains records that are manually stored and records that are stored using electronic data processing equipment. Records maintained by DCT include personal information (i.e. employee information required above).

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

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

C. Review of File

Each employee shall have the right, with reasonable notice, to examine their personnel file. Such examination shall be made on non-work time or at some other mutually agreeable time. If an employee disputes the accuracy, timeliness, relevance, or completeness of documents in their file, the employee may submit a written request that the Appointing Authority or Designee investigate the current status of the information. The Appointing Authority or

Designee will make a reasonable investigation to determine the accuracy, timeliness, relevance, and completeness of the file, and will notify the employee of the results of the investigation and any plans the Appointing Authority or Designee has to take action with respect to the disputed information.

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

XLII. CRIMINAL BACKGROUND CHECKS

A. **PROCUREMENT OF BACKGROUND CHECKS.** The DCTB will request a background check only for legitimate, job-related employment, contractor review, or for job placement purposes. Background checks of pending charges and criminal conviction records may be conducted by the state Bureau of Criminal Information and Investigation (BCII) and Federal Bureau of Investigations (FBI) or the Bureau of Motor Vehicles. Authorized personnel as defined will be the only authorized personnel to request criminal background information. Criminal Background Checks will be conducted by Delaware County Transit. All background check information will be forwarded to the Department Head or Designee.

B. **WRITTEN PERMISSION FOR BACKGROUND CHECKS**. The criminal background check report is considered public information. The DCTB will procure a background check report only with the written permission of the individual. Refusal to provide written permission to conduct a criminal background check is grounds for withdrawal of any offers of employment or contract services.

C. **INFORMATION INSPECTION OF BACKGROUND CHECKS**. The DCTB will, upon request and proper identification of any individual, allow the inspection of any and all background checks maintained regarding that individual.

D. **CONFIDENTIALITY OF BACKGROUND CHECKS.** Although the criminal background check report is public record, the DCTB will maintain background check information in strict confidence and will not disclose it absent written request.

E. **PROCUREMENT OF CONVICTION AND ARREST RECORDS.** Individuals are required to disclose information concerning criminal convictions, and the DCTB reserves the right to obtain information regarding convictions from outside sources. The DCTB will not ask an individual to disclose information concerning any arrest that did not result in conviction, nor will the DCTB seek this information from any other source, except that the DCTB may ask an individual about pending charges based upon an arrest for which he or she is currently released on bail or on his or her own recognizance pending trial.

F. **USE OF CONVICTION RECORDS.** The DCTB may consider as a possible justification for the refusal to hire, suspension, revocation, or termination of employment any conviction that relates to an applicant's potential performance in the job applied for or an employee's performance in the job the employee currently holds. In making this determination, the DCTB may consider the following factors:

1. the relationship between each conviction and the responsibilities of the position;
2. the nature and number of convictions;
3. the facts surrounding each offense;
4. the length of time between the conviction(s) and the employment decision;
5. the employment history of the individual before and after the conviction;
6. the rehabilitation efforts of the individual;
7. the possibility that a particular conviction would prevent job performance in an acceptable

businesslike manner; and

8. prohibited offenses as defined by the Council for Older Adults Senior Choices, as well as personal character standards that are met for each offense and how they relate to senior choices personal character standards.

In most cases, the Executive Director or Appointing Authority will make the determination as to an employee's eligibility for hire or continued employment based on the background check and above listed criteria. In the event that a conviction is identified, the applicant will be notified and given the opportunity to demonstrate that an exclusion should not be applied. This information will be considered by the DCTB before the exclusion is finalized.

XLIII. ELECTRONIC DEVICES

DCT management may require that employees in certain positions or who perform certain job tasks carry an electronic device, specifically a cell phone or tablet, on their person for efficient operations of transportation services. When required, DCT will either issue the employee the electronic device for business use only or will provide a financial allowance for the use of his/her personal cell phone. Other employees may at their option choose to carry a personal cell phone. Employees that are not required in their position to carry a cell phone, but do so at their option, may be provided with a financial allowance. All employees operating a DCT owned vehicle must comply with the following:

A. An electronic device cannot be used, either physically or hands-free while operating a motor vehicle, and the operator cannot hold or physically support the device with any part of their body. Exceptions, if they can be done safely:

    a. To call 911 in the event of an emergency.

    b. If the vehicle is engaged in park or turned off and is in a safe location.

    c. The electronic device is being used for navigation purposes, provided the operator does not do the following:

        i. Enter letters, numbers or symbols into the device either physically or hands-free.

        ii. Hold or support the device with any part of the operator's body.

    d. A single touch or swipe on the device, provided the operator does not do the following:

        i. Enter letters, numbers or symbols into the device either physically or hands-free.

        ii. Hold or support the device with any part of the operator's body.

B. DCT owned and issued electronic devices may only be used for DCT business.

Financial Allowance for Personal Cell Phones

Financial allowance for the use of personal cell phones will be reimbursed in each pay period based on a monthly rate established as follows:

A. Tier 1- $75.00 per month

    Employees that are required for emergency situations during and outside of their normal work hours: Operations Director, Operations Manager, Safety & Security Manager, Mobility Manager, Executive Assistant

B. Tier 2-$50.00 per month

    Employees that could be contacted to assist with emergencies, or are to be readily accessible to Tier 1 Employees for business continuity: Operators, Road Supervisor(s), Mechanic(s)

C. Tier 3-$25.00 per month

    Employees who are not required in their position to carry a cell phone, but do so at their option, will be provided a financial allowance if:

1. The employee uses their cell phone for DCT business and,
2. Allows DCT administration and management to publish the cell phone number internally for DCT business.

Cell phones are the only electronic device that qualify for a financial allowance.

Cell phone allowances are not reimbursements and therefore are subject to applicable federal, state, and/or local withholding taxes.

Other ED's will not be reimbursed through this policy.

XLIV. HIPAA COMPLIANCE POLICY

Delaware County Transit (DCT) is committed to protecting the privacy and security of individuals' health information in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This policy provides the framework for safeguarding Protected Health Information (PHI) that DCT personnel may encounter in the course of providing transportation services—particularly when coordinating with healthcare providers or human service agencies. This policy applies to all DCTB employees, including management, administrative, and operational staff.

Protected Health Information (PHI) refers to individually identifiable health information in any form, whether written, verbal, or electronic. DCT is responsible for limiting the use and disclosure of PHI to only what is necessary to fulfill its operational responsibilities. The agency is also required to implement appropriate administrative, technical, and physical safeguards to protect PHI from unauthorized access or disclosure.

All relevant personnel will receive training on HIPAA regulations and best practices for handling PHI. DCT will act promptly in response to any suspected or confirmed HIPAA violations or breaches, ensuring that proper reporting procedures are followed as required by law. Furthermore, DCT respects the rights of individuals to access and request corrections to their PHI, as applicable. All practices will align with both the HIPAA Privacy Rule and Security Rule, and employees are expected to comply with this policy as a condition of their employment.

I have received my copy of the Delaware County Transit Personnel Policy Manual, which includes the following policies:

- Classification Status
- Management Responsibilities
- Professional Conduct
- Equal Employment Opportunity
- Americans With Disability Act
- Unlawful Discrimination and Harassment
- Medical Examinations and Disability Separation
- Drug And Alcohol Policy
- Tobacco Use Policy
- Lactation Breaks
- Job Assignments / Temporary Assignments
- Performance Evaluations
- Hours Of Work and Overtime
- Reporting To Work and Tardiness
- Layoff
- Probationary Period
- Ethics/Conflicts of Interest
- Nepotism
- Outside Employment
- Political Activity
- Investigations Corrective Action and Discipline
- Complaint Procedure
- Solicitation
- DCT Property
- Computer Use & Cybersecurity Policy
- Social Media Policy
- Concealed Carry
- Workplace Violence
- Contact With News Media/Citizens
- Sick Leave
- Family Medical Leave Act ("FMLA")
- Civic Duty Leave
- Vacation And Personal Leave
- Holidays
- Unpaid Leave
- Military Leave
- Personnel Files
- Rehiring Retired OPERS Members
- Auditor Of State Fraud Reporting System
- Employee Information and Records
- Criminal Background Checks
- Electronic Devices
- Health Insurance Portability and Accountability Act (HIPAA)

	INITIAL
I agree that I am responsible for knowing its contents.	
I understand if I have any further questions, I will contact my supervisor or the department head.	
I understand that these policies are not all inclusive of the policies that I must follow as a DCT employee.	
I understand that each department has departmental-specific policies and I will become familiar with the policies that I am required to follow.	
I understand that the Personnel Policy Manual and the DCT Standard Operating Procedures, which contain additional policies are available online for my review at DCT Website	
I acknowledge and understand that this manual does not create a contract of employment with DCT for any purpose.	
I agree and understand that any and all provisions of this manual may be modified or eliminated, without advance notice to me, at any time.	

Print Name _____ Signature_____

Date _____