

DEFINITIONS

Unless otherwise indicated in these policies, the following definitions shall apply:

ABSENCE, EXCUSED - Being absent from work with the approval of the department director (i.e., vacation, holiday, compensatory time, personal day).

ABSENTEEISM - The practice of an employee failing to report for work for a period of one or more days or failure to report within the prescribed time when he/she has been assigned to or scheduled for work. Misuse or abuse of sick leave is absenteeism.

ABSENT WITHOUT LEAVE - Failure to report for work without any authorization from the department director to be absent. The employer may deem an employee to be absent without leave when that employee is tardy, or when the employee departs from his/her work site during working hours without authorization. These examples are not exhaustive, however. Also known as unexcused absence.

ACTIVE PAY STATUS - Defined as hours worked, hours on paid vacation, hours on holiday leave, hours on paid sick leave and hours on paid compensatory time. Simply, if pay is received for a bi-weekly pay period, that pay period is active pay status. The conditions under which an employee is eligible to receive pay and includes, but is not limited to, vacation pay, sick leave, and other compensated time off.

ACTIVE WORK STATUS - Conditions under which an employee is actually in a work status and is eligible to receive pay but does not include vacation pay, sick leave, personal leave and disability leave.

ADMINISTRATION - The superintendent, business manager and administrative assistant, or other management staff designated to act on behalf of the superintendent.

AMERICANS WITH DISABILITIES ACT (ADA) - Federal legislation passed in 1990 which makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also prohibits discrimination against individuals with disabilities in state and local government services, public accommodations, transportation and telecommunications.

APPOINTING AUTHORITY - The Board is the appointing authority for the superintendent. The superintendent is the appointing authority for all other positions.

APPROVED LEAVE – Any leave of absence including, , FMLA leave, personal leave, sick leave or vacation, granted and used in accordance with the Board’s policies.

BOARD - The Erie County Board of Mental Retardation and Developmental Disabilities. The Board, which is created by O.R.C. 5126.02, comprises seven (7) members. The Erie Board of County Commissioners appoints five (5) of these members and the Probate Judge of Erie County appoints two (2) members. Each appointee shall be a resident of Erie County.

CLASSIFICATION - A group of positions that involve similar duties and responsibilities, require similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. A class may include only one position in some circumstances.

CLASSIFICATION TITLE - The title assigned by the Ohio Department of Administrative Services for purposes of civil service compliance or as assigned by the county or county board classification system.

CLASSIFIED POSITIONS - All positions of employment in the county board except those designated as management employees.

COMPREHENSIVE OMNIBUS RECONCILIATION ACT, 1989 (COBRA) - Federal legislation and later amendments that establish an employee's rights to continue certain health benefits of the agency for a specified period of time after termination of employment at the employee's expense paid at the group rate for the agency.

COUNTY - The County of Erie, State of Ohio.

CREDENTIALS – Every authorization, certificate, evidence or registration or license the Board, Erie County, the State of Ohio or the government of the United States requires as a condition of employment for a particular job or classification. Credentials include, without limitation, adults services registrations, commercial driver's licenses, insurability under Erie County's motor vehicle insurance program and professional certificates and licenses.

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

DEMOTION – Reassignment to a lower classification with concurrent reduction in pay.

DEPARTMENT - A Board organizational unit directed and controlled by an appointing authority and charged with a specific public service function.

DEPARTMENT DIRECTOR - The person having responsibility for the oversight & management of a program or service provided by the board. May be designated to act on behalf of the superintendent in his or her absence. .

DEVELOPMENTAL DELAY - Has the meaning established pursuant to O.R.C. 5123.011. Current Ohio Department of Mental Retardation and Developmental Disabilities definition of a developmental delay is that the child has not reached developmental milestones expected for his/her chronological age as measured by qualified professionals using appropriate diagnostic instruments and/or procedures. Delay may be demonstrated in one or more of the following developmental areas: adaptive behavior; physical development or maturation (fine and gross motor skills, growth); cognition; communication; social or emotional development; and/or sensory development.

DEVELOPMENTAL DISABILITY - When used for the purpose of defining eligibility for county board services means a severe, chronic disability that is characterized by all of the following: (1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in O.R.C. 5122.01(A); (2) Manifested before age twenty-two; (3) It is likely to continue indefinitely; (4) It results in one of the following: (a) In the case of a person under age three, at least one developmental delay or an established risk; (b) In the case of a person at least age three but under six, at least two developmental delays, an established risk, or determined to be handicapped under Department of Education preschool regulations; (c) The Erie County Board of Mental Retardation and Developmental Disabilities may serve children 0 through 5 years of age who are at biological or environmental risk.

DISHONESTY - Disposition to lie, cheat or defraud; untrustworthiness; lack of integrity.

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

DUE PROCESS/DUE PROCESS HEARING - Predisciplinary procedures mandated by statute - including O.R.C. 5126.23, or the United States Constitution to assess whether there is probable cause to suspend, reduce or terminate an employee.

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

EMPLOYEE COUNSELING - The discussion a supervisor holds with an employee in which the supervisor counsels him/her for his/her conduct and impresses upon him/her the need for improvement. This process can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. A notation of the date, time and reason for an employee conference must be kept in the supervisor's files, in the event the conduct of the employee does not improve and subsequent action is required. If department/division is governed by a union contract, the procedures outlined in the union contract, if any, shall be followed.

EMPLOYER - The appointing authority, or the designee of the appointing authority, authorized by law to make appointments to positions.

FAIR LABOR STANDARDS ACT (FLSA) - The FLSA is a federal legislation governing the minimum wage, hours of work, and overtime compensation of most employees (including public employees).

FMLA – Family and Medical Leave Act of 1993

FULL-TIME EMPLOYEE - An employee whose regular hours of active duty total forty (40) hours in a seven (7) calendar day week on a year-round basis and is on active pay status for at least 245 days per year.

FULL-TIME SEASONAL EMPLOYEE - An employee whose regular hours of active duty total 40 hours in a seven (7) calendar day week where the employee works a certain regular period of the year performing work limited to that period of the year. Full-time seasonal employees, for the purposes of this manual, are referred to as "nine month employees".

HIRE DATE – Date of hire for current continuous employment. Used for seniority and service recognition.

IMMEDIATE FAMILY - Mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian or other person who stands in the place of an employee's parent.

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

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

INCOMPETENCY - Lack of ability, legal qualification, or fitness to do things required of an employee.

INEFFICIENCY - Quality of being incapable or indisposed to do things required of an employee within reasonable standards.

INSUBORDINATION - State of being unwilling to do the things required of an employee. Refusal to obey an order issued by the employee's immediate supervisor or other staff person having authority to direct the employee.

INTERMITTENT EMPLOYEE - A substitute or other employee who works on an irregular schedule which is determined by the fluctuating demands of the work which is not predictable and whose hours are generally less than 1,000 per year.

LEAVE OF ABSENCE - Temporary separation from active work status as authorized by the appointing authority.

MALFEASANCE - The commission of an act which is unlawful; the doing of an act which is wholly wrongful and unlawful; the doing of an act which a person should not perform.

MANAGEMENT EMPLOYEES - Employees who hold the following positions with the Board are management employees: superintendent, director of business, director of service and support administration, early intervention administrator, medicaid manager, human resources coordinator, facilities manager, investigative agent, transportation coordinator, confidential employees as defined in O.R.C. 4117.01, other positions designated by the county board or the director of mental retardation and developmental disabilities as having managerial or supervisory responsibilities and duties.

MENTAL RETARDATION - Having significantly sub-average general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period. (O.R.C. 5126.01(F)).

MISFEASANCE - The improper performance of some act which a person may lawfully do.

NEGLECT OF DUTY - To omit or fail to do a thing that can be done, or that is required to be done. An absence of care or attention in the doing. An omission of a given act. A designed refusal or unwillingness to perform one's duty.

NONFEASANCE - Non-performance of some act which ought to be performed, omission to perform a required duty at all, or total neglect of duty. "Nonfeasance" is the total omission of an act which a person ought to do.

PARTICIPANT - Any person who is receiving services from Board programs. Also referred to as enrollee or client. (The family of a person receiving services may be a consumer but not necessarily a participant.)

PART-TIME EMPLOYEE - An employee whose regular hours of active duty are less than 40 hours per week.

PHYSICAL OR MENTAL INCAPACITY – Physical or mental inability to perform a position's essential functions except that any employee (1) who is "otherwise qualified" within the contemplation of the ADA or (2) who is absent on approved leave is not physically incapacitated

POSITION - Any specific employment or job calling for the performance of certain duties, and for the exercise of certain duties, and for the exercise of certain responsibilities assigned or delegated by competent authority to be performed by one person.

PROFESSIONAL EMPLOYEES - Employees who hold the following positions: , early intervention specialist, , service and support managers or other professional positions requiring at least 4 year college degree and/or are designated by the county board or the director of mental retardation and developmental disabilities.

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

PUBLIC SERVICE DATE – Adjusted date that accounts for total documented public service (Hire Date – Public Service Date). Service years for vacation accrual.

PUBLIC SERVICE IN OHIO - Time in active pay status in all public service in Ohio prior to July 5, 1987 and time in active pay status in Ohio counties or the Ohio Department of Mental Retardation and Developmental Disabilities after the above date.

REDUCTION - A change in classification to one having a lower base pay range or change to a lower point within the pay range for a given classification or any decrease in compensation.

REGISTERED SERVICE EMPLOYEES - Employees who meet the standards of the Ohio Department of Mental Retardation and Developmental Disabilities as authorized under O.R.C. 5126.25. These standards do not require a baccalaureate degree.

REINSTATEMENT - The act of returning a person to county service following a period of separation or leave of absence, retaining seniority and status. For purposes of layoff, "reinstatement" is the act selecting from the appointing authority's layoff list individuals to return to active service with the same appointing authority in the same classification series of layoff.

REMOVAL - The termination of an employee's employment for the reasons outlined in O.R.C. 124.34 or 5126.23.

SENIORITY - The length of continuous employment with the Board. A break in active pay status will break seniority unless the employee is on an approved leave without pay.

SERVICE CREDIT – Years of approved employed experience for a specific position. Does not directly relate to hire and public service date. Set at time of first hire and is used for initial range placement. Not used for vacation accrual purposes.

SERVICE WITH THE BOARD - The combined length of active pay status employment with the Board. Service entry date will be adjusted for breaks in service.

SICK LEAVE ABUSE - The use of sick leave for any purpose other than as provided by applicable law, or these policies. Examples include: calling in sick when the employee is able to work; reporting illness in the immediate family when such illness does not exist; reporting off sick to participate in some other activity or to take care of personal business. Establishing a pattern of reporting off sick on certain days of the week or following regular days off. Repeated failure to follow the rules and regulations regarding use of sick leave and reporting procedures.

STATUS - When used in reference to Ohio Department of Administrative Services, it is the type of appointment, such as provisional, intermittent, etc.

SUPERVISOR - The individual who has been authorized by the superintendent to oversee and direct the work of certain employees on a daily basis and who effectively recommends actions such as hirings, transfers, suspensions, promotions, discharge, rewards, lay offs, recalls or

disciplines. If department/division is governed by a union contract, the procedures outlined in the contract shall be followed.

SUSPENSION - Relieving an employee from duty with or without pay.

TEMPORARY APPOINTMENT – An appointment for a limited period of time, fixed by the appointing authority and approved by the director for a period not to exceed six months; an unclassified position.

THEFT - The act of stealing; robbery; larceny. This shall include theft of computer data.

TRANSFER - The movement of an employee from one position to another where there is no change in level of responsibility, classification or salary.

UNCLASSIFIED EMPLOYMENT - Those positions exempt from classified service. Management positions. Those positions listed in O.R.C. 5126.22 as management positions. Unclassified employees may actively participate in political activity.

UNEMPLOYMENT COMPENSATION - Benefits authorized by O.R.C. 4141 and administered by the Ohio Bureau of Employment Services paid to eligible individuals for loss of remuneration due to involuntary total or partial unemployment.

VENDOR - A person selling products/services required by the Board and/or its facilities during the operations of the Board.

WORKERS COMPENSATION - Benefits authorized by O.R.C. 4123 and administered by the Bureau of Workers Compensation under regulations established by O.A.C. 4123 paid to employees injured or contracting an illness while performing work related activities.

WRITTEN REPRIMAND - This is a disciplinary action. It is placed in the employee's personnel file and remains part of the employee's record until the employee's conduct has improved over a given period of time or as stated in the disciplinary policy.