

**BELMONT COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY MANUAL**

**SECTION 6
ABSENCES**

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HOLIDAYS

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- A. All full-time employees (in active pay status the entire regularly scheduled work day immediately preceding and subsequent to the holiday) are entitled to the following holidays:

New Year's Day	First day of January
Martin Luther King Day	Third Monday of January
Presidents' Day	Third Monday of February
Memorial Day	Last Monday in May
Independence Day	Fourth day of July
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Election Day ¹²	First Tuesday in November
Veterans' Day	Eleventh day of November
Thanksgiving Day	Last Thursday of November
Christmas Day	Twenty-fifth day of December

- B. If the holiday falls on Sunday, it will be observed on the following Monday; if it falls on a Saturday, it will be observed on the preceding Friday. However, if an employee's work schedule is other than Monday through Friday, the employee is entitled to holiday pay for the day on which the holiday falls, regardless of the day of the week on which it is observed.
- C. In observance of each authorized holiday, full-time employees will normally be granted the day off from work, with straight time pay, provided they are not employed in one of the twenty-four (24) hour, seven (7) day per week facilities.
- E. If a holiday occurs while an employee is on vacation or sick leave, such vacation or sick leave day will not be charged against his or her vacation or sick leave balance. Such vacation day may be taken at a later date in accordance with the policy on vacation usage.
- F. If a full-time non-exempt employee is required to work on one of the above holidays, he or she shall be paid at the rate of one and one-half (1 1/2) times his or her regular hourly earnings. This premium pay for working the holiday will be in addition to the employee's straight time holiday pay.

¹ The County Courthouse closes at noon and employees shall receive their regular hourly pay for all hours scheduled that remain.

² Excludes Welfare Department and MR/DD employees.

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- G. In addition to the holidays specified in this policy, the Employer may recognize any day appointed and recommended by the President of the United States or the Governor of the State of Ohio, or any day created through legislation. The decision to recognize these additional holidays lies solely with the Employer.

 - H. Holidays and holiday pay for bargaining unit employees are governed by the terms of the applicable collective bargaining agreement.

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A.

1. Forty (40) hour full-time County employees are eligible for paid vacation leave according to the following eligibility guidelines:

After 1 year service 80 hours vacation (3.1 hours per pay period)
After 8 years service.....120 hours vacation (4.6 hours per pay period)
After 15 years service.....160 hours vacation (6.2 hours per pay period)
After 25 years service.....200 hours vacation (7.7 hours per pay period)

2. Thirty-five (35) hour full-time County employees are eligible for paid vacation leave according to the following eligibility guidelines:

After 1 year service 70 hours vacation (2.7 hours per pay period)
After 8 years service.....105 hours vacation (4.0 hours per pay period)
After 15 years service.....140 hours vacation (5.4 hours per pay period)
After 25 years service.....175 hours vacation (6.7 hours per pay period)

3. With the approval of the appointing authority, employees shall take one (1) week continuous vacation unless the employee has completed fifteen (15) years of service which shall be two (2) weeks of continuous vacation. All other time shall be taken upon approval of the appointing authority.

Vacation leave shall only be accumulated while an employee is in active pay status. Full-time employees who are in active pay status for less than their number of regularly scheduled hours in any pay period will have their vacation accrual prorated for the pay period.

- B. No employee will be entitled to vacation leave under any circumstances until he or she has completed one (1) year of employment with the County.

- C. Vacations are scheduled in accordance with work load requirements of the Employer. For this reason, it is important that vacation requests be made as far in advance as possible. The Employer reserves the right to approve or deny vacation requests.

Vacation Preference and Procedure for Application

1. All requests for vacation must be submitted prior to February 1 of each year, on the prescribed forms attached.

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2. All vacation dates are subject to the approval of the Appointing Authority or his/her designee.
 3. It is recognized that certain types of vacation can be planned as much as eight (8) months in advance and others not until possibly one (1) month in advance. All employees are urged to request vacation as much in advance of the desired period as possible. Certain functions require one (1) or more persons on the job for proper operation and employees are expected to bear this in mind in correlating vacations. Vacation requests not submitted prior to February 1 will be granted according to date of request.
 4. Employees are urged to use the bulk of their earned vacation in blocks of days equaling one (1) week or more. Consideration will be given to those employees who want to use a small portion of overall vacation time on intermittent days as the need arises and with advance approval from the Appointing Authority.
- D. Vacation leave is earned while on paid leave, but additional vacation leave is not accrued through the working of overtime.
- E. Vacation leave is to be taken within the twelve (12) months following the employee's anniversary date. The Employer may authorize vacation carry over from year to year; however, vacation leave shall not be carried over for more than three (3) years. An employee is entitled to compensation, at his or her current rate of pay, for the prorated portion of any earned but unused vacation leave for the current year to his or her credit, at the time of separation, transfer to another appointing authority, or retirement, and in addition, shall be compensated for any unused vacation leave accrued to his or her credit, with the permission of the Employer for up to three (3) years immediately preceding the last anniversary date of employment.
- F. On and after October 25, 1995, employees will receive credit for prior service with the state or any political subdivision of the state for the purpose of vacation accumulation, per ORC 9.44. Notwithstanding the above, if any person removed for conviction of a felony "within the meaning of RC 124.34" is subsequently re-employed by the County, such person is only qualified to accrue vacation as if he or she were a new employee receiving no prior service credit.
- G. Vacation rights for bargaining unit employees are governed by the terms of the applicable collective bargaining agreement.

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H. The pyramiding of pay is prohibited.

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SICK LEAVE

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- A. Sick leave is a benefit and the usage of sick leave is not an entitlement. Sick leave may be requested for the following reasons:
1. Illness or injury of the employee or a member of his or her immediate family (in case of a member of the immediate family not living in the same household, the appointing authority may credit sick leave when it is justified, and such cases may be investigated).
 2. Medical, dental, or optical examinations or treatment of the employee or a member of his or her immediate family.
 3. If a member of the immediate family is afflicted with a contagious disease or requires the care and attendance of the employee, or when, through exposure to a contagious disease, the presence of the employee at his job would jeopardize the health of others.
 4. Pregnancy and/or childbirth, and other conditions related thereto, including leave where the employee's presence is reasonably necessary for the health and welfare of the employee or affected immediate family member.

For purposes of this policy, the "immediate family" is defined as only: spouse, parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, legal guardian or other person who stands in the place of a parent.

- B. An employee requesting sick leave shall inform his or her immediate supervisor or other designated person of the fact and the reason within one-half ($\frac{1}{2}$) hour after his or her scheduled starting time. Employees who work in a twenty-four (24) hour per day, seven (7) day per week program (e.g., 9-1-1, Sheriff) must provide a one (1) hour prior to his or her scheduled starting time notification. Failure to properly notify the designated person on the first day of illness may result in denial of sick leave for the period of absence. Subsequent notification beyond the first day of absence will be governed by the nature of the circumstances and the requirements established by the employee's appointing authority. Failure to do so may result in denial of sick leave for the period of absence. In the case of a condition exceeding three (3) consecutive calendar days, a physician's statement specifying the employee's inability to report to work and the probable date of recovery will be required. The employee will submit to such medical examination, nursing visit, or other inquiry which the Employer deems necessary.

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- C. For each completed eighty (80) hours (including overtime) compensated, an employee earns 4.6 hours of sick leave (70 hours earns 4.0 hours of sick leave). Active pay status is defined as hours during which an employee is eligible to receive pay, such as hours worked, hours on vacation, hours on holiday leave, hours on compensatory time, and hours of paid sick leave. Other than full-time employees will be credited with sick leave on a basis proportionate to the hours paid each pay period.
- D. Sick leave shall be charged in minimum amounts of one half (1/2) hour. Employees absent on sick leave shall be paid at the same basic hourly, daily, or biweekly rate as when they are working. The amount of sick leave time any one (1) employee may accrue is unlimited.
- E. When an employee returns to work following an absence, such employee must first report to his or her supervisor or other designated person. Each employee returning to work must complete a Request for Leave Form to explain the reason for his or her absence. Any additional written documents which substantiate the employee's reason for absence should also be submitted at this time. This information will be reviewed by the Employer or his or her designee to determine if the absence will be approved.
- F. Physician Statement. If medical attention is required, the employee will be required to furnish a statement from a licensed practitioner notifying the Employer that the employee was unable to perform his/her duties. Where sick leave is requested to care for a member of the immediate family, the Employer may require a licensed practitioner's certificate to the effect that the presence of the employee is necessary to care for the ill person, or in the case of childbirth and other conditions relating thereto, during the postnatal period.
- G. Physician Examination. Should conditions warrant it, the Employer may require an employee to take an examination, conducted by a licensed practitioner, to determine the employee's physical and/or mental capability to perform the duties of the employee's position. If found not qualified, the employee may be placed, by the Employer, on an involuntary disability separation. The cost of such examination will be paid by the Employer.
- H. Expiration of Sick Leave. If illness or disability continues beyond the time covered by accumulated sick leave, the employee may utilize any accrued but unused vacation leave he or she has to their credit. An employee who has exhausted all sick leave and vacation leave credits may, if appropriate, request available but unused Family and Medical Leave, or a disability leave of absence

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without pay for a period not to exceed six (6) months, or a voluntary disability separation if the illness or disability is expected to exceed six (6) months.

- I. Abuse of Sick Leave. Employees intentionally failing to comply with sick leave rules and regulations shall not be paid. Employees who demonstrate a pattern of sick leave abuse may be disciplined. Application for sick leave with intent to defraud will result in discipline up to and possibly including termination, and will also require a refund of salary or wage paid. Altering a physician's certificate or falsification of a written, signed statement shall be grounds for discharge.

- J. Employees who transfer between County departments or agencies, or from another public agency, or who are reappointed or reinstated, will be credited with the unused balance of their accumulated sick leave credit, provided the time between separation, reappointment or transfer does not exceed ten (10) years and provided the employee has not cashed in any portion of that balance under ORC 124.39. The words "public agency" as used above means those entities required to provide sick leave under ORC 124.38 and 124.382, including the state, counties, municipalities, boards of education, civil service townships, etc., within the state. Villages, private industry councils, libraries organized as non-profit corporations, and other entities not required to provide sick leave under ORC 124.38 or 124.382 are not "public agencies." Notwithstanding the above, or Section 6.4 - Sick Leave Conversion, if any "person removed for conviction of a felony" within the meaning of R.C. 124.34 is "subsequently re-employed" by the County, such person is only qualified to accrue sick leave as if he or she were a new employee receiving no credit for prior service.

- K. Sick leave for bargaining unit employees is governed by the terms of the applicable collective bargaining agreement.

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SICK LEAVE CONVERSION

**SECTION 6.4
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- A. A County employee, with ten (10) years of service who retires in accordance with the provisions of PERS or any retirement plan offered by the state, shall be paid one-fourth (1/4) of the value of his or her earned but unused leave credit. The maximum of such payment, however, shall be for thirty (30) days of sick leave.
- B. Such payment shall be based on the employee's hourly rate of pay at the time of retirement.
- C. Such payment shall be made only once and shall eliminate all sick leave credit accrued by the employee.
- D. Eligible County employees retiring from active service shall request such payment in writing, in order to initiate the payment process.
- E. The beneficiary of a deceased employee shall be eligible for the sick leave conversion benefits for which the employee would have otherwise qualified in accordance with Paragraph A above. Such payment shall be made in accordance with Section 2133.04 O.R.C., or paid to the employee's estate.

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BEREAVEMENT LEAVE

**SECTION 6.5
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- A. In the event of the death of a member of an employee's immediate family, the employee shall be granted up to five (5) consecutive work days of sick leave to attend the funeral, make funeral arrangements, and carry out other responsibilities related to the funeral. A sick leave request form must be completed by the employee.

- B. If no sick leave balance exists at the time of such bereavement, the employee, with approval of the appointing authority, shall be authorized to take a leave of absence without pay not to exceed five (5) consecutive workdays. A written request for leave shall be completed by the employee.

- C. Bereavement leave for bargaining unit employees is governed by the terms of the applicable collective bargaining agreement.

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COURT LEAVE

**SECTION 6.6
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- A. The Employer shall compensate employees for regularly scheduled working hours on any day an employee is subpoenaed for court or jury duty by a federal, state, or any municipal court. All compensation received for court or jury duty is to be remitted by the employee to the Employer for deposit with the County Treasurer, unless the court or jury duty is performed totally outside normal working hours. Employees released from court or jury duty prior to the end of their scheduled work day shall report to work for the remaining hours of their shift.

- B. Employees shall not be entitled to paid court leave when appearing in court for criminal or civil cases being heard in connection with the employee's own personal matters. These absences shall be considered leave without pay or vacation, as scheduled in advance with the Employer.

- C. It is understood that any employee released from jury duty prior to the end of his/her scheduled workday shall report to work for the remaining hours. Court leave for bargaining unit employees is governed by the terms of the applicable collective bargaining agreement.

- D. The time an employee spends at court jury duty or court service shall not be considered hours worked for purposes of calculating overtime, unless such court time is directly related or is an integral part of the employee's work duties.

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MILITARY LEAVE

**SECTION 6.7
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A. POLICY

1. Active Duty Leave — Military Leave is governed by both state and federal laws. In general, any employee with more than 90 days tenure who voluntarily or involuntarily enters any of the Armed Services of the United States, shall be granted a military leave of absence without pay. If not accepted for active duty, the employee shall be reinstated to the employee's former position without loss of seniority or status or reduction in pay. Employees who complete their active duty obligation (without voluntarily re-enlisting or extending that obligation) are entitled to their previous position within 30 days after their written request, provided such request is submitted within the statutorily required period following discharge or release from active duty. If temporary physical disability precludes the employee from performing the previous job, the employee shall be allowed up to one (1) year from the date of application to overcome such disability and return to work. Employees returning to previously held positions under these provisions shall receive credit for military service in areas affecting seniority status, rank, rating, increments, qualifications, etc., as though they had been continually employed.
2. Military Reserve Leave — R.C. 5923.05 requires that permanent public employees, who are members of Ohio National Guard, Ohio Organized Militia, or other reserve components of the armed forces of the United States be authorized up to 176 hours of leave without loss of pay per calendar year for military duty or training. This payment is in addition to the gross uniformed pay and allowances the employee receives from the military.
3. Military Reserve Leave In Excess Of 176 Hours — Any permanent public employee called to military duty for a period in excess of the 176 hours because of an executive order issued by the President of the United States, because of an act of Congress, or because of an order to perform duty issued by the governor pursuant to R.C. Section 5919.29, is entitled to be paid the difference between the employee's gross monthly wage or salary and the gross uniformed pay and allowances up to \$500.00 per month. If the gross uniformed pay and allowances equals or exceeds the employee's regular gross monthly wage or salary normally paid by the Employer, the employee is not entitled to any additional compensation from the Employer after being compensated for the initial 176 hours per calendar year. This payment will continue until the order or act is withdrawn for the employee.
4. Request For Leave — Employees are required to submit to the Employer a copy of the published orders authorizing the military duty or a written statement from the

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MILITARY LEAVE

**SECTION 6.7
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appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete and submit a request for leave form.

B. PROCEDURE

1. Employees are required to submit to their department head a copy of their military orders and a completed Request for Leave Form outlining the anticipated duration of the military leave.

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AUTHORIZED UNPAID LEAVE

SECTION 6.8

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- A. Employees may request an unpaid leave of absence for (LWOP) professional, educational, or other personal reasons. The request must be made on a "Request of Leave" form. The County has sole discretion to grant or deny the leave. A personal leave of absence may be granted for one (1) day to six (6) months for any reason the County deems appropriate and can only be taken on a consecutive basis. Upon completion of approved unpaid leave, the employee will be returned to his former position or to a similar position within the same classification.
1. An employee must exhaust all accrued paid leave prior to being approved for authorized leave of absence without pay (LWOP) unless the employee is granted an authorized leave of absence covered under the Disability Programs (please see BOC-30.02).
 2. Criteria for considering requests for a leave of absence without pay include the reason, the duration, the needs of the department, and impact on operations.
 3. The form should be given to the employee's director or designee:
 - a. Provide at least 30 days advance notice, if need is foreseeable, when possible.
 - b. Include the reason(s) for the leave.
 - c. Include start of leave and return to work dates.
 4. Time on LWOP shall not be counted as time in service for purposes of determining seniority or vacation rights.
 5. Time in authorized LWOP status runs concurrently with FMLA leave, if applicable.
 6. If the LWOP is for medical reasons, the employee must furnish a Medical Certification form.
- B. While on leave without pay status, an employee shall not accrue paid leave or holiday pay. An employee on a non-FMLA unpaid leave of absence will be given COBRA notification regarding his health insurance benefits.
- C. The County may revoke an unpaid leave of absence for business reasons upon one (1) week's written notice to the employee that he must return to work. An employee on an unpaid leave of absence who is determined to be using the leave for purposes other than for which the leave was granted may be ordered to return to work immediately.

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- D. Leave of absence without pay for bargaining unit employees is governed by the applicable collective bargaining agreement.

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DISABILITY LEAVE AND SEPARATION

**SECTION 6.9
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This section outlines the conditions under which disability leave and separation without pay may be granted, and procedures for administering its use.

A. Voluntary Reduction

When an employee becomes physically unable to perform the essential functions of his/her position, but is still able to perform the essential functions of a vacant, lower level position, he/she may voluntarily request reduction to the lower level position. An employee shall submit a request in writing to the Employer, stating the reason for the request. Such request must also be accompanied by a physician's statement. The approval of such requests shall be left entirely to the discretion of the Employer and shall be based upon operational needs and requirements.

B. Voluntary Disability Separation

1. An employee who is unable to perform the essential job duties of his or her position due to a disabling illness, injury, or condition, may request a voluntary disability separation. A voluntary disability separation occurs when the employee does not dispute his or her inability to perform the essential job duties of his or her position due to such disabling illness, injury, or condition.
2. The appointing authority may grant the employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by the appointing authority. If the examination supports the employee's request, the appointing authority will grant the employee's request for a voluntary disability separation. If the medical examination does not support the employee's request, the appointing authority will not approve the employee's request for voluntary disability separation.
3. An employee who is granted a voluntary disability separation will retain the right to be reinstated to his or her position for two (2) years from the date that the employee is no longer in active work status due to a disabling illness, injury, or condition. An employee may submit a written request for reinstatement from a voluntary disability separation in accordance with the rules of the Director of the Ohio Department of Administrative Services.

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**SECTION 6.9
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4. Any employee who fails to apply for reinstatement, formally resign, or take disability retirement, shall be separated from service at the end of the two (2) year period.

C. Involuntary Disability Separation

1. When an appointing authority has reason to believe that an employee is incapable of performing the essential functions of the employee's position due to disabling illness, injury, or condition, the appointing authority may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by the appointing authority. It is not, however, necessary for the appointing authority to require the employee to submit to such examination prior to involuntary disability separation if: (1) the employee is hospitalized at the time such action is to be taken, and (2) the employee has exhausted any leave to which he is entitled under the FMLA.
2. When the appointing authority has received the results of a medical or psychological examination and initially determines that the employee is incapable of performing the essential functions of the employee's position due to a disabling illness, injury, or condition, the appointing authority will institute pre-separation proceedings. Under the proceedings, a hearing will be scheduled and advance written notice of at least seventy-two (72) hours will be provided to the employee. At the hearing, the employee will have a right to examine the appointing authority's evidence of disability, to rebut the evidence, and to present testimony and evidence on the employee's own behalf. The employee should also be permitted to waive his right to a hearing.
3. If the appointing authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is unable to perform the essential functions of his position, the appointing authority will issue an involuntary disability separation order.
4. The effective date of separation, for the purpose of reinstatement, will be based on the date the employee was no longer in active work status due to the disabling illness, injury, or condition. The total continuous time of absence due to the disabling illness, injury, or condition will not exceed three (3) years for purposes of reinstatement rights.

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DISABILITY LEAVE AND SEPARATION

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5. An employee who is involuntarily disability separated will have the right to appeal in writing to the State Personnel Board of Review within ten (10) days following the date the order is served on the employee.
 6. The appointing authority will also notify the employee, at the time the involuntary disability separation order is provided to the employee, of the required procedures to apply for reinstatement.
- D. Any appointment made to a position vacated by disability leave or separation will be on a temporary basis, and such employee must be made fully aware of his or her status. Should the employee returning from disability leave or separation be reinstated to another position, the temporary appointment may be made permanent.
- E. Disability leaves and separation for bargaining unit employees are governed by the applicable collective bargaining agreement.

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INCLEMENT WEATHER

**SECTION 6.10
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- A. If a weather emergency is declared in Belmont County, the Appointing Official or designee will make a decision regarding closing the office. A weather emergency is where the county or city restricts travel except for emergency vehicles. In such an emergency, when the office is closed, non-essential employees normally scheduled to work will not be required to report to work and will receive pay for the employee's normal day.

Statewide, there are three (3) snow emergency levels that the County Sheriff can declare.

1. Level I Snow Emergency – County and township roads are hazardous with blowing and drifting snow. Roads are also icy and drivers should use caution.
2. Level II Snow Emergency – County and township roads are hazardous with blowing and drifting snow. Only those who feel it is necessary to drive should be out on the county and township roads. Listen to radio stations and/or contact employers to see if you should report to work.
3. Level III Snow Emergency – All county and township roads are closed to non-emergency personnel. No one should be out unless it is absolutely necessary to travel. All employees should listen to radio stations and/or contact employers to see if they should report to work. Those traveling on county and township roads may subject themselves to arrest.

The above snow emergency levels declared by a sheriff should not be confused with a “State of Emergency” which may be issued by elected officials of the affected jurisdiction (mayor, county commissioners, township trustees, etc.). A State of Emergency is generally not issued unless local resources are not adequate to handle the emergency or disaster and state assistance is needed. The office will automatically be closed to the public during a declared Level III Snow Emergency or when a State of Emergency is declared in Belmont County.

- B. During a countywide emergency, employees shall comply with the following:
1. Employees and the general public may be advised not to leave the premises because of severe weather or other emergency conditions continuing after regular working hours. Remaining on the premises after hours will not entitle employees to overtime compensation or compensatory time unless

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they remain at work because they are required by department head direction to assist during the emergency situation.

2. An employee on sick leave or vacation status at a time of emergency closing will not be affected and will have his/her sick leave or vacation account charged accordingly.
 3. Part-time employees who are scheduled to work will be treated in the same manner as full-time employees for purposes of this section. (Hours paid will not exceed the employee's scheduled number of work hours.)
 4. Certain designated employees of the Appointing Authorities may be considered essential employees under this section and are responsible for responding to emergency situations and snow/ice removal as directed.
- C. Employees who are not able to report to work due to weather conditions when no weather emergency has been declared may, at their supervisor's direction, make up the lost hours within the same workweek or use other available leave time not including sick leave.
- D. Notwithstanding the provisions above, the Employer retains the right to close the department offices, or to remain open during periods of inclement weather or other emergency conditions, at his/her discretion and based upon operational needs and work load requirements. Employees required to work during emergency conditions shall not be entitled to any additional compensation.

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FAMILY AND MEDICAL LEAVE

SECTION 6.11

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The County complies with provisions of the federal Family and Medical Leave Act.

- A. An employee who has been employed by the County for at least twelve (12) months and who has completed at least one thousand two hundred and fifty (1,250) hours worked during the twelve (12) month period immediately preceding the commencement of the leave shall be eligible for Family and Medical Leave as provided in this policy.

- B. An eligible employee may be permitted a total of twelve (12) work weeks of unpaid leave during the twelve (12) month period measured forward from the first date the employee uses Family and Medical Leave. Family and Medical Leave may be used for the following reasons:
 1. For the birth of a son or daughter, and to care for the newborn child;
 2. For the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
 3. To care for an immediate family member (spouse, child or parent — but not parent "in-law") with a serious health condition (as defined in 29 CFR Part 825);
 4. When the employee is unable to work because of a serious health condition; or
 5. For military service
 - i. Military caregiver leave may be taken to care for a "covered service member" with a serious injury or illness. To take military caregiver leave, you must be the spouse, parent, son or daughter, or next of kin of the covered service member.
 - ii. Qualifying exigency leave may be taken for your spouse, parent, or child; to address any issues arising from the military member's short notice deployment (i.e., deployment within seven or less days of notice); to make or update financial and legal arrangements; to attend counseling for yourself, the military member, or the child of the military member; to attend military events and related activities; to spend up to fifteen (15) calendar days with a military member who is on Rest and Recuperation leave during covered active duty; to address certain childcare and related activities concerning the military member's child that arise from the military member's covered active duty; to attend post-deployment activities for up to 90 days following the termination of the military member's covered active duty; any other event you and your employer agree is a qualifying exigency and agree to the timing and duration of the leave; to address certain activities related to the care of the military member's parent who is incapable of self-care.

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- C. An eligible employee will be required to provide the Employer with thirty (30) days advance notice of the employee's intention to take Family and Medical Leave. The only exception will be when unforeseen circumstances prevent the employee from providing the required notice.
- D. The Employer will require the employee to provide medical certification from the employee's health care provider in order to support a leave request to care for a spouse, child, or parent who has a serious health condition; or for leave due to a serious health condition that makes the employee unable to perform the essential functions of the employee's position.

The Employer, at the Employer's expense, may require a second opinion on the validity of the certification. Should a conflict arise between the opinions of the two (2) health care providers, a third opinion will be sought. The third opinion will be provided by a health care provider mutually agreeable to the employee and the Employer. The expense of a third opinion will be paid by the Employer. U.S. Department of Labor Form WH-380 shall be utilized by health care providers in supporting the leave request.

- E. An eligible employee will be required to exhaust paid accrued vacation and sick leave (if appropriate), prior to being granted unpaid Family and Medical Leave.
- F. In the event of the continuation, reoccurrence, or onset of a serious health condition of the employee, after such employee has exhausted the twelve (12) work weeks of leave as provided in this policy, the employee may request an unpaid disability leave of absence or a voluntary disability separation in accordance with the Employer's policy.
- G. In any case in which both spouses, both employed by the County, request leave due to the birth or placement with the employees of a child, the total number of work weeks of Family and Medical Leave to which both employees are entitled will be limited to twelve (12) work weeks during the twelve (12) month period.
- H. Leave due to the serious health condition of the employee or the employee's spouse, child, or parent may be taken intermittently or on a reduced leave schedule when medically necessary. The Employer may require an employee who takes leave in this manner for planned medical treatments to transfer temporarily to an alternative position which has equivalent pay and benefits and better accommodates the recurring periods of leave.
Leave due to the birth or placement of a child may not be taken on an intermittent or reduced leave schedule.

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- I. It will not be considered a break in service when an employee takes leave in accordance with this policy, provided the employee returns to work at the expiration of the leave period. During any uncompensated portion of a leave period, employees shall not accumulate sick, vacation, or any other accrued leave.

- J. An eligible employee who takes leave in accordance with this policy shall, upon return from such leave, be restored to the position held by the employee when the leave commenced, or a similar position of equivalent pay and benefits. The Employer will (as appropriate) require the employee's physician to certify that the employee is able to resume work as a condition of return to employment.

- K. During any period that an eligible employee takes leave in accordance with this policy, the Employer shall maintain the employee's group health care coverage under the conditions coverage would have been provided if the employee had continued in employment for the duration of the leave. The employee will be responsible for paying the employee's share of the health insurance costs during the leave. If the employee does not return from the leave, the Employer may recover the premiums it paid for maintaining the health care coverage during the period of unpaid Family and Medical Leave.

- L. Upon requesting Family and Medical Leave, an eligible employee will receive a written notice, from the Employer, outlining the employee's rights and obligations.

Original Adoption Date: April 23, 2008

Revision Date: March 16, 2016

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UNAUTHORIZED LEAVE

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- A. Employees are expected to communicate all absences to their supervisor or Human Resources department in a timely manner and as outlined under the appropriate sections of this policy manual.

- B. If an employee fails to follow the appropriate leave procedure as outlined in this manual, has exhausted all forms of paid leave, and is not eligible for authorized unpaid leave, he or she will be considered absent without leave (AWOL). Employees in AWOL status will be subject to discipline in accordance with Section 8 of this policy manual.

- C. Job Abandonment: An employee who is habitually in AWOL status or AWOL for three (3) or more successive duty days will be considered to have abandoned his or her job and may be subject to removal for neglect of duty. This rule does not require the appointing authority to initiate removal action if it is determined to be unwarranted nor does it preclude removal action for a shorter period of absence if the absence is of sufficient seriousness. The determination as to what constitutes a serious situation shall be made by the appointing authority of the agency.

Original Adoption Date: March 9, 2016 Revision Date: _____

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ADMINISTRATIVE LEAVE

SECTION 6.13

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- A. The Belmont County Board of Commissioners may place an employee on administrative leave with pay, but only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation such leave might extend until the Appointing Authority completes the predisciplinary process, investigates the alleged infraction, and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee's base rate of pay.
- B. The Belmont County Board of Commissioners may, in its discretion, place an employee on administrative leave without pay for a period not to exceed two months, if the employee has been charged with a violation of law that is punishable as a felony. If the employee subsequently does not plead guilty to or is not found guilty of a felony with which the employee is charged or any other felony, the appointing authority shall pay the employee at the employee's base rate of pay, plus interest, for the period the employee was on the unpaid administrative leave.