

Clark County Board of Mental Retardation and Developmental Disabilities
Personnel Manual
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CHAPTER 2 EMPLOYMENT PRACTICES

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Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Equal Employment Opportunity	Application:	Personnel Department
Procedure:	Background Checks	Application	Program-wide
Procedure Revised:	March 19, 2002 (Effective April 1, 2002)	CARF Ref:	Section I: D (p)
		Accred. Ref:	

Procedure

(a) Upon Initial Hire

A Bureau of Criminal Identification and Investigation Records Checks (BCII) and a local police check is required on new employees upon hire. Applicants who have lived outside the State of Ohio during the five years prior to selection for a position will be required to have Federal Bureau of Investigation, FBI multi-state records checks completed. Residency outside the State of Ohio includes military time and university time. Final applicants will sign an affidavit stating residency for the five years prior to hire. Fingerprinting for new hires will be performed by the trained staff in the Personnel Department. The Board pays the cost of performing the background check.

A new hire may be signed in prior to the Board's receipt of background check results. New employees may not be involved in consumer revenue billing until after results are received and their certification/registration has been issued by the State.

Driver's abstracts are also requested and reviewed for applicants who will transport consumers or drive a vehicle while performing Board operations.

(b) Breaks in Service

Police checks are required for employees returning to work from a layoff or disability separation. Police check(s) are not required for an employee who is returning after a leave of absence or seasonal break in employment, as long as the superintendent has no reason to believe that the employee has committed any disqualifying offense.

(c) TAC Industries Employees

The Personnel Department will do background checks for individuals hired by the non-profit Board (TAC Industries) as stated under (a). Prior to performing the check, TAC will issue a separate purchase order to pay for these checks prior to the check being performed.

(d) Volunteers/Family Resource Providers

Program volunteers must be informed that they may be subject to a BCII and local police check at any point while working with consumers. Certified providers are required to either have background checks conducted or show proof of a valid supported living certificate issued by the State of Ohio. Family-selected providers are not required to have background checks conducted; however, the Board encourages the use of the service. The Board will pay for these background checks. Further, the Personnel Department may be used to do the background check.

(e) Subcontractors

Anyone providing direct services or who will be alone with a consumer as part of a contract with the Board is required to have a BCII background check completed. The cost of the background check is the responsibility of the contracting entity. The Personnel Department may do the fingerprinting for a subcontractor, but proof of purchase of the service must be provided prior to the individual's arrival to be fingerprinted. The Board will randomly review contracts to ensure background checks have been completed (Cross Reference: Contract Management procedure, Compliance Manual).

(f) Disqualifications

State law prohibits the Board from employing a person who has plead guilty to or been convicted of a felony or a first degree misdemeanor constituting a felony on a subsequent offense if the offense bears a direct and substantial relationship to the position to be held by the applicant. Consideration may be given to an applicant who has been legally rehabilitated.

A Board employee convicted of a felony will be immediately terminated upon conviction of a felony without appeal rights to the State Personnel Board of Review. Even if the employee has previously been disciplined for the conduct leading to a subsequent felony conviction, the employee is still subject to termination under this provision. Further, the employee also has no appeal rights to the State Personnel Board of Review for this disciplinary action. The felon is entitled to separation payouts (Cross Reference: Separation Entitlement procedure). If subsequently hired by another political subdivision, the individual will not be granted any credit for service time with the Board for vacation accrual purposes.

Homicide

R.C. 2903.01 - Aggravated Murder

R.C. 2903.02 - Murder

R.C. 2903.03 - Voluntary Manslaughter

R.C. 2903.04 - Involuntary Manslaughter

Assault

- R.C. 2903.11 - Felonious Assault
- R.C. 2903.12 - Aggravated Assault
- R.C. 2903.13 - Assault
- R.C. 2903.16 - Failing to provide for a functionally impaired person

Menacing

- R.C. 2903.21 - Aggravated Menacing

Patient Abuse and Neglect

- R.C. 2903.34 - Patient Abuse; Neglect
- R.C. 2903.341 - Patient Endangerment

Kidnapping and Related Offenses

- R.C. 2905.01 - Kidnapping
- R.C. 2905.02 - Abduction
- R.C. 2905.04 - Child stealing (as the offense existed prior to 7/1/96)
- R.C. 2905.05 - Criminal child enticement

Sex Offenses

- R.C. 2907.02 - Rape
- R.C. 2907.03 - Sexual battery
- R.C. 2907.04 - Corruption of a minor
- R.C. 2907.05 - Gross sexual imposition
- R.C. 2907.06 - Sexual imposition
- R.C. 2907.07 - Importuning
- R.C. 2907.08 - Voyeurism
- R.C. 2907.09 - Public Indecency
- R.C. 2907.12 - Felonious sexual penetration (as the offense formerly existed)
- R.C. 2907.21 - Compelling prostitution
- R.C. 2907.22 - Promoting prostitution
- R.C. 2907.23 - Procuring
- R.C. 2907.25 - Prostitution
- R.C. 2907.31 - Disseminating matter harmful to juveniles
- R.C. 2907.32 - Pandering obscenity
- R.C. 2907.321 - Pandering obscenity involving a minor
- R.C. 2907.322 - Pandering sexually oriented matter involving a minor
- R.C. 2907.323 - Illegal use of minor in nudity-oriented material or performance

Robbery & Burglary

- R.C. 2911.01 - Aggravated robbery
- R.C. 2911.02 - Robbery
- R.C. 2911.11 - Aggravated burglary
- R.C. 2911.12 - Burglary

Offenses Against Family

- R.C. 2919.12 - Unlawful abortion
- R.C. 2919.22 - Endangering children
- R.C. 2919.24 - Contributing to unruliness or delinquency of child
- R.C. 2919.25 - Domestic Violence

Weapons Control

- R.C. 2923.12 - Carrying concealed weapon
- R.C. 2923.13 - Having weapons while under disability

R.C. 2923.161 - Improperly discharging a firearm at or into a habitation or school

Drug Offenses

R.C. 2925.02 - Corrupting another with drugs

R.C. 2925.03 - Trafficking in drugs

R.C. 2925.04 - Illegal manufacture of drugs or cultivation of marihuana

R.C. 2925.05 -Funding of drug or marihuana trafficking

R.C. 2925.06 - Illegal administration or distribution of anabolic steroids

R.C. 2925.11 -Drug abuse

Others

R.C. 3716.11 - Placing harmful objects in food or confection

A violation of R.C. 2919.23 that would formerly have violated R.C. 2905.04.

Additional Disqualifying Offenses

Any offense in Ohio, any other state or municipality, or the United States which is substantially equivalent to any of the above offenses.

Any felony contained in the Ohio Revised Code, or misdemeanor which is a felony on the second offense, which bears a direct and substantial relationship to the duties and responsibilities of the position the applicant is being considered for.

If an employee, Board volunteer or direct service worker working for specialized service contract agencies is charged with a disqualifying offense, the individual is required to notify the Superintendent/designee within fourteen (14) days of being charged with the offense.

(Cross Reference: House Bill 538)

(g) Background Checks of Current Employees

Current employees will have additional fingerprinting done as required by laws governing their positions. Driver's abstracts of current employees are also obtained for review on an annual basis.

Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Equal Employment Opportunity	Application:	Personnel Department
Procedure:	Movement within the Board	Application	Program-wide
Procedure Revised:	10/15/01, 8/19/03 (Effective September 1, 2003)	CARF Ref:	Section 1:D (p)
		Accred. Ref:	

Procedure

(a) Position Upgrade

This type of promotion does not involve the replacement or hiring of additional personnel. No application process occurs with this type of promotion. Typically, this upgrade is as a result of a job audit (Cross Reference: Job Audit Procedure). This type of promotion occurs at the Superintendent's discretion, subject to Board approval.

(b) Filling an Open Position

Employees must complete an internal application to be considered for an open position. Any current employee may apply for internal or external postings (Cross Reference: Posting procedure in Supervisor's Manual). Current employees may receive preference in application and/or consideration to the extent such is permitted by law. Factors to be evaluated when considering a current employee for promotion include an employee's completion of required probationary period, years of experience, required training courses, attendance and performance evaluation ratings.

(c) Accepting Employment

A non-exempt employee is expected to give at least two (2) weeks notice prior to beginning another position with the Board. Exempt employees are expected to give thirty (30) days notice. Department Directors have the discretion to permit the movement to occur in less time if program operations and services can continue without disruption.

Intermittent, summer or part-time on-call employees must first resign from their current positions before accepting regular Board employment. This resignation must be accepted by the Superintendent/designee prior to beginning the other position. Resignation forms are available in the Personnel Department.

Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Equal Employment Opportunity	Application:	Personnel Department
Procedure:	Hiring Process	Application	Program-wide
Procedure Revised:	10/16/01, 9/17/02, 12/21/04, 2/20/07 (Effective April 1, 2007)	CARF Ref:	Section I: D (p)
		Accred. Ref:	

Procedure

(a) Educational Requirements

All applicants being considered for non-degreed positions that require a high school diploma or its equivalent must show the actual diploma, certificate or submit an original confirming letter from an educational authority before being able to interview for a position. The Board retains the right to check records at any time. A copy of the actual certificate will be placed in an employee's official Human Resources file. Confirming letters from an educational authority (the actual high school or board of education) shall be held in an employee's official Human Resources file.

With approval of the Superintendent/designee, individuals without a high school diploma who must possess one, may be hired under condition that a G.E.D. is successfully acquired prior to completing the probationary period. If not successfully completed, the employee will be subject to a probationary removal. This option does not apply to any position that requires a high school diploma or its equivalent for registration or certification, or any position that requires the performance of delegated nursing duties.

All applicants being considered for positions requiring degrees or licenses must provide, in addition to the high school diploma, original transcripts from an approved accredited university, college or government issuing agency or present the original license prior to being interviewed.

(b) Post-Offer Medical Examination

A post-offer-of-hire medical examination by the Board's physician is an employment requirement of all final applicants, including those being hired as substitutes. The examination may include such tests as determined by job-related duties of the position to assure performance of the job duties. Drug and alcohol testing is included as part of the post-offer medical examination (Cross Reference: Drug Free Workplace policy).

Pre-promotional physicals may also be required when the promotion involves moving into a direct care or maintenance position from another type of position. Intermittent or on-call employees must have a pre-promotional physical when being considered for full-time or part-time permanent employment, unless the Board has employment physical results that are less than one year old.

It is essential that direct care employees be capable of performing the tasks of lifting, carrying, moving and assisting participants. As such, a lifting test is required for these positions. Further, other positions may also require a lifting test. These tests are included on position descriptions.

Refusal by an applicant or employee to submit to examination or refusal to release the results of examination constitutes an admission of not being fit for duty. As such, the individual will not be considered further for a position. The Board has the discretion to require a current employee to submit to a medical exam to determine general fitness for duty and possible outcomes (Cross Reference: Safety and Health).

(c) TB Test Requirements (Cross Reference: ORC 5123:2-3-07(B)(6)(a)(b))

All final applicants are required to have satisfactory results of a two-step Mantoux TB test, or, due to medical reasons, satisfactory alternative testing results. These tests are administered by the Clark County Combined Health District. All staff must have these tests completed within thirty (30) days of employment. Failure to do so may result in probationary removal from one's position.

Annually, employees are to complete a TB questionnaire, submitting the form back to Human Resources for review. Upon review, an employee may be referred for additional testing due to medical reasons (Cross Reference: Infection Control procedure in Nursing section of the Health and Safety manual).

(d) Driver's Abstract

As part of the hiring process, in order to assess the Board's insurance risk, the Human Resources Department will request a driver's abstract. An applicant must give approval to request this information in order to further be considered for employment.

(e) Background Checks

Upon employment, individuals are required to submit to criminal background checks (Cross Reference: Background Check procedure). Individuals sign an affidavit stating that nothing in the background check would disqualify them from employment. If disqualifying items are found at any point, termination proceedings will begin subject to due process.

(f) Movement of Current Employees Between Positions

Whenever a current employee's employment status is affected (e.g., accepting a different position), the employee is to sign the employment status change form. Further, intermittent employees are required to have a break in service from their intermittent positions prior to accepting a regular position in the same classification with the Board. Employees will also serve a probationary period for any permanent position if it is classified.

(g) Past Public Service Work Experience (Cross Reference: ORC 9.44)

Upon request, within 90 days of initial employment with the Board, an individual may complete a form requesting the appropriate retirement service to issue a service credit report. Prior public service time may be applied towards computing the employee's vacation leave amount. An employee who has previously retired in accordance with the requirements of a state retirement system may not apply this service time towards calculating vacation leave amounts. It is the employee's responsibility to mail this information to the appropriate source and to ensure the information is submitted to the Human Resources Department.

(h) Transfer of Leave Balances from another Public Employer

Only sick leave may be transferred from another public employer to the Board. It is the employee's responsibility to request that this information be sent from the old employer to the Board. This information is to be submitted by the old employer on official letterhead with the contact person's name, title and direct phone number for verification purposes. This information is to be mailed from the old employer directly to the Human Resources Department. (Cross Reference: Paid Sick Leave Procedure; Sick Leave Definition).

Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Equal Employment Opportunity	Application:	Personnel Department
Procedure:	Posting for Positions	Application	Personnel
Procedure Revised:	10/16/01, 08/20/02 (Effective September 1, 2002)	CARF Ref:	Section I: D (p)
		Accred. Ref:	

Definitions

- (a) Internal Postings - posted for a minimum of seven working days (based on the Administration Services calendar) in all Program facilities; individuals who could have been considered during in unit selection may still apply for internal postings.
- (b) External Postings - posted for a minimum of ten working days (based on the Administration Services calendar) in all Program facilities and other appropriate agencies, i.e., universities, state associations, County Boards, websites and other employment sources. Newspaper ads are placed if requested. Degreed and administrative positions are usually posted for a minimum of one month; current employees may apply for external postings.
- (c) Continuous Postings - posted in all Program facilities on a permanent basis and provided to appropriate agencies, universities and other employment sources.

Procedures

- (a) In-Unit Selection

Upon notice to the Personnel Director that a vacancy exists, the Supervisor may offer the position to employees holding positions in regular status in the same job classification, by seniority (a list can be obtained from Personnel), using the "In-Unit Selection" form. Employees working intermittently are not eligible for in-unit selection. The employee must respond within twenty-four (24) hours to the supervisor.

If filled by a current employee using the "In-Unit Selection" process, the supervisor will complete a "Personnel Data" form as a status change. The supervisor forwards both forms to the coordinator/manager/Department Director for approval. The Director will send the Personnel Data and "In-Unit Selection" forms to the Personnel Department.

The resulting opening(s) may also be offered using the same process.

(b) Requesting Posting

If the position is not filled via the process outlined in paragraph (a), the supervisor will complete a "Request to Post" form, ensuring that the title, work hours and location are complete. The supervisor must also indicate the type of posting desired and include, for external postings, the length of time for which he/she would like the posting to be open (minimum ten days to maximum of "until filled"). The supervisor shall forward the form to the Director for approval. The Director will send the request to the Personnel Director for approval by noon on Wednesdays (to be posted that Friday).

Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Equal Employment Opportunity	Application:	Personnel Department
Procedure:	Probationary Employment	Application	Program-wide
Procedure Revised:	12/18/01, 9/17/02, 7/20/04 (Effective October 1, 2004)	CARF Ref:	Section 1:D (p)
		Accred. Ref:	

Definitions

- (a) Interim appointment - employee is holding this open position on a temporary basis until an individual is permanently hired to the position.
- (b) Intermittent on-call - employee is hired to serve as substitutes as needed in non-unionized areas of the program; employee works fluctuating and unpredictable schedules and is employed less than 1000 hours per year.
- (c) Lateral Transfer - occurs when an employee moves from one position to another when the lowest level and highest level of compensation are equal for both jobs.
- (d) Part-time on-call - employee is hired to serve as substitutes as needed by F.F. Mueller Residential Center; these employees are members of the bargaining unit and are entitled to rights as stipulated in the collective bargaining agreement.
- (e) Promotion - starting wage rate for new position is higher than starting wage rate for position currently held (Cross Reference: OAC 123:1-47-01 A (69)).
- (f) Reduction - occurs when an employee moves from one position to another when the highest level of compensation for the new position is lower than the employee's current position (Cross Reference: OAC 123:1-47-01 A (74)).
- (g) Temporary appointment - employee is holding position to cover another employee's position who is out on extended leave.

Procedures

- (a) Probationary Periods

Each newly hired or promoted employee in a classified position shall serve a probationary period. Time spent on a leave of absence without pay shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of days the employee spent in an unpaid status.

Pay Schedule	Full-Time Employee Probationary Period	Irregular Schedule Probationary Period
B	180 Calendar Days	1000 Hours
E	300 Calendar Days	1700 Hours

Unclassified employees (pay schedules P and M) do not serve probationary periods. Rather, they serve at the pleasure of the Superintendent. Schedule A and Schedule S, as intermittent employees, also do not serve probationary periods, but are considered at-will employees.

Time spent on leave of absence without pay shall not be counted as part of the probationary period (Cross Reference: OAC 123:1-19-03). The Director, with the consent of the employee and the approval of the Superintendent, may extend an employee's probationary period for up to sixty days to allow additional time to review the employee's performance. A probationary period extension will only be granted if an employee consents to the extension prior to the end of the employee's normal probationary period and the total probationary time does not exceed one calendar year.

(b) Probationary Removals/Reductions

Employees serving in original or promotional probation may be removed or reduced at any time during the probationary period. The Department Director shall submit a written and documented recommendation for termination or reduction to the Personnel Director. The Personnel Director will review and, if deemed appropriate, prepare a letter of dismissal or reduction for the Superintendent's signature.

(c) Movement of Probationary Staff Between Positions

Individuals holding positions allocated to the bargaining unit shall refer to the collective bargaining unit agreement regarding movement.

For non-bargaining unit, benefited positions, employees are required to complete their probationary period in the position for which the individual was hired.

Non-bargaining unit probationary employees without benefits are allowed one move within the probationary period to a benefited position in the same classification. The position does not necessarily have to retain the same supervisor, shift or work location.

Non-bargaining unit probationary employees with on-call, intermittent or temporary appointments may apply for any open position. The employee must resign the originally held position if selected as well as serve the appropriate probationary period if selected. If selected for a position in the same classification, there shall be at least a one-day break in service so the entire probationary period may be served in the regular position.

(d) Resigning during Probationary Period

An employee who resigns during a probationary period is not eligible for reinstatement to the same position. The individual may be considered for a new appointment. If selected, this individual must serve the entire probationary period.

Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	<u>Equal Employment Opportunity</u>	Application:	<u>Personnel Department</u>
Procedure:	<u>Certification/Registration Standards</u>	Application:	<u>Program-wide</u>
Procedure Revised:	<u>7/17/01, 5/20/03 (Effective June 1, 2003)</u>	CARF Ref:	<u>Section I: D (p)</u>
		Accred. Ref:	<u></u>

Procedure

(a) Certification/Registration/Licenses

Certification/license/registration is required for most staff as defined by the Ohio Department of Mental Retardation and Developmental Disabilities or the Ohio Department of Education. An employee must meet or exceed the requirements mandated by a state licensing authority for the position that he/she holds. The employee is responsible for making application prior to expiration, associated fees, and completing necessary course work. If an employee's required certification/license/registration is revoked or not renewed, the employee shall be terminated for just cause subject to due process. If a required certification/license/registration is suspended, the employee may be terminated for cause subject to due process. (Cross References: Certification/License/Registration and Tuition Reimbursement Procedures)

Individuals who have retired from a position covered by an Ohio public retirement system and employed by the Board are not entitled to longevity payment available to other eligible employees but are entitled to the annual leave cash out. Individuals who have been rehired will be eligible for the "Sick Leave Conversion to Personal Leave" and "Vacation Leave Conversion to Cash" provision stated in the Paid Leave Conversion procedure, however they will not be entitled to "Sick Leave Conversion to Cash" as referenced in the same procedure.

Retirees from public sector employment cannot carry forward their accumulated sick leave into a retire/rehire situation. Individuals employed by the Board who were paid out sick leave pursuant to law (Reference ORC 124.39), policies and procedures are not entitled to the "sick leave entitlement" when they separate (retire) from the Board after a retire/rehire situation.

All employed retirees who work the minimum number of hours necessary to qualify for insurance benefits will be eligible for a health insurance plan through the County Board.

(c) Steps for Employees Considering Retire/Rehire

In order to be considered for employment following service retirement, an employee must take the following actions:

1. Submit a resignation/retirement form as provided by the Human Resource Department.
2. Submit a Pension Plan Application to the applicable retirement system.
3. Provide to the Superintendent a copy of the accepted resignation letter and a letter of interest in re-employment. The letter of interest will include date of retirement and preferred day of re-employment with the Board.
4. All non-management rehires will be at the discretion and final approval of the Superintendent. The Superintendent shall present all management contracts to the Personnel Committee prior to a rehire under this policy.

(d) Additional Information for Human Resources

If employment is approved, the Board shall submit a notice of employment of a retirant to the applicable retirement system, and the Board and the employee shall follow all applicable laws and regulations governing the employment of a retirant.

If the Board approves the employment of the Superintendent following his/her retirement, the Board will follow the procedure set forth in Sections 145.381 or 3307.353 of the Revised Code. The Board shall apply this policy equally for the Superintendent as to all other employees.