

Clark County Board of Mental Retardation and Developmental Disabilities
Personnel Manual
Table of Contents

CHAPTER 8 HEALTH AND SAFETY

Appearance/Dress Code (Effective September 1, 2003)

Concealed Weapons (Effective June 1, 2004)

No Smoking/Tobacco Use (Effective September 1, 2003)

Workers' Compensation (Effective June 1, 2008)

Workplace Violence (Effective June 1, 2004)

Workplace Violence/Threat/Incident and Report Form

Drug-Free Workplace Policy (Effective March 1, 2002)

Drug and Alcohol Testing (Effective March 1, 2002)

Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Health and Safety	Application:	Personnel Department
Procedure:	Appearance/Dress Code	Application:	Program-wide
Procedure Revised:	10/16/01, 8/19/03 (Effective September 1, 2003)	CARF Ref:	Section 1:D (p)
		Accred. Ref:	

Procedure

- (a) The Board is committed to assuring that its staff maintain personal safety and maintain a professional appearance as well as personal cleanliness while performing their work responsibilities. The guiding principle for appearance is neat, clean and in good repair. Good personal hygiene is expected by regular bathing, use of deodorant, frequent and thorough hand washing, clean hair and nails, and limited scents and perfumes.
- (b) Supervisors have the responsibility to determine whether or not an employee has come to work dressed in an appropriate manner in accordance with the work that needs to be accomplished for the day. Employees are subject to being relieved of their duties without pay in order to change if deemed necessary. Repeated violations of these standards are subject to disciplinary action. Exceptions or accommodations must be requested in writing and approved by the Superintendent/designee.
- (c) Hair will be clean. Long hair shall not interfere with working with individuals. Staff utilizing equipment are to tie hair back away from the face. Hair coloring will be natural-looking. Men with facial hair will keep the hair well groomed and trimmed.
- (d) Dangling or hanging jewelry (or watches) that can be grabbed or yanked will not be worn while performing hands-on care with individuals. Certain types of jewelry may be prohibited by departmental standards for safety reasons and/or individual's sensitivity to the jewelry (i.e. jewelry in noses, eyebrows, lips, tongues or other visible body parts may be unacceptable).
- (e) Printed words on clothing, visible tattoos (temporary or permanent) and other non-piercing body art is permitted as long as the art does not depict violence, profanity, sexual situations, illegal acts, political statements or other subject matter which could be perceived in such a way as to be disruptive or offensive or contradictory to the Board's philosophy and practices.
- (f) No undergarments are to be visible at any time and swimsuits are to be worn only in swimming facilities, locker rooms or similar changing areas.
- (g) Footwear is to enclose the toe and heel at all times while performing hands-on care with individuals. Department Directors/designees will be responsible for determining additional departmental safety standards for footwear. Heels are not to exceed one inch when working directly with individuals.

- (h) Skirts, shorts/skorts length will be no shorter than three inches above the knee cap. Excessively baggy clothes and tightly fitting clothes are unacceptable (loose clothing may become caught in wheelchairs, braces, etc.). Pants are not to drag the ground. See-through fabrics or body-clinging fabrics are unacceptable along with low-cut or midriff tops. Headwear such as hats, turbans, curlers or bandana style scarves is prohibited. Appropriate hats or headwear may be worn outside of buildings or with permission of the supervisor. Torn clothing of any kind is prohibited. Maintenance employees will wear clothing appropriate to the work task being completed.

(Cross Reference: County/Personal Property at Work)

Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Health and Safety	Application:	Personnel Department
Procedure:	Concealed Weapons	Application:	Program-wide
Procedure Revised:	5/18/04 (Effective June 1, 2004)	CARF Ref:	Section 1:D (p)
		Accred. Ref:	

Definitions

- (a) Weapons/deadly ordnance - any firearm, whether loaded or unloaded, any knife, larger than an ordinary pocketknife, explosive or any other item or material which is used to physically harm or threaten someone.
- (b) Forbidden Carry Zones – Areas that law sets forth where a concealed carry permit does not allow a person to carry a handgun.

Procedure

- (a) Board buildings
 - (i) Employees and members of the public are prohibited from conveying or attempting to convey a weapon into a Board owned or leased building or into any parking lot of the F.F. Mueller Residential Center campus.
 - (ii) Any employee or member of the public who attempt to convey a weapon into Board owned or leased buildings will be asked to leave.
 - (iii) No person, except law enforcement officers acting in the scope of their official duty, shall possess, have under their control, convey or attempt to convey a deadly weapon or dangerous ordnance in a forbidden carry zone, i.e. child day-care centers.
 - (iv) Clark County will not defend or indemnify such actions by an employee.
 - (iv) Resistance or failure to comply constitutes a workplace violence situation. Cross reference Workplace Violence procedure.
- (b) Board vehicles
 - (i) Employees and members of the public are prohibited from conveying or attempting to convey a weapon in a Board vehicle.
 - (ii) Clark County will not defend or indemnify such actions by any employee.
- (c) Personal vehicles used for Board business
 - (i) Employees who obtain a concealed carry permit shall not be doing business for the Board while a weapon is in their vehicle, including but not limited to home visits, outings and attending meetings. Cross reference Driving Responsibilities procedure.
 - (ii) Clark County will not defend or indemnify such actions by an employee.

- (d) **Parked personal vehicles**
 - (i) Weapons are prohibited in any of the parking lots located on the F.F. Mueller Residential Center campus (Cross Reference: ORC 2923.126(B)(1)). Employees who obtain a concealed carry permit are requested NOT to bring his/her weapon(s) onto other Board parking lots.
 - (ii) If an employee with a concealed carry permit does have his/her weapon(s) on Board parking lots he/she is required to leave the weapon(s) locked in his/her vehicle in a locked gun box, locked glove compartment or locked trunk.
 - (iii) No person, except law enforcement officers acting in the scope of their official duty, shall have his/her weapon(s) in his/her vehicle in a parking lot of a forbidden carry zone, i.e. child day-care centers.
- (e) **Reporting**
 - (i) Any employee who becomes aware of or who suspects any procedure violation has a duty to report the situation to his/her supervisor or the Personnel Department.
 - (ii) Any person receiving such a report has a duty to see that a proper investigation and other appropriate action occurs in accordance with Board procedures and the Ohio Revised Code. Cross reference Workplace Violence procedure.
- (f) **Discipline**
 - (i) Failure to follow procedure shall be subject to disciplinary action up to and including dismissal and or possible criminal proceedings. Cross reference Discipline procedure.
- (g) **Notification/training**
 - (i) Signs will be placed on all owned or leased Board buildings noting no weapons allowed in buildings.
 - (ii) Signs will be placed in parking lots noting a school safety zone location.
 - (iii) Stickers will be posted on all owned or leased Board vehicle.
- (h) **Training**
 - (i) All current employees will be trained upon implementation of procedure.
 - (ii) All new hires will receive training upon hire.
 - (iii) Training may include but not limited to video, procedure distribution and review, and question and answer periods.
- (iv) Training records will be maintained in the Personnel Department.

Clark County Board of Mental Retardation and Developmental Disabilities

Policy: Health and Safety

Application: Personnel Department

Procedure: No Smoking/Tobacco Use

Application Program-wide

Procedure Revised: 10/16/01, 8/17/03 (Effective September 1, 2003)

CARF Ref: Section 1:D (p)

Accred. Ref:

Procedure

- (a) In accordance with Clark County policy, there will be no smoking and no tobacco use in any county-owned buildings, county-owned/leased vehicles, public areas, conference rooms, training rooms, auditoriums, restrooms, medical facilities, garages, stairwells, etc.
- (b) The Board acknowledges that individuals we serve maintain a right to smoke. Designated smoking areas have been established at each Board-owned site to accommodate this choice. These sites are to be outside, out of public view and may be shared with employees of the Board. Department Directors have the discretion to establish these locations. Employees are expected to maintain the cleanliness of these areas and to only use approved ash trays and fire proof trash containers.
- (c) Employee's smoking is limited to designated break time during work hours. Staff are not to smoke in the presence of individuals we serve unless employees and these individuals share the same designated smoking area during a regularly scheduled break.
- (d) All employees share in the responsibility for adhering to this procedure. The failure of an employee to abide by or the failure of supervisors to enforce the terms and conditions of this procedure may result in progressive disciplinary action subject to due process.

Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Health and Safety	Application:	Human Resources
Procedure:	Workers' Compensation	Application:	Program-wide
Procedure Revised:	6/17/03, 1/20/03, 2/1/04, 02/20/07, 05/20/08 (effective June 1, 2008)	CARF Ref:	Section 1: D (p)
		Accred. Ref:	

Definitions

- (a) Accident - An unforeseen incident that occurs as the result of being in the course of or arising out of employment on premises controlled by the employer, or at an employer-sponsored function.
- (b) Bureau of Workers' Compensation (BWC) - The legal state entity which administers claims, collects premiums and monitors compliance with the Ohio Revised Code and the Administrative Code.
- (c) Certify/certification - The indication that the injury or occupational illness is work related based on information available.
- (d) Claim number - A number assigned to a claim for identification.
- (e) Compensation - Money paid by the BWC or a self-insuring employer to an employee for lost wages due to a work-related injury or occupational illness.
- (f) Independent Medical Exam (IME) - A medical examination by a specialist in the appropriate field, to examine the injured worker.
- (g) Functional Capacity Evaluation - An evaluation performed by a therapist that may be done to objectively determine the abilities of the injured worker to perform critical job demands.
- (h) Job Analysis - A detailed job analysis may be performed on the injured worker's job if there is no current job analysis available.
- (i) Job Modification - Modifications may need to be recommended in cases where the employee's job has elements with strong potential for re-injury or cause a new injury. Modifications should not cause undue hardship on the employer and will require approval from the Physician of Record and employer.
- (j) Lost time claim - A claim filed when an employee loses eight or more calendar days from work as a result of an industrial injury or occupational disease. These days need not be consecutive.
- (k) Managed Care Organization (MCO) - A provider of medical management services, including the establishment of provider networks to serve injured workers, as certified by the BWC.
- (l) Maximum Medical Improvement (MMI) - A treatment plateau at which no significant change of medical improvement can be expected by the determination of the treatment provider(s).

- (m) Medical Provider - A licensed, qualified health care provider who provides treatment to an injured worker as a result of a work-related or occupational disease, such as a physician, hospital, urgent care center, emergency room, nurse, chiropractor, surgeon and specialists.
- (n) Medical Deductible Program - An optional BWC program in which the employer is responsible for payment of bills in a medical-only claim up to the current program allowed amount.
- (o) Medical only claim - A claim in which the injured worker misses seven or fewer calendar days from work due to an injury or occupational illness.
- (p) Occupational disease - A disease contracted in the course of employment.
- (q) On-site Therapy - A licensed occupational or physical therapist may provide on-site therapy, exercises, job task progression, and education on injury prevention as needed. A home program may be given to the employee. The therapist may also serve as a consultant to any concerns raised by the employee's supervisor and/or Human Resources. Weekly notes may be sent to the treating physician, Human Resources, and the Managed Care Organization.
- (r) Physician of Record (POR) - The physician the injured worker has chosen as the health care provider to treat him/her as a result of an injury or occupational disease.
- (s) Temporary Total (TT) - A temporary disability that prevents an employee from returning to an active work status at the time of injury.
- (t) Third Party Administrator (TPA) – An independent company utilized to assist in the administration of another company's specified benefits program(s).
- (u) Transitional Work (TW) program - An early return-to-work program involving performance of work tasks for pay. These tasks can be safely performed by the worker whose ability to perform the original job has been compromised.
- (v) Wage Continuation - Full wages an injured worker continues to receive for the time he/she is off work due to the work-related injury or occupational disease instead of wage benefits paid by BWC.
- (w) Waiver of Workers' Compensation Benefits - A form completed to waive workers' compensation coverage for voluntary participation in employer-sponsored recreational activities or fitness programs.
- (x) Work-related injury - An injury received in the course of and arising out of, the injured person's employment.
- (y) Workers' Compensation - A fund set up by the state and employers to assist and compensate a worker who has been injured or has contracted an occupational disease in the course of or arising out of employment.

Procedure

(a) Reporting an Injury

- i. All work related accidents, injuries, incidents or illnesses must be reported by the employee to their supervisor or designee immediately.
- ii. Reporting is required regardless of the apparent or lack of apparent seriousness or whether medical attention is required or not.
- iii. As soon as possible supervisors will notify the Safety Specialist in Human Resources, during regular business hours of all work related accidents, injuries, or illnesses. Notification may be per phone or email and should include the name of the injured worker, date, time, type of injury/illness, and if treatment is being sought.
- iv. If the Safety Specialist is not available or an injury/illness occurs after regular business hours then the Human Resource Director is to be contacted via cell phone.

(b) Employee Accident Form

- i. An Employee Accident Report form must be completed by the employee immediately following a work related accident, illness or incident and given to their supervisor or designee.
- ii. In the event the injury, illness or incident does not allow the employee to complete the Employee Accident Report form immediately, then the supervisor or designee will begin completing the report with as much information known to them.
- iii. The supervisor or designee should send a copy of the Employee Accident Report as soon as possible to the Safety Specialist in the Human Resource Department.
- iv. The completed original Employee Accident Report should be sent to the Human Resource Department, attention Safety Specialist, within twenty-four (24) hours from the time of injury, illness or incident.

(c) Accident Investigation

- i. The supervisor will investigate all work related accidents, injuries or illnesses addressing the surrounding facts, circumstances and events.
- ii. Employees and witnesses may be interviewed by the supervisor to answer questions involving the accident or incident.
- iii. Safety reviews will be completed by the supervisor on all incidents, accidents or illnesses regardless of severity or if medical treatment is sought.
- iv. Safety review packets include but are not limited to: Employee Accident Report, Witness Statements, Back Injury Report, Safety Review Report, Behavior Reports, Exposure Consent Reports, Vehicle Accident Report, Sharps Injury Form Needlestick Report, and photos or drawings.

- v. Witness statements are to be completed by those individuals who may have seen or heard anything about the injury, incident, accident or illness as well as any first responders providing treatment.
 - vi. The supervisor will forward the completed Safety Review packet to the Coordinator or Program Director to review, sign, and date. The Safety Specialist, in Human Resources should receive the completed Safety Review packet within three (3 working days) after the accident, injury, or illness was reported.
 - 1) In the event an investigation requires more than three (3) days to complete, it is the responsibility of the supervisor to notify the Safety Specialist that more time will be needed.
 - vii. The Safety Specialist will review all reports for safety issues and follow up with Supervisors, Safety Committee members, Risk Management committee members, etc, for interventions of prevention and provisions in promoting a safe workplace.
 - viii. All documents for an employee's work related accident, injury, or illness will be maintained in a separate confidential Workers' Comp file folder in the Human Resource Department.
- (d) Provider
- i. The preferred providers for CCBMRDD are the Community Mercy Occupational Health and Medicine Center (CMOHM) or Springfield Regional Medical Center Emergency Rooms.
 - ii. If an employee chooses to go elsewhere the Physician must be an approved BWC provider.
 - iii. If an employee chooses to change their POR, the employee must notify the Safety Specialist in the Human Resource Department, within twenty-four (24) hours of the change.
- (e) Initial Treatment
- i. The Emergency Medical Service (EMS or 911) will be called when applicable to the situation or injury.
 - ii. It is the employee's option to seek treatment after reporting an injury, illness, or incident.
 - iii. When possible, initial treatment should be scheduled by the employee or their supervisor by calling the provider of choice for an appointment time.
 - 1) Initial treatment that occurs during the injured employee's work day will need to be noted on a leave from by checking the Workers' Comp box and listing the date of injury.

- 2) Compensation will begin when the employee leaves work until their return to work or at the end of their regular scheduled shift whichever occurs first.
 - 3) Initial treatment that occurs during scheduled work hours will be compensated without utilizing any of the injured employees's paid leave unless the employer has information to designate the absence otherwise.
- iv. The Safety Specialist or designee will be notified of appointment dates/times.
 - v. Transportation for initial treatment is the responsibility of the employee except in circumstances that the injury prohibits them from doing so or their emergency contact is unavailable.
 - vi. Only a supervisory level employee may transport an injured employee for initial treatment using either their privately owned vehicle or one belonging to the Board. Circumstances that this may occur include but are not limited to:
 - 1) The employee is unable to drive due to the injury.
 - 2) The employee does not own a vehicle.
 - 3) The employee does not have a valid driver's license.
 - 4) The employee's emergency contacts are not available.
 - 5) The severity of the injury does not require a call to EMS/911.
- (f) All Treatments or Appointments
- i. Following any treatment or appointment with the physician of record for a work related injury or illness; the employee will bring the medical treatment report or any other medical information back to the Safety Specialist or designee in the Human Resource Department.
 - ii. If the treatment or appointment occurs after normal business hours, weekends or Holidays, the employee will bring the Employer's copy of information to the locked drop box located on the south side of the Human Resource Department. The employee is responsible to contact their supervisor or designee to report the treatment information. (Regardless of the return to work status)
 - iii. The supervisor will contact the Human Resource Director or designee by cell phone to report the return to work information
 - iv. The Human Resource Director or designee will determine if the employee can return to work with restrictions based on the availability of a TW assignment.
 - v. The employee will meet with the Safety Specialist or designee in the Human Resource Department on the next business day, unless other arrangements are made, to sign their Transitional Work Agreement.

- vi. Employees are encouraged to schedule all appointments, treatments, testing, etc outside of their work hours.
 - 1) Injured employees will be compensated without utilizing their paid leave only when the appointment can not be scheduled outside of work hours.
 - 2) Appointments that cannot be scheduled outside of the employee's work hours must be documented on a leave form and include the reason for the absence, the employee's Workers' Compensation claim number or the date of their injury.
 - 3) The Human Resource Director may inquire or investigate any absence (s) for a work related injury for verification of compensation coverage.
- vii. Employees must submit to the Safety Specialist or designee, approval from their physician before calling off work for a work related injury or illness.
- viii. Questions regarding Workers' Compensation payments are to be directed to the Human Resource Assistant or Safety Specialist.
- ix. Drug/Alcohol testing (cross reference Drug & Alcohol testing procedure in Personnel Manual) may be done if there is reasonable suspicion or post vehicular accident resulting in \$2000 damage and if qualified as a Workers' Compensation claim.

(g) Qualifications to file a Claim

- i. The injury or illness must be determined to be compensable by the employer, or in the case of dispute, the Ohio Industrial Commission.
- ii. Compensation will begin only when paperwork is filed with the Ohio BWC and all necessary forms required per Board procedures. Employees are required to complete any forms associated with their claim.
- iii. Medical proof of injury or illness must be provided by the preferred provider or other work related injury specialist. Information may be faxed prior to the original documents being mailed.
- iv. The injured worker must sign a release allowing the BWC, employer, and its representatives full access to any medical records related to a Workers' Comp claim.
- v. The Board reserves the right to have the employee examined by a Physician of the Board's choice and at the cost of the Board, to confirm the medical diagnosis and/or the period of disability. Failure to submit to an examination could result in termination of Workers' Compensation and wage continuation benefits.

(h) Transitional Work (TW) Program

- i. The TW program is optional at the discretion of the employer.
- ii. The TW program is up to a twelve (12) week program that will be evaluated at that time, sooner if applicable, for continuation. Any continuation will be done in weekly increments up to four (4) weeks. The TW program will be discontinued upon full release by the employee's health provider.
- iii. The purpose of the TW program is to return the employee to gainful employment activities as soon as possible following a work related injury or illness.
- iv. Employees participating in the TW program will be paid at their full and current hourly rate of pay for all hours worked.
- v. Employees will not be eligible for extra or overtime hours while in the TW program.
- vi. Eligibility
 - 1) An employee must be released by an approved BWC provider to participate in the TW program.
 - 2) Restrictions are temporary and prevent the employee from performing some of their essential job functions.
 - 3) Emphasis is placed on returning the employee to a physically compatible work assignment as soon as possible, post injury or illness.
 - 4) Employees who, as a result of injury or illness, do not have the potential for recovery sufficient to return to their original job may not be suitable candidates.
 - 5) If during an investigation the injury or illness is determined to be questionable, the employee will not be permitted to participate in the TW program as determined by the Human Resource Director or designee.
 - 6) Location, hours and work days will be at the discretion of the Human Resource Director or designee, based on restrictions assigned by the POR and TW available.
- vii. Transitional work assignment
 - 1) Every attempt will be made to arrange the TW placement within twenty-four (24) hours or the next scheduled work day. Time lost without an assignment may be compensated under Wage Continuation if qualified.
 - 2) Employees refusing a TW assignment may be subject to loss of compensation benefits through the Board and BWC.
 - 3) Employees will note acceptance or declination of TW on the TW agreement form with signature and date.

- 4) A copy of the TW agreement will be given to the Supervisor and employee. This will include but not limited to:
 - a) Written description of restrictions
 - b) Job duties
 - c) Location of TW
 - d) Hours scheduled to work
 - e) Days to work
 - f) Site supervisor
 - g) Effective date to begin TW assignment
- 5) The employee must report to the Safety Specialist or designee, any change, issues or concerns involving their TW assignment.
- 6) Failure to follow TW assignment and or a Physician's restrictions may result in loss of Workers' Compensation benefits.
- 7) Board procedures or bargaining unit agreements remain effective while in a TW assignment (i.e. appropriate time to call off, dress code, breaks).
- 8) If an employee's TW assignment is away from their normal work location, the employee must communicate with their supervisor regarding time off, etc.

(i) Committees

i. MRDD Transitional Work Review Committee

- 1) Committee responsibilities may include but not limited to:
 - a) Review TW cases;
 - b) To ensure the program has the resources necessary for on-going TW assignments;
 - c) To maintain program accountability among supervisors, managers, and rehabilitation providers;
 - d) To resolve any issues or conflicts related to the program.

- 2) Committee members will include, but not limited to:
 - a) Human Resource Director / TW Program Coordinator/ Safety Specialist;
 - b) Selected supervisors from various departments;
 - c) On-site therapist, if there is one working with the employee.
- 3) All medical treatment issues will follow the dispute resolution process through the Managed Care Organization. Disputes regarding compensation issues will follow the process of the BWC and Industrial Commission.
- 4) The TW Coordinator will be responsible for monitoring and conducting the meeting and establishing in advance the agenda.
- 5) The committee will meet monthly or as needed.

ii. County Review Committee

- 1) The Clark County Review Committee members may consist of but not limited to:
 - a) Clark County Personnel Director/designee
 - b) Managed Care Organization (MCO)
 - c) Third Party Administrator (TPA)
 - d) Bureau of Workers' Compensation (BWC)
 - e) Preferred Providers
 - f) Representatives from County agencies
- 2) The purpose of this committee is the same as the MRDD Review Committee but will consider all county localities.
- 3) The Clark County Human Resource Director/designee will monitor and conduct the meeting and establish the agenda and meetings will be quarterly as deemed necessary.

(j) Wage Continuation, Benefits and Pay

- i. Initial approval of wage continuation will not exceed two (2) calendar weeks from the first full day off on a lost-time claim. Further extensions of wage continuation will be approved based on medical information and POR recommendations and will be considered on a case by case basis.

- ii. The injured employee is not required to accept wage continuation in lieu of Temporary Total (TT) compensation through the BWC. A form indicating the employee chose TT will be completed at the Human Resource Department. This form will be sent to BWC, the MCO, and a copy in the employee's Workers' Compensation file.
 - iii. Wage Continuation is calculated at the employee's current hourly rate. A wage agreement will be completed by the employee at the Human Resource Department. This form will be sent to BWC, the MCO, and a copy in the employee's Workers' Compensation file.
 - iv. Benefits afforded as per Board policy or Bargaining Unit agreement remains in place. (Cross ref. Assault Leave and Insurance Policy.)
 - v. Workers' Compensation claims are considered a serious health condition and will be coded as Family Medical Leave (Ref. Family Medical Leave procedure) if qualification criteria is met. Employee will receive this notification in writing from the Human Resource Department.
 - vi. If restrictions require a reduction in hours worked as less than regularly scheduled, employees will be compensated for the number of regularly scheduled hours using Wage Continuation or TT.
 - vii. Based on the previous six (6) weeks of work, employees on a part-time or intermittent schedule will be pro-rated Wage Continuation.
 - viii. Wage Continuation may be paid for absences that are POR approved treatment, testing or appointments that cannot be scheduled on days or time off work or when transitional assignments can not be accommodated as determined by the Human Resource Director.
 - ix. The employee must complete their own leave forms for all time off related to a Workers' Compensation claim. The leave must indicate the purpose of the time off, i.e. Physical Therapy.
- (k) The Board may terminate Wage Continuation or injury leave when:
- i. The POR releases the employee to work;
 - ii. The employee works for another employer;
 - iii. The employee fails to return to a TW assignment consistent with the medical restrictions approved by the POR;
 - iv. The employee fails to appear for an employer-sponsored medical exam;
 - v. The employee has reached MMI and/or the condition has become permanent;
 - vi. The claim is found to be fraudulent;
 - vii. The injured employee attempts to collect both Wage Continuation and TT compensation;

- viii. Employment is terminated;
- ix. Violation of any Board policy or procedure;
- x. Regardless of the above conditions of termination, the Board may, at its sole discretion, terminate injury leave benefits at any time. The claim would then proceed under the guidelines of the BWC.

(l) Disciplinary Intervention

- i. Disciplinary action up to, and including termination, may result when:
(Cross reference: Discipline procedure)
 - 1) An employee does not report a work related injury, accident, or illness immediately;
 - 2) An employee does not complete an Employee Accident Report form immediately;
 - 3) An employee fails to cooperate with an investigation;
 - 4) An employee is found to be willfully negligent in equipment operation or in following procedures or instructions, resulting in damage to equipment or in an accident;
 - 5) An employee falsifies information related to an incident, accident or illness;
 - 6) An employee fails to follow procedures as directed herein or violates other related Board policies, procedures, instructions, bargaining unit agreements, or local, state or federal laws, rules or regulations.

(m) Recreational and Fitness Program Waivers

- i. The purpose of this form is to waive Workers' Compensation coverage for voluntary participation in employer-sponsored recreational activities or fitness programs.
- ii. It is the responsibility of the organizer of the activity to notify the Safety Specialist or designee of the activity.
- iii. It is the responsibility of the organizer to ensure these forms are completed and sent to the Safety Specialist or designee at Human Resources.
- iv. The employee will sign and date the form to acknowledge agreement.
- v. The original signed form will be retained at the Human Resource Department and a copy will be given to the employee.
- vi. A copy will be submitted to BWC only when a claim is filed for an injury or occupational disease sustained while participating in the employer-sponsored recreational activity or fitness program.

Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Health and Safety	Application:	Personnel Department
Procedure:	Workplace Violence	Application:	Program-wide
Procedure Revised:	5/17/02, 8/19/03, 5/18/04 (Effective June 1, 2004)	CARF Ref:	Section 1:D (p)
		Accred. Ref:	

Procedure

Nothing is more important to the Board than the safety and security of its consumers and employees. Threats, threatening behavior, harassment or acts of violence by employees against other employees, consumers, family members or the general public will not be tolerated. The Board also will not tolerate threats from the general public or family members against its employees or consumers. It is the responsibility of each employee, supervisor and manager to conduct themselves in a professional manner at all times.

(a) Reporting

- i. Any workplace threat, act of violence or potential violent behavior, whether witnessed or heard, must be reported to the employee's supervisor or designee. Incidents involving consumers are to be reported immediately following the established MUI/UI procedures in the Program Manual.
- ii. When reporting include name, description of the individual, type of threat, location, and any other helpful information. The Workplace Violence/Threat Incident Report is to be completed by the end of the work shift and submitted to the supervisor or designee.
- iii. The Supervisor or designee will notify the Director or designee.
- iv. The Director or designee will contact the Superintendent or designee to report the situation. In the event the Superintendent is not available the following order is to be followed until personal contact is made with a designee:
 - 1) Maintenance Coordinator
 - 2) Human Resource Director
 - 3) Comptroller
 - 4) Safety Specialist
 - 5) Transportation Coordinator
- v. The Director (or designee) and Superintendent (or designee) will determine if further notification of support programs or if other assistance is needed. Sequence of notification would be at the discretion of the Director/Superintendent/designee, based on review of the situation, and may include but not be limited to:
 - 1) Local police
 - 2) Adult Services
 - 3) Community Living
 - 4) Compliance
 - 5) Early Childhood

- 6) Fiscal Department
- 7) Human Resource Department
- 8) Maintenance
- 9) Residential
- 10) Transportation

- vi. Notification of off-site employees will be done by the departmental coordinators/ supervisors based on the need and at the direction of each Departmental Director/Coordinator.
- vii. Within twenty-four (24) hours, the Director or designee will submit a written report to the Personnel Director for follow up and corrective action as needed.

(b) Securing Work Area

- i. It is recommended that an armed or violent intruder should not be confronted or challenged. Every attempt should be made to agree with requests. A soothing agreeable tone may temper frayed emotions.
- ii. Once notified of physical danger or threat that puts consumers or employees at risk, the Director or designee will determine the appropriate security alert notification. Notification may be made via a radio, intercom system, telephone or person to person.
- iii. Code Blue = A situation has developed that raises concerns about safety of consumers/ staff, but does not pose a direct threat or immediate danger.
 - 1) All Buildings and activities will be monitored for continued safe operation by the Director or designee.
 - 2) Employees can continue with normal schedules, while being alert of their surroundings inside and outside of their area. Employees who are away from their area are permitted to return.
- iv. Code Yellow = A situation has developed that raises concerns that an individual(s) may make an appearance on Board property with the intent of committing an act of violence.
 - 1) All buildings and activities will be observed for alleged person(s).
 - 2) Outside doors may be locked at the discretion of the building supervisor, who will notify the Director or designee.
 - 3) Employees can continue with normal schedules while being alert to their surroundings inside or outside of their area. Employees who are away from their area can return with caution.
 - 4) The Transportation Director or designee will be responsible to determine re-routing and return of transport vehicles, i.e., vans, buses.
- v. Code Red = A situation has developed that constitutes a clear and immediate danger on or near Board property or activity.
 - 1) If an intruder is located on Board property and not in a building all doors and windows will be locked. Employees, consumers and visitors are to seek a safe spot, minimize noise and

try to stay out of sight as much as possible. Keep clear of windows and doors. Windows should not be covered so law enforcement official can see into the building.

- 2) If an intruder is located inside a Board building, employees, consumers and visitors are to seek a safe spot, minimize noise, and try to stay out of sight. Keep clear of windows and doors. Windows should not be covered so law enforcement official can see into the building.
- 3) Any employee may call 9-1-1.
- 4) An all clear code will be at the discretion of the Director or designee to the Supervisor of all affected areas and then to employees, consumers, and visitors via radio, intercom, telephone or person to person.
- 5) The Transportation Director or designee will be responsible to determine re-routing and return of transport vehicles, i.e., vans, buses.

(c) Compliance

- i. All employees including supervisors and managers are to comply with work practices that are designed to make the workplace more secure and do not engage in threats or physical actions, which create a security hazard for others in the workplace. This includes but is not limited to:
 - 1) Informing employees of the Workplace Violence Policy and Department Procedures.
 - 2) Establish department communication system to encourage all employees to report safety, health and security information confidentially without fear of reprisal.

(d) Training

- i. Employees, including managers and supervisors will receive training upon hire.
- ii. Current employees, upon adoption of policy will also receive training.
- iii. Additional training will be provided whenever the employer is made aware of new or previously unrecognized security hazards.
- iv. Training shall include but not limited to:
 - 1) Review of Program Wide Policy.
 - 2) Review of Departmental Procedure.
 - 3) Employees' routes of escape (safe spot) in his/her primary work location.

(e) Protective or Restraining Orders

- i. All employees who apply for or obtain a protective or restraining order which lists Board locations as being protected areas, must provide the Supervisor/Program Administrator and the Personnel Administrator a copy of the petition and declarations used to seek the order, a copy of the temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

(f) Disturbances Caused By Non-Employees:

- i. Employees whose spouses, friends or relatives cause a disturbance on the worksite, including being in Board property without business related need, will be informed that such behavior is not acceptable and that the person who caused the disturbance is subject to appropriate legal action, including arrest and prosecution.
- ii. Ex-employees are subject to the same process and procedures and are not expected to be on Board property except for official business-related reasons.

Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Drug-Free Workplace	Application:	Personnel
Policy Approved:	June 24, 1997	CARF Ref:	Section I: D(P)
Policy Revised:	February 19, 2002 (Effective March 1, 2002)	Accred. Ref:	

Policy

The Clark County Board of MR/DD's policy is to ensure that its employees are free from the effects of alcohol and/or illegal drugs while on duty. The Board's goal is to reduce accidents, injuries and fatalities resulting from drug and alcohol abuse and to ensure work productivity and quality and maintain public confidence in Board operations and services. The Board recognizes alcoholism and drug addiction as treatable diseases and encourages those employees who suspect that they have an alcohol or drug problem to seek professional treatment and assistance. This provision does not prohibit the Board from taking appropriate disciplinary action against employees for inappropriate behavior. The Board will also enforce all applicable provisions of the Drug-Free Workplace Act.

No employee shall report for or remain on duty with any evidence of alcohol use. No employee shall report for or remain on duty while using or while under the influence of any controlled substance, except when the use is prescribed by a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform job duties. (Cross Reference: Drug and Alcohol Testing procedure).

Any employee who has knowledge or reasonable suspicion of improper drug and/or alcohol use by another employee is required to report such knowledge or suspicion.

Any employee convicted of any workplace related drug charge must inform the Superintendent/designee of such conviction within five (5) days of the conviction in accordance with the Drug Free Workplace Act. Additionally, a Board employee charged with disqualifying offenses, as defined in House Bill 538 (Cross Reference: Background Check procedure), is required to notify the Superintendent/designee within fourteen (14) days of being charged with the offense. Failure to do so subjects the employee to disciplinary action, up to and including termination for the first offense.

Employees have the right to know the dangers of drug and alcohol abuse in the workplace, the Board's policy about them and the help available to combat drug and alcohol problems. Employees are encouraged to consult with the Employee Assistance Program for education and help about drug and alcohol abuse.

The Board reserves the right to offer employees participation in a Board-approved rehabilitation or substance abuse assistance program as an alternative to discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

Employees required to hold a Commercial Driver's License (CDL) are further subject to an established program meeting Federal Department of Transportation (DOT) requirements for random drug and alcohol testing. Refusal to submit to such testing will result in termination from the position requiring a CDL.

Prior to hire, applicants must also undergo drug and alcohol testing. No applicant will be hired for testing positive for drug or alcohol use. Refusal to submit to such testing will result in no further consideration for employment with the Board.

Pursuant to Ohio Rev. Code Section 4123.54, an employee who tests positive for controlled substances or alcohol following an on the job accident or injury may not be eligible for workers' compensation benefits. Similarly, an employee who refuses to submit to a request for drug or alcohol testing following an on the job accident or injury may also be prevented from receiving workers compensation benefits.

This policy shall be distributed to all employees and applicants upon hire. Individuals are required to sign this policy, acknowledging their rights and agreement to its contents as a condition of continued employment. If the policy directly conflicts with any collective bargaining agreement, then the collective bargaining agreement will be controlling.

The terms "drug" and "controlled substance" are used interchangeably and synonymously in this policy and are defined as any illegal or controlled substance or any other substance which impairs physical or mental capacity or produces dangerous psychological or physiological effects.

Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Drug-Free Workplace	Application:	Personnel Department
Procedure:	Drug and Alcohol Testing	Application	Program-wide
Procedure Revised:	February 19, 2002 (Effective March 1, 2002)	CARF Ref:	Section I: D (p)
		Accred. Ref:	

Procedure

(p)

If any of these procedures directly conflicts with any collective bargaining agreement, then the collective bargaining agreement will be controlling.

(a) Notification of Drug Use

Employees may be under the influence of a controlled substance when prescribed by a physician. The employee must provide a list of these prescriptions and potential side effects. The employee shall put this list in a sealed envelope and bring it directly to his/her supervisor prior to reporting to work. The supervisor will, in turn, send this sealed envelope to the Personnel Department to be maintained as part of the employee's confidential medical file. The envelope shall only be opened by the Personnel Director/designee as necessary for issues related to medical conditions. The employee may be required to submit to further medical examinations if needed.

(b) Driving Impairment

An employee has the responsibility to inform the supervisor if any medication being taken has the potential to affect one's ability to drive. If so, the employee may be relieved of driving responsibilities until the medication is discontinued. Driving a County vehicle while under the influence of medications that are contra-indicated while driving may be considered endangerment and will be subject to discipline up to and including termination. The Personnel Director can clarify any questions about this issue.

(c) Events Resulting in Testing

(1) Reasonable Suspicion

Whenever the Board or an employee's supervisor has reasonable suspicion to believe that the employee is under the influence of alcohol or engaged in the unlawful manufacture, distribution, dispensing, possession, influence or use of drugs, the Board may require the employee to submit to a urine or other sample

for alcohol and/or drug testing. Reasonable suspicion must be based on specific, objective, articulable observations concerning the actions, appearance, behavior, speech or body odors of the employee or the physical presence of evidence of alcohol or drug related items or paraphernalia.. (Cross Reference: Ohio Administrative Code 123:1-76-01)

(2) Post-Accident Testing

As soon as practicable following an accident involving a County vehicle or other work-related accident that results in personal injury or in property damage estimated to be in excess of \$2000, the Transportation Director/designee may test each employee involved in the accident for alcohol and controlled substances. Any employee who is subject to post-accident testing shall make himself/herself readily available for such testing or shall be deemed to have refused to submit to testing. (Cross Reference: Reporting Vehicular Accidents in Program-Wide manual) If the test is not administered within eight (8) hours following the accident, the test shall not be conducted and a written statement explaining why the test was not administered shall be submitted to the Personnel Director.

(3) Return to Work Testing

The Board shall ensure that, before an employee returns to work after engaging in prohibited alcohol and/or controlled substance conduct, the employee undergoes a return to work test to verify negative results for alcohol and/or controlled substances.

(4) Follow-up Drug and Alcohol Testing

Any employee who tests positive for the use of alcohol or controlled substances while on duty may be evaluated by a substance abuse professional. If, following an evaluation, the Board directs the employee to undergo substance abuse counseling, the employee shall be subject to an unannounced follow-up alcohol and/or controlled substance testing consisting of six (6) tests in the twelve (12) month period following the employee's return to work. Any employee directed to substance abuse counseling shall be required to authorize the substance abuse counselor to release the plan of treatment, test results and progress notes to the Board. Failure to follow these stipulations will result in discipline, up to and including, termination.

(5) Voluntary Testing

Any Board employee may voluntarily undergo an alcohol and/or drug screening test. Testing done under these circumstances will be treated in the same manner as if the employee had been ordered to undergo screening.

(d) Worker's Compensation Claims

An employee who tests positive for alcohol or controlled substances following an on-the-job accident or injury may not be eligible for Worker's Compensation benefits. Similarly, an employee who refuses to submit to a request for alcohol or drug testing following an on-the-job accident or injury may also be prevented from receiving Worker's Compensation benefits.

(e) Testing Requirements

All tests shall be conducted by medical laboratories meeting the standards of, and certified by, the National Institute of Drug Abuse, the National Institutes of Health and the Department of Health and Human Services. Any employee who is notified of selection of testing shall be relieved of any job responsibilities immediately, shall proceed to the designated test site immediately, and will remain in a paid status until the test is complete unless the employee refuses testing. A member of management shall accompany the employee. The employee shall not drive to the testing site and shall not make any stops from the time of notification until reaching the designated test site. Failure to proceed immediately to the test site will be considered a refusal to test.

The employee shall sign a release of test results to the Board prior to testing. Refusal to submit to the testing or to execute the release may be grounds for discipline, up to and including, termination. The results of the test shall be delivered to the Personnel Director/designee and the employee being tested. An employee with positive confirmatory test results shall have the right to request a certified copy of the testing results in which the vendor shall affirm that the test results were obtained using the approved protocol methods.

Costs of all tests ordered by the Board shall be paid by the Board.

(f) Refusal to Test

Refusal to submit to drug and alcohol tests as ordered by the Board will be grounds for disciplinary action up to and including termination. A refusal to test includes conduct that would obstruct the proper administration of a test. The following is a list of some, but not all, of the actions an employee may take that will be considered a refusal to test:

- (1) Refusal to sign the form releasing test results to the Board
- (2) A non-medical delay in providing urine, breath, blood, or any other specimen
- (3) Failure to report directly to the testing facility upon notification
- (4) Using any product to invalidate test results

(g) Confirmatory Tests

If a drug screening test is positive, a confirmatory test shall be conducted in the manner prescribed in the laboratory's procedures. In the event the second test confirms the first test, the Board may proceed with appropriate discipline.

If the confirmatory test is returned as positive and dilute, the Board will consider this as a positive drug screen. If the confirmatory test is returned as negative and dilute, the Board may immediately require the employee to take another drug screening test. If the second test is returned as negative and dilute, the employee will not be required to take another test and the drug screening test will be considered negative. The results of the second test will be considered the test of record.

If the employee contests the positive results of the screening and/or confirmatory tests, the employee, at his/her own expense, may request a split specimen retest at a second certified laboratory selected by the first laboratory. In the event the retest contradicts the first test, the results of both tests must be cancelled. The Board may require the employee to then submit to an immediate collection of another specimen under direct observation and in accordance with the procedures prescribed above. If the results of this test are positive, the Board will proceed with discipline as set forth in this policy. If the results of this test are negative, discipline will not be imposed.

(h) Discipline and Rehabilitation

- (1) The employee may be placed on paid administrative leave during the testing and pre-disciplinary process. Alternative work assignments are an option only at the discretion of the Superintendent/designee. If required testing results in a positive test, the Board may take disciplinary steps up to and including termination.
- (2) Any discipline less than termination will be considered a "last chance" agreement and is to include a written agreement between the employee and the Superintendent. If discipline less than termination of employment is instituted, the agreement will specify requirements for the employee to participate in a rehabilitation or detoxification program, follow-up testing as stated above, and an understanding that a future positive test will result in termination.
- (3) An employee participating in such a program may be required to use paid leave, if available, for the period of rehabilitation or detoxification. If no leave is available, the employee, as determined by the Superintendent/designee, may be placed on a leave without pay absence for the period of the rehabilitation or detoxification program. Family medical leave will be used if available and appropriate.

(i) Confidentiality

Test results will remain a part of the employee's confidential medical file in the Personnel Department. However, the Superintendent/designee may use test results for the purposes of employment or disciplinary actions and in defense of related litigation. The Board may also disclose test results when required by government agencies or in accordance with state or federal law.