

SCIOTO COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

POLICY 3.01.06 PERSONNEL POLICY DEFINITIONS

(ORC 124.01; OAC 123:1-47-01 and 124:1-02)

The following definitions relate to the Personnel Policies in this Manual.

ABOLISHMENT – The permanent deletion or removal of an encumbered position or positions from the organization or structure of an appointing authority due to a lack of continued need for a position, as a result of a reorganization for the efficient operation of the appointing authority, for reasons of economy, or due to a lack of work.

ABSENCE, EXCUSED – Being absent from work with the approval of the Employer (i.e., vacation, holiday, compensatory leave, approved unpaid leave of absence, personal leave, paid time off).

ABSENTEEISM – The practice of a staff member failing to report for work for a period of one or more days or failing to report within the prescribed time when he or she has been assigned or scheduled to work. Misuse or abuse of sick leave is also absenteeism.

ABSENT WITHOUT LEAVE – Failure to report for work without authorization from the Supervisor or Superintendent to be absent. Tardiness may be construed to be absent without leave, as well as leaving one's work site during working hours without authorization; also known as unexcused absence.

ACTIVE PAY STATUS – The conditions under which an employee is eligible to receive pay including, but not limited to, vacation leave, sick leave and other compensated time off.

ACTIVE WORK STATUS – The conditions under which an employee is actually in work status and is eligible to receive pay; this does not include compensated time off (vacation pay, sick leave, personal leave, and disability leave) or approved unpaid leaves of absence.

ADMINISTRATION – The Superintendent and Management Staff

APPOINTING AUTHORITY – The officer or body having the power of appointment to, or removal from, positions in the agency. The Board is the Appointing Authority for the Superintendent; the Superintendent is the Appointing Authority for all other positions.

BREAK IN SERVICE – When an employee has had a separation from service of thirty-one days or more. An authorized leave of absence, granted pursuant to OAC 123:1-34-01 or any separation from service which carries with it the right to reinstatement or reemployment as a result of a layoff, shall not constitute a break in service, provided the employee is reinstated or reemployed within the allowable time. However, because an

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employee is not in active pay status while separated, this time shall not be counted toward counted toward the calculation of retention points for continuous service.

CLASSIFICATION – A group of positions sufficiently similar in respect to duties, responsibilities, authority, and qualifications so that the same descriptive title may be used for each and the same pay range assigned.

CLASSIFIED POSITIONS –All positions of employment at the Board are classified positions except the Superintendent and those designated as management positions in ORC 5126.22.

COUNTY – Scioto, State of Ohio

DAYS – Calendar days, except as otherwise defined in these policies.

DEPARTMENT – A County Board organizational unit charged with a specific function.

DEMOTION – The movement of an employee at the request of the appointing authority or the employee, from one position to a vacant position which is assigned to a different classification and a lower pay range, or lower salary with less responsibilities.

DIRECT SERVICES POSITION – An employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities.

DISABILITY – A physical or mental impairment that substantially limits one or more major life activities and further as defined by the Americans with Disabilities Act of 1990, and subsequent versions.

DISPLACEMENT – For the purpose of layoff and job abolishment, the process by which an employee with more retention points exercises his or her right to take the position of another employee with fewer retention points pursuant to the provisions of OAC Chapter 123:1-41. Displacement occurs the date an employee is notified that another employee has exercised his or her right of displacement and that the employee with fewer retention points is to be displaced.

DRUNKENNESS – The condition of a person whose mind is affected by the immediate use of intoxicating drinks or controlled substances; the state of one who is “drunk” or “high.” The effect produced upon the mind or body by drinking intoxicating liquors or ingesting other intoxicating substances to such an extent that the normal condition of a person is changed and his/her capacity for rational action and conduct is substantially lessened.

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DUE PROCESS – Conduct of predetermined steps established to ensure fundamental fairness in deciding matters of a legal nature. For the purposes of this section of the manual, it refers to pre-disciplinary procedures used to assess whether there is probable cause to discipline an employee.

EMPLOYER – The Scioto County Board of Developmental Disabilities, its designated representative, the Superintendent, authorized by law to make appointments to positions

EMPLOYMENT STATUS –

A. Full-time permanent - a staff member who is regularly scheduled to work more than nine months a year and 30-40 hours per week will be considered full-time and will be eligible for the Board’s approved package of benefits which include:

- a. medical, vision, dental, life insurance
- b. sick leave
- c. vacation
- d. personal days
- e. holidays

(ORC 325.19; ORC 124.38)

B. Full-time seasonal employees, also referred to in this manual as “nine-month employees”, of a county board of developmental disabilities who work nine months of the year and are not entitled to vacation leave pursuant to ORC 325.19, regardless of the number of installments in which the salary of such employees is paid. (OAG 82-055)

C. Part-Time permanent employees work more than nine months a year and fewer than thirty hours per week, are eligible for sick leave and paid holidays, but are not eligible to receive insurance benefits, vacation or personal leave. (ORC 123.38 and 124.382)

D. Part-time seasonal employees, also referred to in this manual as “nine-month employees,” of a county board of DD work nine months of the year averaging less than thirty hours a week. They are not entitled to vacation leave, personal leave or insurance benefits. They are eligible to accrue sick leave on a pro-rated basis and receive paid holidays that fall within the nine months they are scheduled to work. Sick leave does not accrue during the three months these employees do not work.

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- E. Intermittent or substitute (on-call as needed) employees usually work on an irregular schedule which is determined by the fluctuating demands of the work which is not predictable and whose work hours are less than 1,000 per year. These employees are eligible to accrue sick leave on a pro-rated basis. They are not eligible to receive paid holidays, vacation leave, personal leave, or insurance benefits.

ESSENTIAL FUNCTIONS – Those duties of an employment position that are the reason for its existence. Essential functions portray the primary or most important duties of the job.

EXEMPT EMPLOYEE – A person whose position excludes him/her from earning overtime pay. These positions are administrative, professional or executive as defined by the Fair Labor Standards Act. Examples of exempt positions include department heads, supervisors and professional staff members such as nurses and teachers.

FACILITY DIRECTOR – The person having responsibility for the building and grounds. May also be known as Building Authority.

FAMILY AND MEDICAL LEAVE ACT – A federal law that provides up to twelve weeks of unpaid leave to staff members under certain circumstances and up to 26 workweeks of unpaid leave under the Military Family Leave Entitlements. See the Family and Medical Leave Policy in this Manual.

FULL-TIME EMPLOYEE – See ‘Employment Status’ in this policy

FULL-TIME SEASONAL EMPLOYEE – See ‘Employment Status’ in this policy

IMMEDIATE FAMILY – Shall mean parents or those standing in their stead, brother, sister, spouse, son, daughter, stepchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law and daughter-in-law, grandparent and grandchild, except as otherwise provided or listed in specific policies

IMMORAL – Contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to public welfare according to the standards of a given community, as expressed in law or otherwise.

IMMORAL CONDUCT – Conduct which is willful, flagrant or shameless and which shows a moral indifference to the opinions of the good and respectable members of the community.

INCOMPETENCY – Lack of ability, legal qualification or fitness to perform the essential functions required of a position.

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INDIVIDUAL – A child in an early intervention program or a student or any other person receiving services through the Board

INEFFICIENCY – Quality of being incapable or indisposed to do the things required of a staff member within reasonable standards; not working efficiently

INSUBORDINATION – State of being unwilling to perform the duties required of a staff member; refusal to obey an order issued by the staff member’s immediate supervisor or other individual having authority to direct said staff member.

INTERMITTENT EMPLOYEE – See “Employment Status” in these definitions.

LATERAL CLASSIFICATION CHANGE – The movement of an employee, with the employee’s consent, from one classification to another classification that is assigned the same pay range.

LEAVE OF ABSENCE WITHOUT PAY– Temporary separation from active pay status authorized by the Superintendent.

MALFEASANCE – The doing by a public official or employee under color of authority of his/her office of something that is unwarranted, contrary to law; commission of an act which is unlawful and/or wholly wrongful.

MANAGEMENT – A staff member holding a position having supervisory and/or managerial responsibilities as defined under Section 5126.21 and 5126.22 of the Ohio Revised Code and any other positions designated by the Ohio Department of Developmental Disabilities.

MISFEASANCE – The performance of a legal or proper act in an illegal manner or improper manner

NEGLECT OF DUTY – To omit or fail to do a thing that can be done, or that is required to be done; an absence of care or attention in the doing; an omission of a given act; a refusal or unwillingness to perform one’s duty.

NON-EXEMPT STAFF MEMBER – Staff members entitled to overtime pay provisions because they do not hold positions that are administrative, professional or executive as defined by the Fair Labor Standards Act.

NONFEASANCE – The omission of an act or required duty which should be performed; total neglect of duty.

PARAPROFESSIONAL – Includes positions which may require a license or certificate but for which a bachelor’s degree from an accredited college or university is not required.

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PART-TIME PERMANENT EMPLOYEE – See “Employment Status” in these definitions

PART-TIME SEASONAL EMPLOYEE – See “Employment Status” in these definitions

POSITION – The group of job duties intended to be performed by a singular employer as assigned by the appointing authority.

PAY PERIOD – A fourteen-day segment of time beginning on a Sunday and ending on a Saturday during which the payroll is accumulated,

POSITION AUDIT – The evaluation of the current duties and responsibilities assigned to a position to determine proper classification of that position.

PROFESSIONAL – A position for which a bachelor’s degree from an accredited college or university is a minimum requirement and other positions designated by the Board or Superintendent of the Scioto County Board of Developmental Disabilities or the Director of the Ohio Department of Developmental Disabilities (ORC 5126.22)

PROGRAM YEAR – The twelve-month period of time designated by the Board-approved calendar as such, typically July 1 through June 30.

PROBATIONARY PERIOD – A segment of time at the beginning of an original appointment or immediately following a promotion, which constitutes a trial or testing time for the employee, during which an employee may be terminated without due process.

PROMOTION – The movement of an employee from one position to a vacant position which is assigned to a different classification and a higher pay range, or higher salary.

PUBLIC AGENCY – Includes agencies of the state, county and municipalities and all boards of education within the State of Ohio

PUBLIC EMPLOYMENT RISK REDUCTION ACT – Also known as House Bill 308 provides for occupational safety and health standards, rules and regulations. All public employers must provide employees with a place of employment free from recognized hazards. Employees must follow the employer’s safety rules and regulations as provided. See ORC Chapter 4167.

REASONABLE ACCOMMODATION – Any modification or adjustment to a job or work environment allowing an otherwise qualified person to perform the essential functions of his/her position and as further defined by the Americans with Disabilities Act of 1990 and subsequent versions.

RECALL – When a staff member is called back to work after a layoff period.

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REASSIGNMENT – The act of changing the classification assigned to an employee. This may be the result of change in or addition of classifications or by an action of the Department of Administrative Services, in assigning a different classification title as a result of a position audit or classification change.

RECLASSIFICATION – The act of changing the classification of an existing position. An employee, if left in the position, shall be reassigned to the new classification.

REDUCTION – A change of the classification held by an employee to one having a lower base pay range or any decrease in compensation for an employee. For purposes of layoff, a “reduced employee” is one serving in a classification lower than one from which the employee was laid off or displaced.

REINSTATEMENT – The act of returning a person to employment following a period of separation or leave of absence, retaining seniority and status. For purposes of layoff, reinstatement means the act of selecting from the Board’s layoff list individuals to return to active service with the Board in the same classification series as before layoff.

REMOVAL – The termination of a staff member’s employment for the reasons outlined in this Manual or for just cause.

RETENTION POINTS – The system of establishing points for length of service and efficiency in performance, in order to establish the order of layoff

SEASONAL EMPLOYEE – A staff member who works within the academic program year, or who works on a recurring but temporary basis, annually

SEPARATION - For purposes of this manual, separation refers to leaving employment either voluntarily or involuntarily. Any separation lasting thirty days or less shall not be deemed a separation, nor shall family and medical leaves of absence be deemed a separation.

SERVICE EMPLOYEE – Staff member who holds a position with a county board of developmental disabilities designated as a service employee under ORC Section 5126.22, which may require registration under ORC Section 5126.25, but for which a bachelor’s degree from an accredited college or university is not required.

SICK LEAVE ABUSE – The use of sick leave for any purpose other than as provided by applicable law or these policies. Examples include: calling in sick when the employee is able to work; reporting illness in the immediate family when such illness does not exist; reporting off sick to participate in some other activity or to take care of personal business; establishing a pattern or reporting off sick on certain days of the week or

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following regular days off; repeated failure to follow the rules and regulations regarding use of sick leave and reporting procedures.

STAFF MEMBER – Any person holding a position subject to appointment, removal, promotion, or reduction by the Appointing Authority. Any person hired to work for the Board other than independent contractors.

STATUS – Type of appointment, such as full-time, part-time, intermittent, etc. See **EMPLOYMENT STATUS** in these definitions

SUPERVISOR – The individual who has been authorized by the Superintendent to oversee and direct the work of certain employees on a daily basis and who makes recommendations regarding actions such as hiring, transfers, suspensions, promotions, discharge, rewards, layoff, recall or discipline. May also be referred to as program director, department head, or team leader.

SUSPENSION – Relieving an employee from duty with or without pay as a punitive or disciplinary measure

TEMPORARY APPOINTMENT – Employment in a position, which is of a non-permanent nature (full-time or part-time), for a specified duration of time not to exceed one hundred twenty days, except as allowed in ORC Section 124.30. Temporary staff members serve at the pleasure of the Superintendent.

THEFT – The act of stealing; robbery; larceny, including theft of computer data

TRANSFER – The movement of a staff member from one position to another with no change in his/her level of responsibility, classification or salary.

UNCLASSIFIED EMPLOYEE – All offices and positions which are defined as management

UNDUE HARDSHIP – Significant difficulty or expense in, or resulting from, the provision of an accommodation for employment or continued employment. The cost of the accommodation and financial resources of the entity are factors considered in determining whether an undue hardship exists.

WORK DAY – A day when at least some of the Scioto County Board of Developmental Disabilities programs are open.

WORKING SUSPENSION – A disciplinary action in which an employee is required to report to work and receive compensation, but such period shall be recorded as a suspension.

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WORK RULE – A directive issued by Management pertaining to the behavior of staff members and/or operating procedures of the Board; violation is subject to discipline. May be in the form of a memo or written procedure.

WRITTEN REPRIMAND – A disciplinary action consisting of memorandum to the employee, with copy to the employee’s personnel file, recording and documenting the nature of the admonishment. The document should include the time, date and nature of the violation as well as the proper course of behavior and future consequences if the behavior is not corrected.