



LUCAS COUNTY COURT OF COMMON PLEAS

# EMPLOYEE MANUAL

Revised May 29, 2025

## **TABLE OF CONTENTS**

<b>SECTION</b>	<b>PAGE</b>
<b>SECTION I. INTRODUCTION</b>	
Notice to Employees	2
Purpose	2
<b>SECTION II. EMPLOYMENT POLICIES</b>	
Administrative Policy 1: At-Will Employment	3
Administrative Policy 2: Equal Employment Opportunity	3
Administrative Policy 3: Reasonable Accommodations	3
Administrative Policy 4: Access to Employee Work Environment	4
Administrative Policy 5: Employee Personnel Files	4
Administrative Policy 6: Separation from Employment	5
<b>SECTION III. EMPLOYEE BENEFITS AND LEAVE</b>	
Employee Benefits	5
Administrative Policy 7: Holiday Pay	7
Administrative Policy 8: Vacation Leave	8
Administrative Policy 9: New Employee Paid Leave	10
Administrative Policy 10: Sick Leave	10
Administrative Policy 11: Personal Days	14
Administrative Policy 12: Maternity Leave	14
Administrative Policy 13: Lactation Breaks	15
Administrative Policy 14: Court Leave	15
Administrative Policy 15: Military Leave	16
Administrative Policy 16: Family and Medical Leave	16
Administrative Policy 17: Leave Donation	22
Administrative Policy 18: Judge's Personal Staff Medical Leave	23
<b>SECTION IV. EMPLOYEE MANAGEMENT AND COMPENSATION</b>	
Administrative Policy 19: Hours of Work	26
Administrative Policy 20: Payroll Information	28
<b>SECTION V. EMPLOYEE CONDUCT</b>	
Administrative Policy 21: Anti-Harassment	31
Administrative Policy 22: Workplace Violence	34
Administrative Policy 23: Employee Expectations	34
Administrative Policy 24: Substance Use/Abuse and Other Potentially Criminal Misconduct	41
Administrative Policy 25: Employee Use of Court Equipment	42
Administrative Policy 26: Employee Code of Ethics	46
Administrative Policy 27: Artificial Intelligence	64
<b>SECTION VI. CLASSIFIED EMPLOYMENT</b>	64
Acknowledgement of Receipt of Employee Manual	73

## SECTION I: INTRODUCTION

### Notice to Employees

This Employee Manual (manual) is not intended, and should not be construed, to be a contract or to create any contractual or employment right. The Court reserves the right at any time, without prior notice, to modify any provision contained in the manual.

With the exception of the Court Administrator, no employee (including management level or otherwise) has any authority to modify any provisions of this manual. This does not prohibit the ability of each department to establish their own work rules, processes, procedures, expectations, and the like, so long as they don't conflict with the contents in this manual.

The management of the Court and the direction of all its employees is vested exclusively with the Court. The Court retains the sole and exclusive right to establish, change and abolish policies, practices, rules, and adopt new ones; select, hire, suspend, terminate, promote, assign supervise and discipline employees; determine and change hours of work and shift times; determine and change the size and qualifications of the workforce; transfer employees within departments or to other departments, classifications and locations; establish, expand, reduce, alter, consolidate or abolish any job classification, department or service; assign duties to employees in accordance with its needs and requirements, as determined by the Court; and exercise and carry out the ordinary and customary functions of management. No policy or section in this manual shall be construed to limit the Court's right to exercise any function of management whether or not described above.

### Purpose

The purpose of this manual is to establish administrative policies, standards and procedures governing the administrative operation of the Court, including matters related to the employment of Court personnel and the use of Court facilities, equipment, and supplies. This manual shall apply to all employees and appointees of the Court, except as provided.

Personal and policymaking judicial staff (bailiffs and staff attorneys) may be expressly excluded from some administrative policies. Additionally, they may be subject to adapted versions of some administrative policies for the benefit of judicial convenience (*e.g.*, work schedule). However, these modifications will be memorialized in writing to be effective.

The manual will be accessible to all employees online. Employees are responsible for reading the manual and asking for clarification when necessary. To the extent any policy in this manual is inconsistent with State, federal, or local law, the Court will follow the law.

The Court expects each employee to familiarize themselves with the contents of this manual and to comply with its policies. Employees should direct questions concerning the outlined policies to the Court's Human Resources Department. Concerns related to other matters such as, but not limited to, work rules, processes and procedures should generally be addressed by following the chain of command starting with employee's direct supervisor.

## **SECTION II: EMPLOYMENT POLICIES**

### **Administrative Policy 1: At-Will Employment**

Court employees are either in the unclassified or classified civil service and should refer to their job description for this determination. Court employees who are unclassified and thus at-will, are not bound by contractual restrictions; they may leave employment with the Court at any time; and the Court may terminate their employment at any time, with or without cause. Employees in the classified service are subject to the rules and regulations of the Ohio State Personnel Board of Review (see Classified Employment Section). This manual shall not be misconstrued as an employment contract.

### **Administrative Policy 2: Equal Employment Opportunity**

The Court supports the values of diversity, equity and inclusion in the workplace and is committed to equal employment opportunity for all qualified individuals, prohibiting discrimination on the basis of race; color; religion; sex; gender or gender identity; sexual orientation or identity; national origin (ancestry); age (40 or older); citizenship; marital status; pregnancy, childbirth or medical condition related to pregnancy or childbirth; military status (past, present, or future); non-disqualifying disability; genetic information; political affiliation (absent exceptions articulated in Employee Expectations); and all other classes and conduct protected by Ohio, federal, and local law.

The Court shall engage in employment practices and decisions, including recruitment, hiring, working conditions, compensation, training, promotions, transfers, retention of employment, and other terms, benefits, and privileges of employment that are based upon job-related criteria and qualifications. It is the Court's policy to recruit and employ the best available persons on the basis of their qualifications. The Court may recruit for position openings through any number of means. The Court may post internal vacancies and may - but is not required to - promote or transfer staff internally to fill vacant or newly-created positions.

Any violation of this policy will not be tolerated and will result in appropriate disciplinary action, up to and including termination. If an employee believes someone has violated this policy, the employee should bring the matter to the attention of the Court's Human Resources Department. The Court's Human Resources Department, or other appropriate authority, will promptly investigate the facts and circumstances of any claim and take appropriate corrective measures.

No employee will be subject to, and the Court prohibits, any form of retaliation for reporting perceived violations of this policy, pursuing any such claim, or cooperating in any way in the investigation of such claims.

### **Administrative Policy 3: Reasonable Accommodations**

Pursuant to the American's with Disabilities Act (ADA) as amended and applicable state and local laws, the Court will provide reasonable accommodations for otherwise qualified job applicants and employees with disabilities, including pregnancy and pregnancy-related restrictions, who are

able to perform the essential functions of the position, with or without reasonable accommodation, unless doing so would impose an undue hardship on the Court or pose a direct threat of substantial harm to the employee or others. An applicant seeking a reasonable accommodation should notify the Court's Human Resources Department. Employees seeking a reasonable accommodation should notify their immediate supervisor or the Court's Human Resources Department. Upon receiving an accommodation request, the Court will engage in a timely interactive process with the employee to identify possible accommodations. Note: the Court may initiate the interactive process without a request from an employee or applicant.

Upon request or notice, and where adaptations to a policy or position may be necessary to the performance of that position's essential functions, the Court's Human Resources Department will engage in interactive discussions to address the reasonable accommodations of employees with sincerely held religious beliefs.

#### **Administrative Policy 4: Access to Employee Work Environment**

The Court shall have access to all work space, furniture, equipment, supplies, and other items provided to employees by the Court, including all telephone, electronic, and computer devices. Employees' activities in these spaces and on these devices occur without any entitlement to privacy; they are subject to review and searches at any time and for any reason.

Court employees are advised to abstain from using their private electronic devices or accounts to conduct Court business unless approved by Court Administration. Any employee approved to use their own device or account for Court business does so with the understanding that the employee may be yielding an entitlement to privacy in that device or account – the Court may be obligated to search those devices or accounts to capture communications that may be deemed to document the operations of the Court. Further, employees who use their personal electronic devices for any work-related purpose incur obligations of preservation and retention of records.

#### **Administrative Policy 5: Employee Personnel Files**

The Court's Human Resources Department shall maintain an employee personnel file for each employee. It is important to employees and to the Court that payroll, benefits, and various government records are accurate. Employees should immediately inform the Court's Human Resources Department in writing of any of the following changes:

- a. Name
- b. Address
- c. Phone Number
- d. Emergency Contact
- e. Changes to the employee's eligibility to maintain employment (e.g. suspension of driver's license / law license, if requirements of the employee's position; expiration of work permission, etc.)

Employee personnel files contain both public and private information. The Court will maintain the confidentiality of private employee information (e.g., Social Security numbers, medical information); however, most information contained in employee personnel files is considered

public record, which must be produced in response to proper requests. The Court will follow the law in responding to all requests for this information.

An employee will have access to view their personnel file upon giving reasonable notice to the Court's Human Resources Department.

### **Administrative Policy 6: Separation from Employment**

Separation from employment may be voluntary or involuntary. Voluntary separation occurs when an employee submits a notice (verbal or written) of resignation to their supervisor or the Court's Human Resources Department. A voluntary separation also occurs when, absent extenuating circumstances, an employee fails to appear for work without informing the employer of the impending absence. An employee voluntarily separating from employment with the Court is asked to extend the courtesy of providing a minimum of two weeks' notice.

Involuntary separation occurs when an employee is laid off or removed from the employee's position of employment due to misconduct, unsatisfactory job performance, or for any other reason.

An employee separating from employment with the Court shall return all Court property (e.g. badge, keys, computer, etc.) to the employee's supervisor in good working condition on or before the employee's last day of work, with all Court-owned data and information remaining intact.

## **SECTION III: EMPLOYEE BENEFITS AND LEAVE**

### **Employee Benefits**

#### Ohio Public Employees Retirement System

Unless otherwise exempted, Court employees do not pay into the Social Security retirement system, but contribute a percentage of pre-tax wages each pay period into the Ohio Public Employees Retirement System (OPERS) established by the State of Ohio. The Court also contributes an amount based upon a percentage of the employee's pre-tax wages to OPERS. An OPERS member handbook and applications for retirement are available through the OPERS website at [www.opers.org](http://www.opers.org). OPERS phone number is 1-800-222-7377.

#### Health, Dental and Prescription Drug Insurance

The Court currently offers medical, dental, prescription and supplemental benefits to all eligible employees and their eligible dependents through the Lucas County plan. The waiting period for coverage is thirty (30) calendar days from the date of hire with coverage beginning the thirty-first (31st) day. Benefit enrollment is completed on-line and must be done within 31 days of hire or employees will not be eligible for coverage until the next open enrollment period.

Insurance benefits shall be paid by the Court in accordance with Lucas County's current employee benefit eligibility rules as they may be amended from time to time. The County's health care,

dental, prescription plan(s), supplemental benefits and benefit levels are subject to change from one plan year to the next.

Depending on the insurance plan(s) chosen, cost, and the number of hours an employee is scheduled to work, an employee may be required to contribute toward the cost of these benefits which is deducted from their paycheck.

Open enrollment periods for insurance benefit options normally occur once per year (in January). At this time, eligible employees may change their insurance plans by selecting another available option. Insurance coverage changes related to changes in other insurance coverage, marital status and/or dependents can be made at other times with proper notice submitted on-line to the County's Benefit Department, within 30 days of the change.

Employees should read all literature regarding their chosen plan carefully and thoroughly. This is the best way to fully understand coverage. Further information on covered procedures, dependents, definitions and other subscriber information can be obtained by visiting <https://www.co.lucas.oh.us/235/Employee-BenefitsWellness>.

Depending on the type of separation, employees may be eligible for health care benefits after their employment with Court ends. Please call the Human Resources Department for further information.

### Life Insurance

The Court currently provides life, accidental death and dismemberment insurance coverage through Lucas County, for all eligible employees. The waiting period for coverage is ninety (90) calendar days from the date of hire, with coverage beginning on the ninety-first (91st) day.

### Section 125 Premium Conversion Plan

Premium conversion plans are possible because of Internal Revenue Code Section 125. The United States Congress created Code Section 125 as part of the Revenue Act of 1978 to make benefits more affordable for employees.

Pre-tax dollars are subtracted from your gross earnings before taxes are taken out. When you pay qualified insurance premiums before taxes, you lower your taxable income so you pay less in taxes. Your spendable income increases, making your benefits more affordable.

You can enhance your benefits package by participating in this valuable option, available through the County's flexible benefits plan. Enrollment in these plans is required every year during open enrollment.

### Employee Assistance Program

The Court currently provides an Employee Assistance Program (EAP) which provides confidential, professional assistance to help employees and their families identify problems which affect their job performance or personal lives. The purpose of the program is to help employees

recognize the need for assistance with problems, motivate them to seek help at the earliest possible stage, and assist employees in finding the most appropriate treatment resource.

The request for help may be initiated by the employee or a family member. In some cases a supervisor may encourage the employee to seek help through the EAP. This could happen if a supervisor notices deterioration in job performance and suspects it is caused by a personal problem.

Detailed information about the Court's current EAP can be obtained by contacting the Court's Human Resource Department.

### Deferred Compensation Plans

Employees have two (2) optional deferred compensation plans available: the County Commissioners Association of Ohio (CCAO) Deferred Compensation Program and the Ohio Public Employees Deferred Compensation Program.

The purpose of a deferred compensation plan is to supplement your retirement income while reducing current tax liability. Through payroll deduction, the plan provides a convenient method of accumulating resources for the future.

### **Administrative Policy 7: Holiday Pay**

The Court observes the following holidays:

New Year's Day – January 1<sup>st</sup>  
Martin Luther King Jr. Day – 3<sup>rd</sup> Monday in January  
President's Day – 3<sup>rd</sup> Monday in February  
Good Friday – Friday before Easter Sunday  
Memorial Day - last Monday in May  
Juneteenth – June 19<sup>th</sup>  
Independence Day – July 4<sup>th</sup>  
Labor Day – 1<sup>st</sup> Monday in September  
Columbus Day – 2<sup>nd</sup> Monday in October  
Veteran's Day – November 11<sup>th</sup>  
Thanksgiving Day and day after – 4<sup>th</sup> Thursday/Friday in November  
Christmas Eve -December 24<sup>th</sup>  
Christmas Day - December 25<sup>th</sup>  
New Year's Eve – December 31<sup>st</sup>

Full-time employees will be paid for these days as if they had worked a regular work day. Part-time employees will be paid for these days if they fall on a date they are ordinarily assigned to work.

Any non-exempt employee who is required to work on a holiday will receive double time (2 times hourly rate of pay) for all hours worked on the holiday in addition to holiday pay.



If any holiday falls on a Saturday, it will be observed the preceding Friday. If any holiday falls on Sunday, it will be observed the following Monday. The only exception to this would be in the event the Christmas/Christmas Eve and New Year's/New Year's Eve holidays fall on a Friday/Saturday or Sunday/Monday sequence. If those holidays fall on a Friday/Saturday, Christmas Day and New Year's Day will be observed on the following Monday. If they fall on a Sunday/Monday, Christmas Eve and New Year's Eve will be observed on the preceding Friday.

Religious holidays not defined as a legal holiday, or not identified within this policy, are not considered a holiday for the Court, and regular work hours are observed. Employees desiring to attend religious services must consult the Court's Human Resources Department. The Court will give great deference to employee requests for modest leaves of absence to attend special worship services or observe religious holidays. Employees must follow regular Court policies in requesting this time off. All time taken will be charged against accrued leave or unpaid if not available.

If an employee is on a scheduled and approved vacation leave that includes a paid holiday, they will be paid for the holiday without deducting a day of vacation leave.

An employee who is not in active pay status for the entire scheduled work day immediately preceding and/or immediately following a paid holiday (e.g., an employee who is on an unpaid FMLA leave) will not receive holiday compensation.

A full-time employee shall be considered to be in active pay status for seven (7) hours during every holiday recognized by the Court. A part-time employee shall be considered to be in active pay status for the number of hours regularly scheduled to be worked on the day the holiday recognized.

Holiday pay regarding 24-hour shift employees is addressed in the department policy.

### **Administrative Policy 8: Vacation Leave**

Upon completion of one year of full-time employment with the Court, an employee earns and becomes entitled to vacation leave. Prior full-time employment with Lucas County, another county or political subdivision of Ohio, applies to the calculation of attainment of the first year of employment. Thereafter, a full-time employee accrues vacation leave on a biweekly basis in an amount that reflects their total service. Part-time employees do not earn vacation leave. All full-time Court employees earn annual vacation leave as follows:

<u>Years of service completed</u>	<u>Vacation days earned per year</u>
1-5 years	10 days (70 hours)
<sup>1</sup> 6-10	15 days (105 hours)
<sup>2</sup> 11-15	20 days (140 hours)
<sup>3</sup> 16-20	25 days (175 hours)
<sup>4</sup> 21+	30 days (210 hours)

<sup>1</sup> 70 hours plus 1 additional week (35 hours) up-front.

<sup>2</sup> 105 hours plus 1 additional week (35 hours) up-front.

<sup>3</sup> 140 hours plus 1 additional week (35 hours) up-front.

<sup>4</sup> 175 hours plus 1 additional week (35 hours) up-front.

Employees will be credited with 10 days of vacation (70 hours) on their first anniversary of service. Employees entering their fifth, tenth, fifteenth and twentieth years of service will be provided a lump sum of one week (35 hours) of vacation time on their respective vacation anniversary date. Employees entering their sixth, eleventh, sixteenth, and twenty-first years of service will begin to accrue at the next level of accrual.

When an employee completes one year of service and the four instances where employees graduate to a new level of vacation accrual, this vacation will be credited to the employee each biweekly pay period according to the identified schedule and rates:

<u>Years of service completed</u>	<u>Hours earned per pay period</u>
1-5	2.7
6-10	4.04
11-15	5.39
16-20	6.73
21+	8.08

Employees are not entitled to use vacation leave or be paid for unused vacation leave upon separation until the completion of the first year of service. Exceptions for this apply to individuals who have completed prior service with the State or political subdivision of the State. If, for example, an employee worked eight (8) months at another public agency, the employee would be eligible to use and be paid out accrued vacation after completing four (4) months with the Court.

Vacation leave will accumulate during the period when an employee is on paid leave. It will not accumulate during unpaid leave.

The period of vacation requested by all employees is subject to the approval of their supervisor. The court requests the courtesy of advance notice for vacation requests. Absent exigent circumstances, pre-planned vacation requests should be made at least two weeks in advance, or as soon as the employee is aware of the need for vacation leave. Because each supervisor is responsible for ensuring adequate coverage within their department, vacation schedules must be arranged as far in advance as possible.

Accrued vacation leave may be carried over for up to two years. Any accruals that exceed this two-year limit will be forfeited by the employee on the employee's anniversary date.

Upon separation, an employee will be paid out for all accrued, unused vacation leave as of their date of separation, including any that may have been accrued since the last anniversary date. Employees working with the Court for less than one year are not entitled to vacation payment at the time of separation.

In accordance with the Ohio Revised Code, an employee who has retired under the provisions of any retirement plan offered by the State and who is subsequently employed by the Court cannot have their prior service with the State or any political subdivision of the State counted for the purpose of computing vacation leave.

In the case of the death of a Court employee, their unused vacation leave will be paid in accordance with the Ohio Revised Code.

### **Administrative Policy 9: New Employee Paid Leave**

The Court shall provide paid time off to any new, full-time employee during the first year of employment prior to becoming eligible to use any accrued or earned vacation. Any newly hired, full-time employee, prior to their 1-year anniversary, shall be considered eligible for paid leave under this policy. This policy does not apply to rehired employees. After completing 90 (ninety) days of employment with the Court, eligible employees will be provided three (3) days of paid time off in the first rolling calendar year of their employment. At the time of the employee's first anniversary or becoming eligible to use accrued vacation leave, any unused time will be forfeited.

### **Administrative Policy 10: Sick Leave**

#### Accrual of Sick Leave

The Court provides sick leave benefits to protect each employee's wages during times of illness, and for other related purposes outlined in this policy. Allowing sick leave to accumulate ensures that paid leave is available when needed most, such as a long-term illness or serious injury of the employee or an immediate family member.

All employees earn sick leave at the rate of 0.0575 hours per every hour in an active pay status (70 hour standard biweekly pay period = 4.025 hours). Active pay status means an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, bonus time, paid administrative leave, compensatory time, holidays, and personal days; it does not include an unpaid leave of absence or lay-off. Unused sick leave rolls over from year to year, and is cumulative without limit.

An employee who transfers from one public agency in Ohio to another, or who is reappointed or reinstated, will generally be credited with the unused balance of their accumulated sick leave, provided the time between separation and reappointment does not exceed ten (10) years and the unused balance has not been eliminated by a prior conversion of sick leave at retirement or another termination. A public agency includes the State, its counties, all municipalities, and all boards of education. This ten-year period is tolled for any period during which the employee held elective public office. When an employee transfers from another public agency in Ohio to the Court, a written statement from the previous employer must be submitted to the Court's Human Resources Department affirming the amount of accumulated sick leave earned during previous employment.

Upon retirement, employees with ten (10) or more years of service may be paid their accrued but unused sick leave, up to a maximum of thirty (30) days (210 hours) or one-fourth (1/4) of their accrued time, whichever is lesser of the two. The payment will be based upon the employee's rate of pay at the time of their retirement. If the employee elects payment of their sick leave (as stated above) the remaining balance will be forfeited. Employees are only afforded this pay out

opportunity upon their initial retirement. An employee who retires and is rehired is not eligible for a sick leave pay out.

### Use of Sick Leave

Following an employee's properly submitted time off request, the employee's immediate supervisor or designee will approve an employee's use of paid sick leave due to:

- (a) Personal injury, illness, pregnancy-related complications or recovery, or exposure to contagious disease which could be communicated to other employees.
- (b) Illness or injury in the employee's immediate family.
- (c) Medical, dental, psychological, or optical examination for treatment of the employee or a member of the employee's immediate family, where the employee's presence is reasonably necessary. Such appointments should be scheduled for non-working hours whenever possible. Sick leave will be granted for the reasonable amount of time needed to attend the examination.
- (d) Use of sick leave for attendance at a funeral is restricted to immediate family (as defined below). Sick leave granted for death in the immediate family will be limited to not to exceed five (5) working days. Employees wishing to attend the funeral of a non-immediate family member must use other forms of leave.
- (e) In unusual circumstances, at the discretion of the immediate supervisor, sick leave may be granted to an employee who becomes seriously ill or injured or who has a death in their immediate family (as defined below) while the employee is on vacation (or other form of paid leave). However, this will only occur if the following special conditions are followed:
  - (i) The employee immediately calls their supervisor to request a change of status from vacation (or other) leave to sick leave; and
  - (ii) In the case of serious illness or injury, the employee produces a signed doctor's statement indicating the nature of the condition, the fact it is a serious illness or injury, and specifies the exact time period the employee would not have been able to report to work had they not been on vacation leave.
- (f) Use of sick leave will be authorized for an employee who is otherwise eligible for any other form of FMLA-qualifying leave for time that is not covered by the above. This provision is likewise applicable to employees who are FMLA-ineligible, but whose need for sick leave would otherwise be FMLA-qualifying if they were FMLA-eligible.

- (g) Donation of leave to a co-worker in accordance with the Court's leave donation program (see Leave Donation).

Immediate family is defined as spouse, live-in domestic partner, 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, step-grandparents, step-grandchildren, or a legal guardian or other person who stands in the place of a parent or child (*in loco parentis*).

Employees who are absent on sick leave will be paid at the same hourly, daily, or biweekly rate of pay they receive while working, provided they have sufficient accrued sick leave to cover the period of absence and otherwise comply with the requirements of this policy.

Whenever practical, an employee must request sick leave using the Court's timekeeping system prior to the use of sick leave. If this is not possible then the employee must submit a time off request within 24 hours of returning to work from sick leave.

Upon the employee's request and with the approval of the immediate supervisor, an employee who has exhausted all sick leave may use vacation leave and other forms of paid leave for sick leave purposes.

Sick leave can be used in minimum increments of 15 minutes per hour or .25. Sick leave can only be used for days in which an employee would have been otherwise scheduled to work.

#### Evidence of Use of Sick Leave

In any of the following instances, employees are required to provide written medical documentation demonstrating the need for their use of sick leave:

- (a) If medical attention is required for a member of their immediate family for an absence of more than three (3) consecutive calendar days, a medical certificate from a licensed physician shall be required to justify the use of sick leave.
- (b) When a pattern of abuse (as set forth in Abuse of Sick Leave) is suspected, and where the employee has been notified that abuse is suspected, the employee will be required to provide a physician's verification for every request of sick leave at the discretion of the Court Administrator or designee.
- (c) An employee's absence for an illness, injury, surgery, or condition exceeding three (3) consecutive calendar days, the Court shall require a medical certificate from a licensed physician, specifying the employee's inability to report to work, the probable date of return, and authorizing returning to work.

Failure to provide medical documentation pursuant to this policy may result in disciplinary action. In every instance where a physician's verification is required, it must be provided to the Court's Human Resources Department.

Any employee who fails to comply with this policy will not be allowed to use sick leave for time absent from work under such non-compliance. If a request for sick leave use is denied, then—where permissible under State and federal law—the employee may not be paid for sick leave, or may be required to use another form of accrued paid leave.

Request for use of sick leave with the intent to defraud, falsifying sick leave records, falsifying medical records, or altering a physician's certification shall be grounds for disciplinary action, up to and including termination.

### Abuse of Sick Leave

Abuse of sick leave may result in disciplinary action, up to and including termination.

Examples of abuse of sick leave include, but are not limited to the following:

- (a) Use or attempted use of sick leave for personal reasons other than those set forth in the Use of Sick Leave section of this policy;
- (b) A detectable pattern of sick leave use, including, but not limited to:
  - (i) Before or after holidays;
  - (ii) Before or after weekends;
  - (iii) On or after pay days;
  - (iv) Any one specific day of the week;
  - (v) Following overtime worked, vacations, or vacation denials;
  - (vi) Half days;
  - (vii) A pattern of maintaining a certain balance, a zero balance, or a near-zero balance of sick leave;
  - (viii) Following any disciplinary action;
  - (ix) Excessive absenteeism.

### Physical or Mental Examination

The Court has the right to request a medical examination that is job related and consistent with business necessity. This may be necessary where the supervisor and the Court's Human Resources Department has a reasonable belief, based on objective evidence, that the employee is unable to perform the essential functions of their duties.

A medical professional will be selected by the Court's Human Resources Department, and the cost will be incurred by the Court. If the employee wishes to obtain a second opinion from their own medical professional, the employee must incur the cost. The employee and the Court's Human Resources Department will receive the results of the examination, subject to legal restrictions regarding confidentiality.

If the employee is found unable to perform the essential functions of the position, the Court will work with the employee to determine whether it is feasible to return the employee to work.

Prior to any examination, the court will supply the examining medical professional with information including physical and mental requirements of the employee's position.

#### Inadequate Sick Leave for Employees

If any disabling illness or injury continues past the time for which an employee has accumulated sick leave, and all other leave has been exhausted, the Court may authorize a leave of absence without pay.

#### **Administrative Policy 11: Personal Days**

All full-time employees with the Court are eligible to earn up to four (4) personal days per year based on the employee's sick leave usage. Personal days are earned and used on a quarterly basis. When an employee uses no sick time during the current quarter, the employee will have one (1) personal day available to take during the following quarter. If the employee uses any sick time during the current quarter, the employee does not receive a personal day off the following quarter. Eligibility begins again with the next quarter. Sick time taken due to the death of an immediate family member (as defined in Use of Sick Leave) is exempt from this policy.

Personal days may not be accumulated or carried over to another quarter. Personal days are forfeited upon separation from the Court; payment for unused personal days will not be made. Personal days are not given when the employee has been on sick leave, FMLA leave/Judge's Personal Staff Medical Leave, or absent due to suspension during the previous quarter. Personal days are given only if the employee was employed the entire quarter and used no sick leave.

#### **Administrative Policy 12: Maternity Leave**

An employee must be granted, upon her request, a maternity leave due to pregnancy, childbirth and related conditions for the time certified by her physician.

The employee will be required to use any or all of the employee's accumulated sick leave credit for the period of time that the physician certifies that the employee is unable to work due to pregnancy, childbirth or related medical conditions. Employee must use all other available accrued leave time prior to going into unpaid status.

If possible, at least thirty days prior to the last day of work before taking a maternity leave, the employee must submit the written request/certificate from her physician to the Court's Human Resources Department indicating the anticipated length of the leave.

Maternity Leave and Family and Medical Leave (if applicable) will be a concurrent benefit.

### **Administrative Policy 13: Lactation Breaks**

For up to one year after a child's birth, any employee who is breastfeeding their child will be provided reasonable break times and a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public to express breast milk.

Any employee who wishes to breastfeed or express milk in the workplace shall notify their supervisor and discuss any relevant workload or scheduling issues. Breaks of more than 30 minutes in length will be unpaid, and the employee should indicate this break period on the appropriate time record.

### **Administrative Policy 14: Court Leave**

#### Leave without Pay

Leave without pay will only be granted after all other appropriate leave balances have been exhausted.

#### Jury Duty

Court employees are not disqualified from jury duty by reason of their employment with the Court. If called for jury duty, the employee must notify their supervisor, as well as the Court Administrator or designee.

Employees required to perform jury duty will receive full pay for time away from work. However, payment received for such duty must be submitted to the Court Administrator or designee.

Employees must return to work if dismissed from jury service during the time they would normally be scheduled to work.

#### Witness Leave

Court employees summoned to appear in a judicial proceeding as a result of their employment with the Court are expected to perform this duty. Employees will receive their regular pay. If the appearance is in a Court other than this Court, the employee must request the payment of the allowable witness fee and travel expenses. The employee must surrender the witness fee check to the Court Administrator or designee. The check issued for travel expenses may be retained by the employee unless Court transportation was used to make the court appearance. If Court transportation was used, the check issued for travel expenses must also be surrendered to the Court Administrator or designee.

This policy does not cover employees appearing in Court who are parties or witnesses to litigation unrelated to their employment with the Court. Any accrued leave (or unpaid leave if not available) must be requested. Exceptions may be made, at the discretion of the Administrative Judge and Court Administrator or designee, in the case of job-related litigation in which an employee is a defendant.



Employees who are being paid while testifying as a witness must return to work if dismissed during the time they would be normally scheduled to work.

### **Administrative Policy 15: Military Leave**

The Court will comply with applicable state of Ohio and federal laws regarding military leave.

The definition of military leave is leave to serve on active or training duty in the Armed Forces, the Reserves, or the National Guard.

Employees must notify the Court's Human Resources Department upon hire if they are involved in training duty for the Armed Forces, the Reserves, or National Guard.

Any available accrued time may be used for military leave; furthermore, the employee may request an unpaid leave of absence for these purposes.

Employees returning from military leave without pay must apply for reinstatement by submitting a request to the Court's Human Resources Department in writing as follows:

- (1) If the leave is less than 30 days, employees must apply for reinstatement immediately upon release from the uniformed service. The employee will be afforded travel time and at least eight hours of rest.
- (2) If the leave is between 31 and 180 days, employees must apply for reinstatement within 14 days of completing uniformed service.
- (3) If the leave is more than 180 days, employees must apply for reinstatement within 90 days of completing uniformed service.

For leaves in excess of 90 days, the Court's Human Resources Department may require evidence showing the application is timely. The duration of all leaves of absence may not exceed five (5) years or the time to complete the initial period of obligated service, except where required by law.

### **Administrative Policy 16: Family and Medical Leave**

The Court provides FMLA leave in accordance with the law—it provides this policy as a summary of what the FMLA provides and does not provide employees with any rights that exceed those granted by the FMLA. To the extent there is a conflict between the policy and the law, the Court will follow the law. Any questions regarding an employee's rights under the FMLA should be directed to the Court's Human Resources Department.

#### Eligibility

The Court offers leave consistent with the Family and Medical Leave Act of 1993 ("FMLA") and Ohio Revised Code.

Eligible employees will be permitted up to twelve (or, in limited circumstances, twenty-six) weeks of unpaid, job-protected leave in a rolling 12-month period.

To be eligible for FMLA leave, an employee must:

- a) Have worked for the Court or a related employer for at least 12 months – this time need not be consecutive or all accumulated within the previous 12 months; however, employees must ordinarily have accumulated 12 months of service within the previous seven years<sup>1</sup>;
- b) Have worked at least 1,250 hours in the 12 months before taking leave (sick leave, vacation, and other compensated absences do not count towards this total); and
- c) Work at a location where the Court or a related employer has at least 50 employees within 75 miles of the employee's worksite.

Certain personal and policymaking appointees of a judge are not covered by the Family and Medical Leave Act, and they are therefore not eligible for FMLA leave. However, they may qualify for similar entitlements under other laws (see Judge's Personal Staff Medical Leave policy). They should contact the Court's Human Resources Department for information whenever seeking time off for reasons that would otherwise be FMLA-qualifying.

### Qualifying Events

Unless specified otherwise, eligible employees are entitled to up to 12 weeks of unpaid, job-protected leave in a rolling 12-month period for the following reasons:

- a) **The birth and care of a newborn child of the employee.** Leave for the birth and care of a child is available throughout the child's first year. Leave is also available for a birth parent's incapacity due to pregnancy, prenatal care or complications, and for a birth mother's medical care associated with the birth of a child;
- b) **Placement and care of a child for adoption or foster care.** Leave for the placement and care of a child who was adopted or placed with the employee for foster care is available for the first year after placement within the home of the employee. Leave is also available for pre-placement responsibilities, such as attending counseling sessions, court appearances, meetings with counsel or physicians, attending physical examinations, or traveling to another country to complete an adoption. However, if employees take FMLA for foster placement, they are not entitled to a second FMLA leave for adoption.
- c) **Serious Health Condition of Qualifying Family Member.** Employees may take leave to care for their spouse, under-18 children (unless a child over the age of 18 is unable

---

<sup>1</sup>Special exceptions apply for employees whose break in service was occasioned by fulfilling military obligations, or for employees who have legally applicable contractual exceptions. Consult the Court's Human Resources Department, or the Court Administrator with questions.

to handle daily living activities because of mental or physical disability), or parent (or an individual who provided care and financial support for the employee when they were a child; not a parent in-law) with a qualifying serious health condition. Parents and children are biological, adoptive, or those in an *in loco parentis* relationship. A “serious health condition” is defined within the FMLA.

- d) **Employee’s Own Serious Health Condition.** The employee’s own serious health condition that makes the employee unable to perform the employee’s job;
- e) **Qualifying Exigency Leave of Covered Service members.** Employees may take leave because of “any qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent experiences a qualifying exigency due to being deployed or called to active duty in a foreign country.

**“Qualifying Exigency”:** The Court shall follow the law in defining a “qualifying exigency.” The Department of Labor has defined this term to include the following situations: (1) short-notice deployment, (2) military events and related activities, (3) childcare and school activities, (4) care of the military member’s parent who is incapable of self-care, (5) financial and legal arrangements, (6) counseling, (7) rest and recuperation, (8) post-deployment activities, and (9) additional activities to address other events which arise out of the covered military member’s active duty or call to active duty status, provided the Court and employee agree that such leave must qualify as an exigency, and agree to both the timing and duration of such leave.

- f) **Military Caregiver Leave.** Employees may take leave to care for a spouse, son, daughter, parent, or nearest blood relative who is a recovering service member requiring care for a qualifying injury or illness.

A recovering service member is a member of the Armed Forces or Veteran who served within the five years preceding their need for medical treatment.

\*Note: Up to twenty-six weeks of leave in a single twelve month period will be permitted for this category. However, the employee may not take more than 12 weeks of leave for any other FMLA-qualifying reason during this period. For example, in a single 12-month period, employees could take 12 weeks of FMLA leave to care for a newborn child, and 14 weeks of military caregiver leave, but they could not take 16 weeks of leave to care for a newborn child and 10 weeks of military caregiver leave.

Employees who are married to each other may be limited to a combined total of twenty-six workweeks of military caregiver leave in a 12-month period.

Eligibility will be determined according to the Family and Medical Leave Act.

It is the Court’s prerogative to count qualifying events toward an employee’s entitlement to FMLA leave. Accordingly, employees may not refuse to cooperate in the Court’s efforts to obtain information regarding whether an absence would qualify as an FMLA-covered event.

### Intermittent Leave

Under some circumstances, employees may be eligible to take FMLA leave intermittently—in small blocks of time for single qualifying reasons, or on a reduced schedule, such as for periodic medical treatments. Intermittent leave is permitted when medically necessary, or when approved by the employee's supervisor. An employee shall work with the Court's Human Resources Department to schedule intermittent leave at times to prevent undue disruption of business operations.

Intermittent leave may only be used for the birth, placement, or care of a child with the approval of the Court's Human Resources Department.

The Court may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement within the home of the employee for purposes of adoption or foster care.

### Amount of Leave Time

In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill service member in a 12-month period).

### Spousal Rule

In the case of eligible employees who are married to each other, the employees may be limited to a total of twelve shared weeks of FMLA leave in a rolling twelve month period for birth/care/adoption/foster placement of a child, and to care for a parent with a serious health condition. Each employee retains the balance of his or her respective FMLA leave for other qualifying conditions.

### Concurrent Leaves

An employee on another type of leave may also qualify for FMLA leave. In such situations, FMLA leave runs concurrently with the other leave. All absences for the same qualifying reason are considered a single leave.

### Notice Requirement

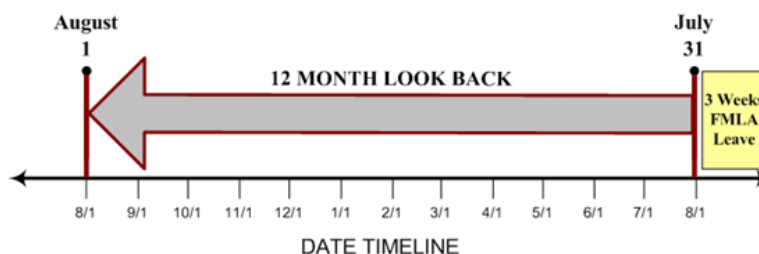
To enable the Court to maintain adequate coverage for an employee who is on FMLA leave, an employee should provide at least thirty (30) days advance notice to the Court's Human Resources Department when requesting leave for foreseeable events. An employee's failure to request FMLA leave for foreseeable absences may delay the approval of the leave to begin until thirty (30) days after that notice. If thirty (30) days advanced notice is not possible, then the employee shall provide as much advance notice as possible. If an employee seeks leave for a reason the Court has previously certified as eligible for FMLA leave, the employee shall provide notice to the Court's Human Resources Department that the new request for leave is due to the same condition.

Employees must report their status and intended return to work date as soon as possible during their absence. The employee shall provide the Court’s Human Resources Department a written “fitness for duty” certificate prior to returning to work from a leave for their own serious health condition. Failure to provide a “fitness for duty” certificate may delay the employee’s return to work or result in termination of the employee.

### Rolling Period

The 12-month period where employees may take leave is a “rolling” 12-month period, measured backward from the date an employee takes FMLA-eligible leave, to calculate how much leave the employee has remaining. This is sometimes called the “look back” method of calculation. Each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which have not been used during the immediately preceding 12 months.

Example 1: Employee A requests three weeks of FMLA leave to begin on July 31. The employer looks back 12 months (from July 31 to the previous August 1) to see if any FMLA leave has been used. If Employee A has not taken any previous FMLA leave, they are entitled to the three weeks they requested, and they also has nine additional weeks immediately available.



Example 2: Employee B requests two weeks of FMLA leave to begin on November 1. The employer looks back 12 months (from November 1 to the previous November 2) and sees that they took four weeks of FMLA beginning January 1; four weeks beginning March 1; and three weeks beginning June 1. Employee B has taken 11 weeks of FMLA leave in the 12-month period and only has one week of FMLA-protected leave available at that time. After they take one week of FMLA leave in November, they can take additional FMLA leave beginning January 1 because the days of their previous January leave “roll off” the leave year.



### Medical certification

The Court requires medical certification to certify FMLA leave is necessary due to a serious health condition rendering an employee unable to perform the employee’s job, or because the employee

is needed to care for a qualifying family member suffering a serious health condition. The Court may, at its expense, obtain a second medical opinion. At the expense of the Court, a mutually agreed upon health care provider may be selected to provide a third opinion when the first and second opinions differ. The third opinion is binding. The Court shall notify the employee in writing if the medical certification is incomplete or insufficient. An employee shall have seven (7) additional days to refile their medical certification deemed to be insufficient. FMLA leave may be denied or delayed if sufficient medical certification cannot be provided.

The Court may require an employee to submit recertification of a serious health condition.

#### Coordination with Accrued leave and Other Accrued Benefit Time

An employee on FMLA leave shall first use any accrued sick time (where applicable) concurrently with FMLA leave. After this time has been exhausted, the employee must use all accrued and available paid leave. This time is counted toward the employee's twelve-week entitlement.

#### Continuation of Health Plan Coverage

During FMLA leave, the Court maintains the employee's portion of the group health benefit plan premium in the same manner as if the employee were in active pay status. The employee remains responsible for the employee's share of the group health benefit plan premium and will be invoiced monthly (if in unpaid status). The invoice shall be paid within thirty (30) days. Group health benefits may be cancelled if payment is more than thirty (30) days late. Any coordination of continuation of benefits must be directed to the Lucas County Benefits Department.

#### Leave Accrual

An employee shall not accrue paid leave while on unpaid FMLA leave.

#### Job Reinstatement

Upon returning from FMLA leave, an employee shall be reinstated to the same or a similar position held prior to the commencement of the leave. "Similar" is defined as an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

The FMLA also recognizes that certain business situations—such as restructuring, layoffs, or when employees' performance or conduct would have necessitated their termination, anyway—may prevent an employer's ability to reinstate employees from FMLA leave. The Court may fill the position of an employee who does not return upon expiration of FMLA leave.

Further, under certain circumstances, the Court may deny job restoration to "key employees," who are salaried, FMLA-eligible employees who are among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite.

## **Administrative Policy 17: Leave Donation**

Employees of the Lucas County Common Pleas Court, General Division may receive and donate paid sick leave from or to a fellow employee of the General Division. Paid sick leave may be donated to any employee in need of such leave due to the serious illness or (non-occupational) injury of that co-worker or a member of their immediate family, as provided in this policy.

Only sick time may be donated. No other form of leave may be donated. This policy does not supersede, replace or supplement entitlement programs such as worker's compensation, disability benefits, or retirement benefits.

An employee may be paid with donated leave at a rate not to exceed the maximum number of hours the employee is scheduled to work each pay period, provided that the employee:

- 1) has a serious illness or injury, or has an immediate family member who has such an illness or injury, as determined by the appointing authority;
- 2) has provided all necessary documentation as required by the Court;
- 3) has exhausted all other available paid leave;
- 4) does not have their period of active service extended beyond a qualifying disability retirement date; and
- 5) has obtained approval of the Court.

A co-worker may donate leave, provided that:

- 1) the donor does so voluntarily;
- 2) the donor understands that the leave may not be returned and that the donor is not entitled to any compensation for the donated leave;
- 3) a minimum of seven (7) hours is donated;
- 4) the donor retains a minimum of combined leave balance of 160 hours; and
- 5) the donor obtains the approval of the Court.

Decisions affecting donor/donee eligibility and approval of leave donation are exclusively at the discretion of the appointing authority. Leave shall be donated hour-for-hour without consideration to cash value. Donees are considered to be in active pay status while using donated leave and accrue their own paid leave at the applicable rates. Such accrued leave must be used in the following pay period before additional donated leave is credited.

Donated leave shall never be converted into a cash benefit under any circumstances. Donated leave shall be held for up to 6 months and provided to the donee as indicated above. Any donated, but unused leave which is not utilized within 6 months of the donation request, shall be returned to the donor(s). Donated time can only be used if both the donor and donee are actively employed. Donations will be applied in the order in which they were received. Donated leave may only be utilized for the purpose identified in the Sick Leave Donation Request.

In all cases, donated leave may not exceed a total of 910 hours in any 12-month period.

### **Administrative Policy 18: Judge's Personal Staff Medical Leave**

An eligible Judges' personal staff member may be entitled to a maximum of twelve (12) weeks of unpaid (unless the employee has accrued time to use), leave for certain qualifying family and medical reasons. Please refer to the position description to determine whether this provision applies. Reasons are as follows:

1. The birth of a son or daughter, and to care for the newborn child after birth, or for the placement with the employee of a son or daughter for adoption or foster care;
2. To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
3. For the employee's serious health condition that makes the employee unable to perform the functions of the employee's position.
4. Qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
5. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the covered service member.

Except in the case of leave to care for a covered service member with a serious injury or illness, an eligible employee is limited to a total of twelve (12) workweeks of leave during any backward rolling twelve (12) month period. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of twenty-six (26) workweeks of leave during a single twelve (12) month period to care for the covered service member. If an employee uses covered service member family leave in combination with another form of leave (e.g. maternity leave), the maximum amount of combined leave that an employee can take in a single twelve (12) month period is twenty-six (26) workweeks. In this scenario, though, the other form of leave can only account for a maximum of twelve (12) workweeks of the combined twenty-six (26) workweeks of leave.

To be eligible for leave under this Policy, an employee must have been employed with the Court for at least twelve (12) months and must have worked at least 1,250 hours in the twelve (12) month period prior to the date leave is to commence. Only hours actually worked (i.e., not holiday hours,



vacation, and other forms of paid or unpaid leave, etc.) count towards the 1,250 hours in the twelve (12) month period prior to the date leave is to commence.

If the Court employs two employees who are married, and both are leave-eligible, they are cumulatively entitled to take 12 weeks of leave for the birth and care of a newborn child, placement and care of a child for adoption or foster care, and to care for a parent (not parent in-law) who has a serious health condition. These employees may only cumulatively take 26 weeks of leave to care for a covered service member with a serious injury or illness. This leave may be divided between the two employees however they wish (e.g., one employee may take 10 weeks for the birth and care of a newborn child, whereas the other employee may take 2). Each spouse still retains the balance of their 12 weeks of leave to use for other qualifying purposes throughout the year.

Leave for the care of a newborn or for the adoption or foster placement of a child with the employee must be taken within twelve (12) months of the birth or placement of the child. It must be taken in one continuous block of leave, as opposed to intermittently.

Judges Personal Staff are not guaranteed their same or similar job upon return from leave of absence. Employees on Judges' Personal Staff Medical Leave are required to use any accrued sick time (where applicable) concurrently with medical leave. After this time has been exhausted, the employee must use all accrued and available paid leave prior to being placed on unpaid leave status. Both the paid and unpaid time off from work will be charged as Judges' Personal Staff Medical Leave.

An employee's certified Workers' Compensation absence will run concurrently with the employee's Judges' Personal Staff Medical Leave entitlement for those injuries that meet the criteria for a serious health condition. The employee will not be required to exhaust paid leave benefits, if he or she is required to take Judges' Personal Staff Medical Leave for a qualifying condition under Workers' Compensation.

When possible, an employee seeking Judges' Personal Staff Medical Leave should provide completed leave paperwork to Human Resources at least thirty (30) days prior to the proposed leave. Additionally, when possible, an employee seeking Judges' Personal Staff Leave should provide their supervisor with verbal notice of the anticipated leave at least thirty (30) days prior to the proposed leave. Where advanced notice is not possible, such as in the event of a medical emergency, notice to their supervisor and Human Resources should be given as soon as practicable. Failure to give advanced notice where foreseeable (e.g. when the need for leave is based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or family member) may delay or postpone the commencement of the leave. Please contact Human Resources for the applicable forms.

When an employee requests Judges' Personal Staff Medical Leave the employee must provide Human Resources with appropriate medical documentation, signed by the appropriate health care provider identifying: the condition, the anticipated length of leave and, where the leave is for care of a family member, the necessity for the employee's absence to care for the family member.

For adoption or foster care placement, legal documentation should be submitted from a court or social service agency.

In any case in which the necessity for leave under the qualifying exigency condition is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

The Court reserves the right to require employees to submit documentation to verify their conditions periodically upon request. Supervisors and other management representatives may not contact an employee's health care provider. If the employee is on a leave due to their own serious health condition, the employee will be required to provide a fitness-for-duty certification before the employee is permitted to return to work. In the event the appropriate certified health care provider certifies that an employee is able to perform their essential job functions with medical and/or work restrictions, a signed statement from the health care provider must be reviewed and approved by both the Judge and Human Resources prior to the employee's return to work date.

Requests for Judges' Personal Staff Medical Leave may be denied if the requirements are not met.

#### Continuation of Benefits

The Court will maintain the employee's portion of the group health benefit plan premium in the same manner as if the employee were in active pay status. The employee remains responsible for the employee's share of the group health benefit plan premium and will be invoiced monthly (if in unpaid status). The invoice shall be paid within thirty (30) days. Group health benefits may be cancelled if payment is more than thirty (30) days late. Any coordination of continuation of benefits must be directed to the Lucas County Benefits Department.

During a Judges' Personal Staff Medical Leave, sick time and vacation time will continue to accrue only during that portion of the leave which is paid by using accrued time. During any unpaid Judges' Personal Staff Medical Leave, sick time and vacation time will not accrue.

Personal Judges' staff must use paid time, (i.e. vacation, sick, bonus time, personal) for absences whenever available and approved, in order to ensure the maintenance of insurance benefits and tenure.

Extended Leaves of Absence may be granted in three (3) month increments up to one (1) year. Employees may be required to submit medical re-certification and/or other appropriate documentation every three months during a Leave of Absence. The Court may require a second or third opinion in addition to a fitness for duty report at the Court's expense.

All written requests submitted to Human Resources for an extended Leave of Absence are subject to approval. The Judges' Personal Staff are eligible to receive donated leave in accordance with the Leave Donation policy.

## **SECTION IV: EMPLOYEE MANAGEMENT AND COMPENSATION**

### Employment Status Definitions

- Full-Time Employee – any employee who is scheduled a minimum of thirty-five (35) hours per week for a total of 1820 hours per year.
- Part-Time Employee – any employee who does not meet the Full-Time Employee definition above.

### Employment Category Definitions

For purposes of salary administration and compliance with the Fair Labor Standards Act (FLSA), as amended, most employees are categorized as either:

- Non-Exempt - eligible for overtime and entitled to a minimum hourly wage.
- Exempt – not entitled to overtime pay.

Personal and policymaking appointees of elected officials are not subject to State and Federal wage and hour laws and are categorized as Non-Covered Employees.

### Job Descriptions

The Court will maintain written job descriptions for all positions. Employees will receive a copy of the appropriate job description upon hire into a position and/or when the position description is revised. The job description must in no way be construed as a limitation on the authority of the supervisory personnel to assign tasks to their subordinates which are not listed on their description.

## **Administrative Policy 19: Hours of Work**

### Hours of Operation

The Court's hours of operation are 8:30 am to 4:30 pm, Monday through Friday, except in those departments whose functions require a seven day a week/ 24-hour operation.

### Work Schedule

The scheduled work day for a full-time employee shall consist of a seven (7) hour day, with an additional unpaid lunch period of one hour, except for those in departments whose work schedule dictates otherwise. The lunch period shall be scheduled in consultation with an employee's supervisor. The work schedule for a part-time employee shall be established on a case-by-case basis.

With the Court Administrator or designee's written approval, a supervisor may establish a work schedule for an employee under the supervisor's supervision that differs from the Court's hours of operation.

### Severe Weather Event

The Court recognizes that, on certain days, it may be difficult or impossible for a scheduled employee to come into work due to excessive snow, ice, or other inclement weather. If, in the opinion of the Administrative Judge and the Court Administrator or designee, such inclement weather conditions exist, the following policy specifies the guidelines for payment of wages on such days.

An employee shall account for the employee's time off work during a severe weather event as follows:

**(1) Delay in reporting for work; inability to report to work; early dismissal**

- (a) Non-exempt Employees-** an employee who is delayed in reporting to work, unable to report to work, or who leaves work early due to a severe weather event shall use Flex Time, then Compensatory Time (where applicable); and then vacation leave or personal leave to account for the employee's time off work. In the absence of all of these available options, employees will be docked pay for any hours missed due to these weather-related events.
- (b) Exempt/Non-covered Employees -** an employee who is delayed in reporting to work, unable to report to work, or who leaves work early due to a severe weather event shall use Flex Time, then Bonus Time (where applicable); and then vacation leave or personal leave to account for the employee's time off work. In the absence of all of these available options, employees will be expected to otherwise arrive at an agreed way to make up the missed time in a manner acceptable to their supervisor. They may also be subject to partial-day docking pursuant to Time Management and CFR § 541.710.

**(2) Temporary closure of the Court**

An employee shall receive their regular pay for work when the Court is temporarily closed due to a severe weather event. An employee previously scheduled to use paid leave during that time shall not be required to use that leave. A closure occurring on a day the employee is not scheduled to work does not impact the employee's hours or pay. Any non-exempt employee required to work during a temporary closure of the Court shall be paid time and one half for all hours worked during the time the Court was closed.

### (3) Countywide weather emergency

An employee shall receive their regular pay for work when the employee is delayed in reporting for work or unable to report for work because a countywide weather emergency that includes a travel ban declared by the Court. An employee previously scheduled to use paid leave during that time shall not be required to use that leave.

## Administrative Policy 20: Payroll Information

### Pay Periods

A pay period shall consist of two consecutive weeks, beginning on Sunday and ending on the second ensuing Saturday. Pay days are typically the Friday following the pay period.

### Time Records

An employee shall complete a time record in the Court's timekeeping system, reflecting the employee's hours in active pay status for each pay period. Employees must make every effort to accurately record their actual hours worked. The reporting of time in excess of time actually worked is theft from the Court and will be addressed accordingly. An employee's supervisor must approve all recorded time.

### Flex Time

Flex Time is a temporary adjustment in the work schedule of an employee that allows planned time off to accommodate the employee's need to work beyond their regular work schedule elsewhere within that same work week (in the case of non-exempt employees) or pay period (in the case of exempt employees). Departmental operations may require consideration of Flex Time on a case-by-case basis.

The Court expects an employee and the employee's supervisor will first use Flex Time for time management—limiting the need to use the employee's vacation leave, personal leave, sick leave, or compensatory time; and limiting the need for non-exempt employees to work overtime and exempt employees to incur Bonus Time (See Bonus Time). Where possible, the Court expects employees to alert their supervisors to the possibility of working beyond their normal workweek prior to that occurrence so the Court may be in the best position to approve Flex Time in advance.

- **Use by non-exempt employees** - Provided the operational needs of a division, office, or section will not be adversely affected, a non-exempt employee is eligible to use Flex Time in a single work week with pre-approval from the employee's supervisor.
- **Use by exempt/non-covered employees** - An exempt/non-covered employee is permitted to use Flex Time within a single pay period with pre-approval from the employee's supervisor. Any overages not redressed by Flex Time may be accommodated with Bonus Time.

### Bonus Time for Exempt/Non-Covered Employees

Court employees who are exempt or non-covered (personal employees of judges) are not entitled to compensatory time or overtime, and the Court expects that they will typically be able to complete work assignments within their regular work schedule. However, the Court recognizes that exempt/non-covered employees may sometimes be required to work in excess of their regularly scheduled hours per pay period, and it chooses to reward that effort. Therefore, our Bonus Time policy for exempt/non-covered employees is as follows:

In every two-week pay period, for every quarter-hour increment an exempt/non-covered employee works in excess of their regularly scheduled hours, the employee will receive Bonus Time to be used as additional paid time off. Bonus Time is only available if the employee first attempts to remain at 70 hours worked in a pay period using Flex Time.

Employees must request Bonus Time from their supervisor (or appropriate time approver) and utilize it in the same manner as other types of leave (e.g., vacation). It will only be approved subject to the operational needs of the Court. It is not a tangible employee benefit and will not be paid out upon separation from employment. Bonus Time cannot be used in lieu of providing notice of resignation/retirement, nor can it be used in lieu of working during the notice period.

### Overtime Pay and Compensatory Time

The Court expects that non-exempt (overtime eligible) employees will typically be able to complete work assignments within their regular work schedule. Failing that, the Court expects employees to attempt to resolve overages within a work week through Flex Time. However, in limited circumstances, it may be necessary to work additional time in excess of 35 hours in a single work week as a result of a Court-related emergency or unusual circumstance. When this occurs, a non-exempt employee is eligible for compensatory time. All compensatory time shall be incurred with express prior approval of a supervisor.

The Court will typically elect to provide non-exempt employees with compensatory time in lieu of paid overtime, which is paid time off for every increment of time worked in excess of 35 in a work week .

In the event an employee works in excess of 40 hours in a work week, the compensatory time is provided as time-and-one-half (1.5 hours of compensatory time worked in excess of 40).

A non-exempt employee shall provide a written request to their immediate supervisor if their preference is to be paid rather than accrue the compensatory time. The change(s) shall be reflected in the employee's timesheet within the Court's time reporting system immediately.

The maximum compensatory time accumulation is 70 hours. Employees who accumulate a balance of compensatory time that exceeds their permitted limit will be paid compensation based on their total worked hours, as outlined above. Employees may request payout of any or all compensatory time at any point in time by notifying Human Resources. Employees will also be paid their balance of compensatory time upon their separation from the Court, regardless of whether they separated with or without cause.

## Hours Worked Calculation

Time-and-one-half shall be calculated based upon the employee's actual hours worked. Lunch breaks, sick leave, vacation leave, holidays, donated leave, and any other forms of compensated or uncompensated time off do not count towards hours worked.

## Salary Deductions of Exempt Employees

Exempt (overtime-ineligible) employees are expected to work at least 70 hours per two-week pay period in exchange for their regular salary. When exempt employees are absent from work without any remaining resources of paid leave (e.g., Bonus Time, vacation leave, personal leave, etc.), the following limited conditions may result in the Court deducting (or "docking") wages from their salary:

### **(1) Docking in Full-Day Increments**

- (a) Full-day absences for personal reasons, including vacation, that are *not* due to illness or disability;
- (b) Full-day absences for illness or disability in which employees receive sick leave or disability pay in lieu of their regular compensation;
- (c) Full-day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others);
- (d) Full-day disciplinary suspensions for significant infractions of major workplace conduct rules set forth in the Court's written workplace conduct policies;

### **(2) Docking in Partial- or Full-Day Increments**

- (a) To offset amounts received for jury duty, witness fees, or military pay;
- (b) Per diem payment in the initial and last weeks of employment;
- (c) Family and Medical Leave absences;
- (d) Budget-related furloughs permit exempt employees to be docked in certain circumstances as well.

### **(3) Docking in Partial-Day Increments** - the Court recognizes that its employees accrue paid leave for vacation, illness, and other personal circumstances. The Court wishes to embody principles of public accountability by reducing pay on an hourly basis for absences of less than a full day when doing so will increase accountability to the taxpayers for the expenditures of public funds. Therefore, pursuant to the Court's obligations of public accountability, it adopts this written policy to engage in partial-day docking of employees who are absent due to personal reasons, illness,

or injury—and the employee is not otherwise utilizing accrued paid leave—because one or more of the following applies: (1) permission for the use of paid leave has either not been sought or has been sought and denied; (2) the employee has no remaining accrued, paid leave; or (3) the employee has asked to take unpaid leave. See 29 CFR § 541.710.

### Reporting Errors

The Court will not permit improper deductions from exempt employees' wages. If an exempt employee believes his or her wages have been improperly docked, he or she should promptly report the deduction in writing to the Court Administrator and the Court's Human Resources Department and the complaint will be promptly investigated.

## **SECTION V: EMPLOYEE CONDUCT**

The Court requires all employees to perform their duties in a manner that promotes confidence in the principle that all individuals will receive equal treatment in the provision of Court services, activities, and programs; that the Court affords all individuals equal access to justice; and that they will be treated fairly without regard to any protected characteristic. This means that employees' words and conduct must reflect the complete absence of bias, prejudice, discrimination, and harassment on the basis of any quality or characteristic protected by law, the Ohio Code of Judicial Conduct, the Ohio Rules of Professional Conduct and Ohio Ethics Law and Related Statutes. This includes, but may not be limited to, race; color; religion; sex; gender or gender identity; sexual orientation or identity; national origin (ancestry); age (40 or older); citizenship; marital status; pregnancy, childbirth or medical condition related to pregnancy or childbirth; military status (past, present, or future); non-disqualifying disability; genetic information; political affiliation (absent exceptions articulated in this manual); and all other classes and conduct protected by Ohio, federal, and local law.

In furtherance of this important standard, the Court has enacted an Employee Code of Ethics, which is incorporated by reference in this manual.

### **Administrative Policy 21: Anti-Harassment**

It is the policy of the Court that all employees should enjoy a working environment free from all forms of discrimination, including sexual harassment or harassment based on the individual's race; color; religion; gender or gender identity; sexual orientation or identity; national origin (ancestry); age (40 or older); citizenship; marital status; pregnancy, childbirth or medical condition related to pregnancy or childbirth; military status (past, present, or future); non-disqualifying disability; genetic information; political affiliation (absent exceptions articulated in this manual); and all other classes and conduct protected by Ohio, federal, and local law. The Court also prohibits discrimination on the basis of an employee's association with an individual in a protected class. No employee should be subject to unsolicited and unwelcome sexual overtures or conduct, either physical or verbal, or other adverse treatment on the basis of their membership in a protected class. Workplace harassment lowers morale and damages a professional working environment.



Therefore, the Court will treat sexual and other inappropriate forms of workplace harassment as any other form of serious employee misconduct—it will not be tolerated.

### Sexual Harassment

Sexual harassment is behavior of a sexual nature directed to an employee that is unsolicited and unwelcome and either a) makes acquiescence a term or condition of the employee's employment (quid pro quo) or b) is so pervasive as to create a hostile work environment that adversely affects the terms and/or conditions of the employee's job (hostile environment). Sexual harassment can be found whether the offending employee is management, non-management staff, or an outside visitor to the Court; it can exist regardless of the gender of the victim or offender. The offensive behavior can be through physical contact, words, or gestures. Examples of prohibited conduct under this policy include, but are not limited to:

- a) Sexually suggestive or vulgar language, sounds, whistles, or propositions;
- b) Sexual jokes or innuendos of a provocative or suggestive nature;
- c) Placing, maintaining, or circulating in their work area any picture, drawing, writing, or other depiction that is sexually explicit, offensive, or which ridicules any individual or group on the basis of a characteristic protected by this policy;
- d) Suggestive or demeaning facial expressions, looks, or "leering," or similar gestures;
- e) Conduct that creates an intimidating, hostile, or offensive working environment for persons of the opposite or same sex, even if it is not sexual or based upon sexual attraction. This includes including "hazing" of a sexual nature;
- f) Unwelcome fondling, patting, or other touching of a sexual nature;
- g) Repeated requests for a date or romantic/sexual activity;
- h) Making acceptance of unwelcome sexual conduct or advances or requests for sexual favors of any nature a condition for hire, promotion, pay increase, favorable evaluation, assignment, or continued employment, or discrimination against the employee in any of these areas for refusal to accept such conduct, advances, or requests. It is also a violation of policy for an employee to receive preferential treatment in exchange for sexual favors or for a person to fabricate allegations of sexual harassment; and
- i) Offensive comments related to a person's sex, including derogatory comments that demonstrate prejudice against women or against men.
- j) Any other conduct that meets the definition of "sexual harassment," as defined in this policy.

### Other types of workplace harassment

Workplace harassment on the basis of a protected status other than sex means the creation of a hostile environment because of an employee's protected status that impacts their terms or conditions of employment.

The Court employs a wide variety of individuals with varying personal, political, and religious beliefs. The Court expects employees to treat each other with courtesy and mutual respect, notwithstanding those differences of opinion.

Recognizing that workplace harassment and discrimination are demoralizing, humiliating, degrading, and harmful to workplace morale, we serve notice to all employees that it will not be tolerated. Moreover, the Court's definition of harassment under this policy is more conservative than the legal definition. The Court will make findings about whether this policy was violated without regard to whether any conduct amounted to a violation of law.

### Complaint Procedure

Any employee who has experienced harassment or discrimination as described above must report it through either of the following procedures, at the option of the employee:

- (a) Employees may report the allegations of harassment or discrimination to the Administrative Judge, Court Administrator or designee, supervisor, or department head.
- (b) Employees are directed that they may, and are expected to, bypass the standard chain-of-command in reporting allegations of harassment or discrimination when the person to whom the employee would normally report is the individual who engaged in the inappropriate conduct. In such situations, the employee should report the allegations of harassment or discrimination to the County Prosecutor.

It is the policy of the Court to promptly and thoroughly investigate harassment complaints. Every possible effort will be made to ensure that harassment complaints and the ensuing investigation will be handled in as discreet a manner as possible.

### False Claims

It is also considered a violation of this policy for an employee to purposefully file a false claim of harassment or discrimination. Such an employee may be subject to disciplinary action. The mere fact that evidence regarding a complaint is inconclusive is insufficient to show that the claim was falsely made. There must be affirmative evidence that the claim is false and the employee knew it was false at the time it was made.

### Retaliation

No employee will be subject to, and the Court prohibits, any form of discipline or retaliation for reporting perceived violations of this policy, pursuing any such claim, or cooperating in any way in the investigation of such claims.

Retaliation occurs when a supervisor, peer or subordinate takes any type of adverse action against an employee because that person has engaged in protected activity. An adverse action is an action which would dissuade a reasonable employee from raising a concern about a possible violation or engaging in other related protected activity.

The facts and circumstances of each case determine whether a particular action is retaliatory in that context. Depending on the facts, examples of adverse action may include:

- Reprimanding or giving an unfair performance evaluation or warning
- Transferring to a less desirable position or work location
- Engaging in verbal or physical abuse or any act of intimidation

- Increasing scrutiny of attendance more closely than that of other employees
- Spreading false rumors
- Treating the employee's family member(s) negatively
- Making the employee's work more difficult or less desirable, e.g., changing work schedule to conflict with family responsibilities or assigning less desirable tasks
- Making false reports to government authorities
- Threatening reassignment
- Removing supervisory responsibilities or other duties
- More subtle actions, such as isolating, ostracizing, mocking, or leaving the employee out of communications or off of emails

Employees must report allegations of retaliation immediately. Claims of retaliation will be investigated as a separate claim, regardless of the outcome of an original complaint.

## **Administrative Policy 22: Workplace Violence**

The Court prohibits workplace violence and threats of workplace violence. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Such behavior should promptly be reported to the Court Deputies department and the Court's Human Resources department. Individuals who violate this policy may be removed from Court premises and are subject to disciplinary action, up to and including termination, as well as potential criminal prosecution.

The Court strictly prohibits retaliation against anyone who has made a good faith complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence.

## **Administrative Policy 23: Employee Expectations**

### Attendance

Reporting to work on time, regular attendance during all scheduled hours of work, and continuing to work to the end of the work period are required of every employee. When an employee is unable to report to work, they shall notify their immediate supervisor (or designee) within the time limits and method set by their supervisor. This requirement applies both to being absent the entire work days and/or not reporting to work on time (tardiness).

Employees leaving work during the workday are expected to request authorization from their immediate supervisor (or designee) in the manner designated by the supervisor.

Absent compelling circumstances, an employee who fails to notify their supervisor in the prescribed manner for absence, tardiness or leaving early will be subject to discipline and/or termination.

## Disciplinary Action

The Court may impose any kind of disciplinary action depending upon its judgment of the nature and severity of the situation. Disciplinary action for Court employees will be determined by the Administrative Judge, Court Administrator or appointing authority.

## Actions That May Merit Discipline

Disciplinary action may be taken against employees for any of the following reasons, as well as other reasons deemed appropriate:

- Incompetency
- Inefficiency
- Unsatisfactory Performance
- Drunkenness
- Immoral Conduct
- Insubordination
- Discourteous Treatment of the Public
- Neglect of Duty (which can include, but is not limited to, habitual absence from duty, or absence without leave or approval)
- Violation of any Court policy, procedure, or work rule
- Violation of ORC Chapter 124 or other applicable rules of law or regulations
- Any Other Failure of Good Behavior, including, but not limited to, a finding by the appropriate ethics commission that an employee has violated Ohio R.C. Chapter 102 or advocated or willfully retained membership in an organization that advocates overthrow of the government of the United States or State by force, violence, or other unlawful means
- Any Other Acts of Misfeasance, Malfeasance, or Nonfeasance in Office
- Conviction of a Felony
- Violation of any policy in this manual
- Breach of confidentiality of Court information
- Misappropriation of funds
- Conducting for-profit work or work for another employer on Court time or using Court resources
- Assault or threat of harm
- Theft
- Dishonesty, including, but not limited to, falsifying work records/ time records/ public documents or misrepresenting any fact to management or on behalf of the Court
- Fighting, disorderly conduct, or any other behavior that is dangerous or disruptive to Court operations
- Conduct that constitutes discrimination or harassment, as defined in this manual
- Possession or consumption of or being under the influence of alcoholic beverages or medical marijuana on Court premises or on duty
- Manufacture, distribution, dispensation, sale, possession, or use of illegal drugs, unprescribed controlled substances, or prescribed substances in amounts exceeding the prescription

- Engaging in off-duty conduct that is unbecoming of an employee of the Court, regardless of whether the employee is ultimately convicted of a crime
- Conviction of a criminal offense
- Reckless or willful mishandling/damage of Court property
- Excessive absenteeism or tardiness
- Gambling on duty or utilizing Court property
- Sleeping on duty
- Excessively attending to personal matters on duty
- Without authorization, possessing weapons, firearms, ammunition, explosives, or fireworks on Court premises
- Disrespectful, rude, insubordinate, abusive, or threatening language to co-workers or visitors to the Court
- Willful or reckless violation of safety practices or policies
- Use of profane language while representing the Court
- Disclosing private information of Court employees or parties/witnesses obtained through an individual's employment with the Court.
- Interference with the work performance of another employee
- Making or receiving excessive personal phone calls / cell phone calls
- Failure to follow the Court's Code of Ethics
- Failure to cooperate with an internal investigation
- Not communicating department issues to supervisor
- Any conduct or activity which adversely affects the morale of the Court or its ability to accomplish its mission

### Types of Discipline

The Court may elect to impose any kind of discipline it deems appropriate against employees, regardless of prior discipline. Some of the types of discipline may include:

#### **Minor Violations:**

- Verbal reprimand: while verbal, documentation that an employee received a verbal reprimand will be placed in the employee's personnel file.
- Written reprimand: the employee will be provided with a written document, which will also be placed in their personnel file.

#### **Significant Violations:**

- Suspension: involuntary separation from active pay status, at the end of which regular employment status resumes.
- Termination.

Prior to executing any disciplinary action for an employee, the following must occur:

- Disciplinary documentation for Minor Violations must be provided to and reviewed by the Court's Human Resources Director.
- Disciplinary documentation for Significant Violations must be provided to and reviewed by the Court's Human Resources Director and Deputy Court Administrator or Court Administrator.

In addition, an employee may be placed on a paid leave that is not disciplinary in nature while the Court investigates whether to impose discipline.

These kinds of discipline need not be imposed in any order. That is, an employee may be terminated without any instances of prior discipline, or they may be verbally reprimanded multiple times without being subjected to a written reprimand. These guidelines are informational only and do not affect an employee's status as an at-will employee. The decision to discipline or discharge an employee, with or without cause and with or without notice, remains at the Court Administrator and/or Administrative Judge's sole discretion. Exceptions and/or other requirements exist in regard to classified employees as outlined in the Classified Employee section of this policy.

#### Internal Investigation

In the event the Court determines it necessary to undertake an internal investigation, employees are to cooperate fully by providing all pertinent information of which they may be aware. Full cooperation requires truthfully responding to all questions and providing a signed affidavit, if requested. Any employee who fails to cooperate fully or who hinders an investigation is subject to disciplinary action, up to and including termination. In the course of this process, no employee will be hindered or discouraged from engaging in protected activity under any state or federal law. Employees shall not face retaliation for their participation in an internal investigation and are subject to the same retaliation guidelines in the Anti-Harassment policy.

#### Fraternization and Nepotism

The following is in addition to the Nepotism policy outlined in the Code of Ethics.

To protect the public's perception of the fair administration of justice, Court employees must alert the department Director and Court's Human Resources Director to any existing personal relationships (friendships, romantic relationships, family relationships, etc.) with litigants appearing before the Court or attorneys appearing before the Court.

Further, employees should alert the department Director the Court's Human Resources Director if a relationship changes in a way that could affect the public's view of the Court's obligations of neutrality and impartiality—for instance, if a court employee had only a friendly relationship with a practitioner appearing before the Court that is changing to a family relationship or romantic relationship. In some instances, to avoid an appearance of impropriety, the Court may resolve concerns by reassigning certain work duties to other employees.

No member of the immediate family of any employee of the Court will be considered for hire as stated in the Code of Ethics. Immediate family is defined as spouse, live-in domestic partner, 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, step-grandparents, step-grandchildren, or a legal guardian or other person who stands in the place of a parent or child (*in loco parentis*). Other close relationships, whether familial or relational, that create operational concerns or the appearance of impropriety will also be considered on a case-by-case basis.

### Dress Code

It is important that the Court's employees project the professional and respectful image it expects of those who appear before the Court. The Court therefore reserves the right to prescribe appropriate dress and grooming standards for employees that promote this goal.

The Court requires that an employee's clothing and overall appearance be appropriate for the environment of the Court. This includes, but is not limited to, clothing and grooming choices that are in good taste; appropriately modest; conducive to the safe, hygienic, and effective performance of required job duties; and that present a professional public image of the Court.

Each department may establish guidelines specific to their operations.

### Communication on Behalf of the Court

Unless specifically instructed, employees are not authorized to speak on behalf of the Court. Employees may not represent that they are communicating the views of the Court or do anything that might reasonably create the impression that they are communicating on behalf of, or as a representative of, the Court. Employees that receive requests for information or public records requests shall seek approval from their supervisor and/or department director prior to responding to these requests.

### Mobile Device Usage

To minimize office disruptions, Court employees are generally prohibited from using their personal mobile devices during work hours. Except during emergencies or brief breaks where employees are not visible to the public, employees should not use personal mobile devices during work hours. Employees must remain mindful of the Court's requirements of discretion and confidentiality, and refrain from utilizing their mobile devices to take or publish photographs that are inappropriate or would compromise the integrity of the Court or fair administration of justice.

### Safety and Health

The Court endeavors to foster a physical environment that is safe and accessible to all employees and visitors. Employees should remain mindful of avoiding conduct that could aggravate environmental allergies or olfactory sensitivities of employees or visitors to the Court (e.g., wearing heavy perfumes, burning scented candles, etc.). All employees, particularly supervisors,

are charged with the responsibility of reporting the existence of any hazardous condition or practice in the workplace to the appropriate supervisor.

Any incident occurring during working hours, whether or not it appears that injuries were incurred, must be reported to the immediate supervisor at once. The supervisor will, in turn, notify the Court's Human Resources Department. The employee and the reporting supervisor -along with any witnesses- are required to complete and provide an Incident/Injury packet to the Court's Human Resources department as soon as practicable.

### Smoking Policy

In accordance with Chapter 3794 of the Ohio Revised Code, smoking is prohibited in the Court and in other facilities occupied by staff of the Court. Smoking is likewise prohibited in any Court vehicle. This policy applies equally to the use of tobacco, cigarettes, cigars, pipes, electronic cigarettes, or any other product that can be smoked or consumed through vaping. Any violation of this policy may result in disciplinary action.

### Political Activity & Public Office

#### **(1) Administrative Policy**

To maintain the integrity of the Court, the following political activity policy is implemented. Employees may engage in political activity consistent with State and federal law and the requirements of this policy. Should this policy contradict any requirement of law, the Court will follow the law.

#### **(2) Political Discrimination Prohibited**

Subject to the limitations and prohibitions stated in this policy, the Court will not permit discrimination for or against any employee, applicant for employment, or person seeking to do business with the Court, because of that person's political party affiliation, political contributions, political activities, or political speech permitted by this policy and the law.

#### **(3) Permissible Activity**

Subject to the limitations and prohibitions stated in this policy and the Classified Employee Section, where applicable, Court employees may engage in the following forms of political activity:

- (a) Displaying or distributing campaign literature, badges, buttons, stickers, signs, or other forms of political advertising on behalf of any political party, campaign committee, or candidate for public office;
- (b) Soliciting signatures for political candidacy;
- (c) Soliciting membership or volunteers for a political party or campaign committee;



- (d) Soliciting or receiving funds for a political candidate (other than a judge of the Court);
- (e) Freely expressing political opinions.

Court employees are admonished to remain respectful of others' varying personal and political beliefs.

#### **(4) Limitations on Political Activity**

An employee must not participate in any political activity, including those described above, on Court premises, during Court time. An employee must not use Court personnel, facilities, supplies or equipment to engage in political activity. An employee must not use the employee's official position, title, or other Court identification, including the name of the Court, in connection with political activity other than to promote the employee's own candidacy.

The law creates special categories of employees ("political" or "confidential" employees) whose elected appointing authorities may terminate them for disloyal political partisanship, activity, or speech. An employee who falls into one of these categories, such as a personal employee of a judge, may be terminated for his or her political partisanship, activity, or speech.

#### **(5) Candidacy for Public Office**

Any employee seeking public office must comply with the Ohio Revised Code and all other applicable laws and ethical provisions. When permitted by State and Federal law, the Court reserves the right to transfer or terminate the employment of a court employee who seeks to unseat an elected or appointed member of the Court.

#### **(6) Holding Public Office**

If an employee of the Court assumes a public office that is designated or considered a full-time position, the employee must resign from employment with the Court prior to assuming that public office. The Court has discretion to determine whether a Court employee may continue working for the court after assuming a part-time office.

#### **(7) Procedure for Remedying Violations of this Chapter**

Any employee who believes they have been the subject of political intimidation, coercion, discrimination, or harassment, including, but not limited to, any of the conduct listed above, should bring it to the Court's attention by reporting it to the Court Administrator or designee, either orally or in writing. If an employee does not feel they can report the improper conduct to one of these individuals, the complaint may be filed with the County

Prosecutor's Office. All complaints will be handled in a timely manner, and the Court will address any violations of this policy in a prompt, appropriate manner.

## **Administrative Policy 24: Substance Use/Abuse and Other Potentially Criminal Misconduct**

### Drug-Free Workplace

The Court is committed to maintaining a workplace free of drug abuse as well as the abuse of all intoxicating substances. The unlawful manufacture, distribution, dispensing, buy, sell, storage, possession or use of alcohol, and/or an illegal or controlled substance is prohibited while on county property (including parking lots and grounds) or during working hours. The use of an illegal or controlled substance or alcohol or the illegal use of a legal drug, including medical marijuana, prior to beginning work or during lunch periods, such that the employee remains under the influence of such substance or alcohol during working hours, is prohibited.

The Court cannot condone the use of medical marijuana, even if prescribed by a physician and otherwise permissible under Ohio law; an employee's off-duty use of medical marijuana renders the employee subject to the same disciplinary action, at the discretion of the Court Administrator, that would be available if they used non-medical/recreational marijuana.

The possession, use, or distribution of an illegal or controlled substance, including medical marijuana, or alcohol at the workplace is prohibited, except for unopened containers of alcohol on the work site intended as a gift or for transport to an event outside the workplace.

Any employee who must use a prescribed medication during work hours that may impair their safety or the safety of others or may otherwise impair the employee's ability to perform must so notify the Court's Human Resources Department. The Court Administrator or designee may then, at their discretion, (1) place the employee on sick leave, (2) reassign the employee to duties posing no such risk, or (3) have the employee's ability to work without impairment evaluated by the employee's physician or a physician selected and paid for by the employer.

### Alcohol/Drug Testing

Employees will be required to submit to alcohol/drug testing at the request of the Court Administrator or designee under the following circumstances:

- (a) When an employee's conduct would cause a reasonable person to suspect an employee is impaired or otherwise under the influence of drugs or alcohol.
- (b) Whenever the Court deems appropriate for safety-sensitive personnel.

The Court will arrange for transportation to Court-requested alcohol/drug testing. Refusal to submit to a requested alcohol/drug testing will result in termination.

Only prospective employees being considered for a safety-sensitive position will be asked to submit to a test once a conditional offer of employment has been extended and accepted. An offer

of employment by the Court is conditioned on the prospective employee testing negative for illegal substances. If a prospective employee tests positive for marijuana and has a prescription for marijuana, the individual's hiring will be left to the Court Administrator's discretion.

## **Administrative Policy 25: Employee Use of Court Equipment**

This policy is intended to establish consistent standards and expectations regarding the use of Court-owned equipment by employees in the performance of their duties with the Court. This includes, but is not limited to, Court-issued computers (desktops, PCs, laptops, notebooks, tablets, terminals, or other electronic devices), computer software, computer systems or networks, computer facilities, telephones, smartphones, facsimile machines, wireless data cards, photocopiers, or other equipment provided by the Court.

### Standard of Care

The appropriate use of Court equipment can improve the efficiency of the Court and its employees. As a result, employees should use a reasonable standard of care when using Court equipment. All Court employees or other persons who use Court equipment are responsible for using those resources appropriately. Misuse or abuse of the Court's computer system components will be considered a violation of Court policy and in certain circumstances may constitute a crime under state or federal law. All persons using any Court computer system components are required to understand and comply with Court's equipment policy and the laws associated with it.

### Personal Use

The occasional personal use of the following Court equipment is permitted on a limited basis, provided that use does not further a commercial purpose for the employee's personal gain, or the personal gain of others: computers, telephones, photocopiers, fax machines, wireless data cards, and the computer network. The personal use of all other Court equipment is prohibited.

An employee's personal use of permitted equipment shall be kept to a minimum, both in the frequency of use and duration. Any personal use of Court equipment shall not unduly interfere with the work of the employee, the efficiency of the division, office, or section to which the employee is assigned, or the Court. An employee may be required to reimburse the Court for the personal use of Court equipment as determined by the Court Administrator or designee.

### Privacy

Pursuant to Access to Employee Work Environment, and this policy, an employee shall have no expectation of personal privacy in regard to the use of Court equipment or Court-provided furniture and work spaces. Employee access of Court equipment, even when permissible, may be logged, monitored, recorded, and subject to public requests for court records. All information stored on Court equipment may be backed up, copied, recovered, and subjected to audit and review. Court computing, security, and administrative personnel have the authority to review and audit individual employees' usage of all Court-issued equipment, or search Court-provided furniture and work spaces, at any time, regardless of cause.

## Safeguards

To safeguard the integrity of the Court's telephone system, an employee shall not knowingly monitor, intercept, record, or attempt to monitor, intercept, or record any telephone or fax communications of another employee without the approval of the employee or the Court Administrator or designee.

## Prohibited Uses of Computer Systems

An employee shall not use the Court's computers and/or computer networks for any of the following:

- (1) Any purpose that violates a law of the United States or the state of Ohio
- (2) Any purpose that violates an Administrative Policy or guideline
- (3) Any purpose involving a private business or commercial enterprise
- (4) Any political fundraising or campaign-related activities, or for any other political purpose
- (5) Any advertising or public relations purpose that is not Court-related
- (6) Any activity that interferes with the Court's computer network, damages Court computer hardware, or alters the software on other Court computers
- (7) Any activity or series of activities that adversely affect the availability, confidentiality, or integrity of the Court's computer network
- (8) Any activity that may cause congestion or disruption of the Court's computer network, including such activities as the distribution of chain letters or unsolicited advertising
- (9) Participating in chat rooms, listservs, and newsgroups that are not related to legal or court management issues
- (10) Installing gaming software and/or playing computer games
- (11) Deliberate access to or distribution of material that is obscene or pornographic
- (12) Sending harassing or offensive statements, including disparagement of others based on their race, color, religion, gender or gender identity, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, disability;
- (13) Seeking or obtaining information about files, documents, or other data that are private, confidential, or otherwise not open to public inspection, unless specifically authorized to do so by the file owners; or copying, modifying, or deleting such files, documents, or data without authorization. Employees shall take all reasonable precautions to prevent the inadvertent dissemination of another's information via the Court's computer network;
- (14) Registering another employee to a chat room, newsgroup, bulletin board, e-mail group, or other computer activity without the approval of the other employee.
- (15) Streaming music, videos, or other materials that are both time-consuming and which use a significant amount of bandwidth.

### Personal Computing Devices

Any personal computing device must receive written authorization from the Court Administrator or designee prior to that device's connection with the Court's network. Any personal computing device that is connected to a Court-owned computer or network shall comply with all Court policies in regard to computer systems.

The Court is not responsible for maintenance of non-Court owned computing devices, even if used in support of official Court business or while acting as an agent of the Court. The Court disclaims any liability for the safeguarding of personally owned computer devices or data, including protecting personal data from corruption.

### Policy Affecting Personnel with Computer System Administrative Rights

Those employees specifically designated with administrative access rights shall not abuse those administrative rights or privileges associated with computer systems. Abuse of administrative rights or privileges can be defined as:

- (1) Using system administrative rights to access or read e-mail associated within any user's e-mail account other than their own, without that user's permission or the written permission, or personal direction of the Court Administrator or designee. Access without permission from these sources is considered unauthorized.
- (2) Copying or transferring databases and files, including but not limited to e-mail databases, e-mail accounts, or e-mail files in preparation for unauthorized access to data and communications by anyone.
- (3) Providing administrative rights or privileges to another person for the purpose of obtaining unauthorized access to data files and communications, including e-mail.
- (4) Using administrative rights or privileges to change or disable any security, access control list, active directories, logging, or tracking function within the computer system in order to hide unauthorized access to files and communications, including e-mail.

### Physical Security

Employees shall protect Court equipment from unauthorized access and should securely store all Court equipment when not in use. Devices should not be left unattended without employing adequate safeguards that would hinder unauthorized access.

No Court equipment shall be removed from the premises of the Court, except with approval from the Court Administrator or designee. Court equipment used off the premises shall be subject to the same limitations as set out in this computer use policy as Court equipment used on the premises of the Court.

### Password Protection

Each employee has the responsibility to protect any assigned computer password. Employees shall take appropriate steps to safeguard their passwords and keep them confidential. Employees who are required to construct a password for Court computers or software shall refrain from constructing a password that contains obvious information such as names, nicknames or dates. All passwords created or used for the purpose of accessing Court equipment are the property of the Court and shall be communicated to the Administrative Judge, Court Administrator or designee upon request or separation from employment.

### Internet Use

Employees shall be held accountable for their use and misuse of government resources, including access to the Internet. Employees should only visit trusted sites. Access to the internet is granted to the employee by the Court and such access may be removed without notice.

Employees have the express duty to assist in the protection of the Court's computer systems from malicious code "viruses." If an employee suspects a virus has been received, the employee shall report the activity to his/her supervisor, the Court Administrator or designee.

### E-mail Use

Employees have a duty to check their county email during normal business hours. Employees shall be held accountable for their use and misuse of Court e-mail accounts. Access to a Court e-mail account is granted to the employee by the Court and any account may be removed without notice.

All employees shall treat e-mail attachments with caution. Employees shall refrain from opening suspicious e-mail attachments without first verifying, through telephone or other communications with the author of the e-mail, that the attachment is legitimate and virus free.

Employees shall not use personal e-mail accounts (hotmail, Google mail or gmail, yahoo mail, etc.) for Court business. Employees shall not use Court e-mail accounts for sending or receiving personal e-mails.

### Use of Social Media

The use of social media platforms and related technology by employees during work hours is prohibited, except when expressly authorized by the Court Administrator or appointing authority for official Court business.

The Court recognizes that social media is regularly used as a form of communicating. Employees are expected to exercise personal responsibility whenever they participate in social media. Employees may not use social media in a manner that interferes with their job duties or violates a Court work rule or policy. Specifically, employees may not use social media to harass, threaten, intimidate, retaliate against, or discriminate against other employees. Nor may employees display any bias against a protected class that could reflect poorly on the Court or give the impression that the Court may treat anyone in a protected class unfairly. These restrictions do not prohibit conduct protected by the First Amendment.

Employees are responsible for protecting confidential and proprietary information. Employees may not disclose any confidential or proprietary information of or about the Court, its employees, vendors, contractors, or suppliers, including but not limited to business and financial information of a non-public nature.

At all times, including when using social media during non-work hours, employees must comply with the Court's policies regarding the confidentiality of Court operations.

Also, see Social Media in Employee Code of Ethics.

### Audio Recording

It is permissible for an employee to make an audio only (video recording is not allowed) record of interactions with other Court staff. The employee must first provide notification of their intent to record the communication. No recording of members of the public is permitted. Prior notification of the intended use of audio recording equipment may not be provided if the Court is conducting an investigation into possible employee discipline.

## **Administrative Policy 26: Employee Code of Ethics**

The standards set forth in this policy shall not affect or preclude the application of other, more stringent standards required by law, such as the Code of Professional Responsibility for lawyers, the Code of Judicial Conduct for employees or appointees who perform judicial functions, and the Ohio Ethics Law for all employees. If an employee has a question regarding a proposed action, the employee should consult their supervisor for direction.

### **(A) Roles and Responsibilities of Court Staff.**

- (1) Provide excellent customer service.** Among Court staff's many roles, all employees should strive to:
  - (a) Provide accurate information.** The jobs of court staff require a high degree of accuracy. Even small mistakes such as a wrong date or time could have a serious impact.
  - (b) Provide open access to the court system.** Most people are not familiar with the court system, so Court staff play a critical role in providing access. If people don't know how to access the court system and they don't obtain assistance from Court staff, open access is effectively denied.
  - (c) Enhance the public's understanding, knowledge, trust, and confidence in the Court system and the administration of justice.** The manner in which Court staff responds to public inquiries can have a substantial impact on how someone views the entire Court system and the administration of justice. Good customer service is more than just providing information; it

includes timeliness, helpfulness, and the ability to problem-solve while staying within the boundaries of appropriate conduct.

- (d) **Effectively managing *pro se* litigation.** The Court system is perhaps most confusing to those proceeding without counsel. Court staff must strive to provide as much permissible legal information to these individuals as possible without providing prohibited legal advice.
- (2) **Honoring the Court's need to remain impartial, neutral, and free from the practice of law.** While providing such public service, employees must refrain from violating the Court's obligation of impartiality; sacrificing the neutrality of the Court; or engaging in the practice of law in the performance of their duties.
  - (a) **Impartiality.** Court employees have an absolute duty of impartiality. They must refrain from giving any advice or information to an individual that would favor one court user over another. This includes information that might allow one side to "game" the system or take advantage of information not readily available to the public.
  - (b) **Neutrality.** Similarly, Court employees must remain neutral. They cannot make judgments about what is in a litigant's best interest—only the litigant and/or the litigant's counsel may do so. A court employee shall not advise court users to follow a certain course of action; advise which remedies to seek; or avail themselves of a particular procedure or alternative.
  - (c) **Unauthorized practice of law.** Only attorneys licensed by the State of Ohio may practice law and give legal advice in Ohio. This includes giving counsel about which of various options to choose; preparing pleadings or forms; managing actions; or giving legal opinions. Even if a Court employee is an attorney, he or she may still not provide legal advice in the course and scope of his or her duties because it violates the concepts of impartiality and neutrality.
  - (d) **Legal information vs. Legal advice.** As a representative of the Court, employees should readily provide valuable information about Court information and procedures; however, they may not provide legal advice.
    - (i) **Legal information** (permissible) is generic: It includes offering books, pamphlets, guides, or information within the knowledge of Court staff about how the system works. It includes information about court processes and terminology, court rules and legal concepts.
    - (ii) **Legal advice** (impermissible) is specific or tailored to the individual's request: It includes applying, analyzing, or researching to provide the individual with information that affects their rights



and obligations under the law. Legal advice is often irreversible (e.g., statutes of limitation), can be subject to interpretation, or can offer litigants a recommendation about the best course of action.

- (iii) **Distinguishing between the two:** Before answering questions from litigants or counsel, ask, “Am I being asked a question where the answer is designed to further the individual’s best interest?” If the question begins with “what is,” “where is,” “can I,” or “how do I,” it is likely seeking permissible legal information. However, if the question begins with “should,” “could,” or “would,” it likely seeks prohibited legal advice.

- (e) **Assisting individuals with disabilities or who are illiterate:** Ordinarily, Court employees may not assist individuals in filling out Court forms or documentation; however, if the individual is illiterate or disabled, employees may read documents to the individual and write down *only* what the individual instructs them to record on the form. Employees may not provide advice regarding what the individual may put on the form, regardless of whether the individual is disabled or not—and should take the precaution of apprising them of this when assisting them with completing the form. If possible, employees should have another employee witness the procedure.

### (3) **Communication.**

- (a) **Avoid *ex parte* communication.** Absent limited exceptions for proceedings that may specifically occur *ex parte*, allowing conversations with the Court without all sides present violates the Court’s obligations of neutrality or impartiality. *Ex parte* communication is any substantive discussion of a pending or impending matter that occurs between the Court and counsel/party, without all opposing counsel/parties being present.

The judge may not have *ex parte* communication with parties directly; they also may not do so indirectly through Court staff. Therefore, *ex parte* communication also includes any substantive discussion about a pending or impending matter initially delivered from one counsel/party to a member of Court staff, which that staff member then relays to the judge. All parties or their attorneys must be included in any substantive communications with the Court. If a member of Court staff receives an unsolicited *ex parte* communication in a matter, the staff member is to alert the Judge or Court Administrator or designee to this discussion to seek guidance on how to address the situation.

- (b) **Public Comment.** Employees must abstain from commenting about a pending or impending proceeding in the Court. Employees must not disclose

any confidential information received in the course of official duties, nor should such information be used for personal gain or the gain of others.

Employees must receive approval from the Court Administrator or designee prior to a speaking engagement or any involvement as an employee representing the Court or any of its departments that relates to matters involving Court business or cases. Employees may not publicly represent the Court without approval.

- (c) **Social Media.** The Court's policies on employee conduct are equally applicable to activity that occurs online. Employees shall consider these policies whenever posting content to electronic mail, chat rooms, text messages, blogs, social networking sites (e.g., Facebook, Instagram, Twitter, LinkedIn), or other public forums. *See* Employee Use of Court Equipment regarding restrictions on employees' ability to use social media during working hours.

Regardless of whether their conduct occurs online or elsewhere, employees remain equally responsible to maintain the confidentiality of non-public Court information, avoid workplace harassment, and follow all other Court policies designed to ensure workplace productivity and public confidence in the Court.

Any public post shall include appropriate disclaimers to ensure that the views employees express are not published to represent the views of the Court, or suggest that the employee has any superior information or influence over matters in the justice system because of their employment with the Court.

Employees shall remain respectful to the Court, co-workers, litigants, and other visitors to the Court in online posts, avoiding any online conduct that could negatively impact the public's perception of the Court and the fair administration of justice, as well as the Court's commitment to principles of public accountability.

Nothing in this policy is intended to alter or infringe upon eligible employees' rights of free speech or ability to speak out on matters of public concern.

- (i) **Lawyer referrals.** Referring a litigant to a particular attorney—or list of attorneys—does not support the Court's obligation of impartiality or neutrality. Instead, if members of the public seek attorney referral information, provide them with the contact information for the local Bar Association or reputable legal websites.

- (ii) **Treat all litigants, attorneys, and visitors to the Court with respect.** Court staff must perform the duties of their office without bias or prejudice, or engaging in harassment—including, but not limited to bias, prejudice, or harassment based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation or identity, marital status, socioeconomic status, or political affiliation against parties, witnesses, lawyers, or others.

**(4) Maintain appropriate confidentiality of Court business.**

- (a) **Court business.** Employees must abstain from commenting about pending or impending proceedings in the Court, absent work-related requests for information that are part of the public record. Employees must require similar abstention from those they supervise.
- (b) **Confidential information.** Employees regularly produce and have access to confidential information in the scope of their employment. Information regarding legal matters pending before the Court and administrative matters that are not subject to public access pursuant to Sup. R. 44 through 47 (Public Access Rules) is confidential. An employee shall not release any confidential information until it is publicly announced in the normal course of the Court's business or its release is otherwise approved by the Court. An employee shall not share confidential information with anyone, including another employee, unless the other employee is permitted to have access to the confidential information. An employee who obtains unauthorized access to confidential information shall notify the employee's supervisor and otherwise keep the information confidential pursuant to this policy.
- (c) **Public information.** Even after a matter before the Court becomes one of public record, employees shall refrain from gossiping about or sensationalizing discussion of these matters in a way that would bring disrepute to the Court, its judges, or the administration of justice. An employee shall not state a personal opinion regarding a legal or administrative matter that has been decided by, is pending before, or may come before the Court where that opinion may reasonably be construed as the official position of the employee, the Court, a judge, or another employee.
- (d) **Involvement in Court matters.** An employee shall not disclose to persons outside the Court the extent of the employee's involvement in a legal or administrative matter that has been decided by or is pending before the Court, but may discuss in general terms the employee's job duties and the manner in which those duties relate to the overall work of the Court.

- (e) **Confidential work product.** Employees regularly produce and have access to confidential work product. Work product, such as legal memoranda, bench briefs, and draft opinions and orders, that is prepared during consideration and review of legal and administrative matters pending before the Court is not a public record and is confidential. This work product remains confidential, even after a legal or administrative decision is publicly announced in the normal course of the Court's business. An employee shall not share confidential work product with anyone, including another employee, unless that employee is permitted to have access to the confidential work product. An employee who obtains unauthorized access to confidential work product shall keep it confidential pursuant to this policy.
- (f) **Former employees.** Employees remain bound by these policies, even after they discontinue their employment with the Court, voluntarily or involuntarily. A former employee must also refrain from disclosing any information that would cause a loss of confidence in the judicial process, the judicial system, the Court, or any judge or employee of the Court. An employee, upon leaving the employment of the Court, may not take work product that the employee created or helped create while employed by the Court, as part of a personal file, without written approval of the Court. Any former employee who discloses confidential information may be sued individually in State or Federal court (typically for defamation, invasion of privacy, and/or civil rights violations) by the litigant whose confidential information was divulged. Therefore, it is imperative that former employees maintain the confidentiality of protected information they obtained at the Court.
- (g) **First Amendment.** Nothing in this policy is intended to conflict with employees' individual rights under the First Amendment. In many instances, employees' individual rights are outweighed by the Court's legitimate interests in upholding the fair administration of justice. However, in any circumstance where the employee's rights enable free speech, the Court will follow the law.

(5) **Avoiding ethical violations.**

- (a) **Impropriety and the appearance of impropriety.** An employee shall not engage in activity that is improper or gives the appearance of impropriety.
- (b) **Undue influence.** An employee shall not allow family, social, political, or other relationships to improperly influence the employee's conduct or judgment in the performance of the employee's duties and responsibilities with the Court.

Employees must not perform any discretionary or ministerial functions, including the assignment of cases, in a manner that improperly favors any person, group, litigant, or attorney, nor imply that he or she is in a position to do so.

**(c) Abuse of Position.**

- (i) Prestige of the Court.** An employee shall not lend the prestige of the Court to advance the private interests of the employee or others. An employee shall not knowingly provide a personal endorsement or an endorsement on behalf of the Court for a person, course, product, institution, or any other item to be used in a commercial or non-commercial fashion in which the employee's employment by or position with the Court is identified or is easily determined.
- (ii) References and letters of recommendation.** Nothing in this policy shall prohibit an employee, based on personal knowledge, from serving as a personal reference or providing a letter of personal recommendation for an individual. The employee shall not use Court letterhead for this purpose. Professional references shall be referred to the Court Administrator's Office for processing.
- (iii) Special position.** An employee shall not imply, convey, or permit others to convey the impression that the employee is in a special position to influence the judgment of the Court or perform any discretionary or ministerial function in a manner that improperly favors any person, group, litigant, or attorney.

**(6) Avoiding Conflicts of Interest.**

- (a) Nepotism.** To avoid conflicts of interest, personal gain, family discord, claims of discrimination, and the appearance of impropriety, an employee shall not engage in favoritism or nepotism in connection with the hiring, discharge, or treatment of persons who are or may be under the employee's supervision.

For the purpose of this policy, "nepotism" means the participation by an employee in any action relating to the employment or discipline of a member of the employee's family or a person with whom the employee has a significant relationship, including advocating, authorizing, or otherwise causing the employment, appointment, promotion, transfer, advancement, suspension, reduction in pay, demotion, or termination of employment of a member of the employee's family or a person with whom the employee has a significant relationship, or supervising or managing any member of the employee's family or a person with whom the employee has a significant relationship.

For the purpose of this policy, “significant relationship” means the person is living with the employee as a spousal or family unit when not legally married or related, or the person is in a romantic relationship with an individual.

- (b) **Romantic relationships or cohabitation.** To identify potential conflicts of interest and opportunities for personal gain, avoid claims of discrimination and sexual harassment, and minimize the potential for or appearance of favoritism, an employee shall not enter into a romantic relationship or cohabit with a person the employee directly or indirectly supervises.

For the purpose of this policy, “romantic relationship” means marriage or a relationship between two persons that is amorous and extends beyond mere social interaction.

(7) **Personal Financial Gain.**

- (a) **Use of confidential information.** An employee shall not use confidential information, as described in Employee Code of Ethics, to secure personal financial gain or the financial gain of another.
- (b) **Use of position.** An employee shall not improperly use the employee’s position, title, or authority to secure personal financial gain or the financial gain for another.
- (c) **Supplementary compensation.** An employee shall not solicit or, except as provided in subpart (f) of this policy, accept compensation from a person or entity other than the Court for the performance of the employee’s duties and responsibilities with the Court or a vendor who does business with the Court or for services rendered on projects the employee has recommended in the performance of the employee’s duties and responsibilities with the Court or a vendor who does business with the Court.
- (d) **Gifts, bequests, favors, and loans.** Except as provided in subpart (f) of this policy, neither an employee nor any person residing in the employee’s household shall accept a gift, bequest, favor, or loan from any person or entity likely to be engaged in a proceeding that ordinarily would come before the Court, a person or vendor likely to do business or seek to do business with the Court, or any other person or entity under circumstances that might reasonably be considered as influencing, attempting to influence, or appearing to influence the performance of the employee’s duties or responsibilities with the Court.

For the purpose of this policy, “gifts, bequests, favors, and loans” include, but are not limited to, each of the following:

- Cash or a cash equivalent, such as a gift card;
- Tickets or passes to sporting or entertainment events;
- Meals and drinks not provided to all attendees at an event or gathering or all members of a department or group. This includes prepackaged food items, such as fruit baskets, that have more than a nominal value;
- Lodging accommodations at either a commercial or private facility;
- Promotional items, such as pens, pencils, calendars, shirts, and portfolios of more than a nominal monetary value;
- Membership to private clubs, including social, athletic, or country clubs;
- The promise of employment;
- Payments or Services; and
- Anything else of more than nominal value.

Exceptions to this policy may exist for gifts that are motivated by the giver’s family relationship or a personal friendship with the employee, rather than by the employee’s public position. However, see the Court Administrator or designee for details.

- (e) **Honorarium.** An employee shall not solicit or, except as provided in subpart (f) of this policy, accept an honorarium for speaking or making a presentation to any group or organization when the employee’s appearance is promoted or the employee is identified by that group or organization as an employee of the Court. Nor may an employee make a presentation to any group or organization on a topic on which the employee might reasonably be perceived to possess special knowledge or subject matter expertise because of or through the employee’s employment with the Court.

For the purpose of this policy, “honorarium” includes cash or a cash equivalent, such as a gift card, but does not include ceremonial gifts or awards that have nominal monetary value, unsolicited gifts of nominal value, or trivial items of informational value. Subpart (e) of this policy does not prohibit an employee from accepting the payment of actual travel

expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the employee.

- (f) **Awards, commemoration of events, and recognition of service.** An employee may accept from groups or organizations items, other than cash or a cash equivalent such as a gift card, having an apparent value of \$50.00 or less, including books, plaques, certificates of appreciation, and personal accessories intended as awards or commemorations of events. This rule applies whether the commemoration is in recognition of speeches or presentations to the group, organization or completion of a course or program, or recognition of service, including terms on boards, commissions, advisory committees, and task forces.
- (g) **Interest in Court Agreements or Public Contracts.** Court employees must not authorize or use the authority or influence of their office to obtain a contract in which the employee, a member of the employee's family or a business, organization, or person with which the employee is associated has an interest. They may also not have an interest in the profits or benefits of a contract entered into by or for the use of the Court.

Court employees shall not render a decision, take an action, participate in discussions, or give advice that may influence a decision or action by other employees where such a decision or action will result in a public contract or Court agreement being entered into with a person with whom or in which the employees have a substantial financial interest.

No Court employee shall have a personal or financial interest, direct or indirect, in any contract with the Court or any public entity (e.g., county, city, etc.). No Court employee shall have a personal or financial interest, direct or indirect, in the sale to the Court or public entity of any supplies, material, service, or land—except on behalf of the Court as an employee. If there is any question whether your personal or financial interest violates this policy, contact the Court Administrator or designee for clarification.

No Court employee shall have a business or employment relationship with a party or entity that enters such a contract. Court employees shall annually disclose financial interests and business relationships on a form provided by the Court.

## **(8) Personal Activities.**

- (a) **Compliance with the law.** An employee must respect and comply with the law, and must conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.



- (b) **Notification of Charges, Arrests, Convictions and Loss of Driving Privileges.** The conduct of Court employees, even after hours, often reflects upon the public's perception of the Court, the fair administration of justice, and the potential for conflicts of interest. An employee who has been charged, cited, summoned, arrested, or convicted of a violation of a criminal, alcohol, or drug offense, other than minor misdemeanors, shall notify the department Director and Court Administrator immediately. The Court will evaluate each report to determine whether the matter is relevant to the employee's effective performance of their position, and it will do so only in a fashion that is job-related and consistent with business necessity. Employees in positions required to have a valid driver's license are not permitted to drive in the course of their employment if their license is expired, suspended or revoked. Employees must immediately notify the Court Administrator or designee if their license is suspended, revoked or they are otherwise unable to drive.
- (c) **Civil suits involving employees.** An employee who becomes a party or witness in a suit pending before the Court must inform the Court Administrator or designee immediately.
- (d) **Permissible activities.** Employees may engage in the arts, sports, social and recreational activities, or any lawful activity outside of their hours of employment with the Court, including participation as an officer, director, trustee, or non-legal advisor in an educational, religious, charitable, social, or civic organization. However, the activity may not interfere with the performance of the employee's duties or responsibilities with the Court, adversely reflect upon the employee's position, or otherwise detract from the dignity of the Court.
- (e) **Online activity.** The Court's policies on employee conduct are equally applicable to activity that occurs online. Employees must consider these policies whenever posting content to electronic mail, chat rooms, text messages, blogs, social networking sites, or other public forums. Regardless of whether their conduct occurs online or elsewhere, employees remain equally responsible to maintain the confidentiality of non-public Court information, avoid workplace harassment, and follow all other Court policies designed to ensure workplace productivity and public confidence in the Court. Any public post that addresses the workplace, the justice system, or any statement that could potentially be regarded as reflecting the official position of the Court must have clear disclaimers that the employee is not speaking on the Court's behalf. Employees must remain respectful to the Court, co-workers, litigants, and other visitors to the Court in online posts, avoiding any online conduct that could negatively impact the public's perception of the Court. Nothing in this policy is intended to alter or infringe upon eligible employees' rights of free speech or ability to speak out on matters of public concern.

- (f) **Solicitation of contributions.** An employee may solicit contributions from persons outside the Court for educational, religious, charitable, social, or civic organizations. In soliciting contributions, the employee shall not solicit on Court time; use Court personnel, supplies, equipment, or facilities; use the employee's position, title, or other Court identification; or solicit from a person likely to be engaged in a legal or administrative matter pending before, or that ordinarily would come before, the Court.
- (g) **Gambling.** On-duty gambling, or gambling with the use of Court property, is strictly prohibited.

Subject to the discretion of the Court Administrator or designee, nominal, social office pools in which 100% of the money collected is paid to the winner(s) are not deemed gambling under this policy. Betting pools involving a dollar amount or subject matter that could raise an appearance of impropriety, or pools that interfere with the operational needs of the Court, will not be permitted under this policy.

- (9) **Professional Activities.** An employee may engage and participate in professional associations and organizations, teaching, consulting, writing, and publishing as follows:

- (a) **Professional associations and organizations.** Subject to the requirements of subpart (e) of this policy, an employee may participate in professional associations and organizations related to the employee's profession or employment with the Court, such as bar associations and court improvement organizations. Employees are encouraged to take an active role in such associations and organizations, including participation as an officer, director, trustee, or, except as provided in the "Outside Practice of Law" policy, non-legal advisor.
- (b) **Teaching.** Subject to the requirements of the "Supplementary compensation" and "Compensation, Court time and property, and travel reimbursement" policies, an employee may serve as an adjunct faculty member at an institution of higher education, such as a college or university, for the purpose of teaching.

Subject to the requirements of the "Compensation, Court time and property, and travel reimbursement" policy, an employee may serve as a course instructor on a limited or periodic basis at an institution of continuing professional education, including the Ohio Judicial College, the National Judicial College, or the Institute for Court Management, or as a presenter at a meeting, conference, seminar, or workshop of a professional association or organization, including the Ohio Judicial Conference and the Ohio State

Bar Association, on the law, the courts, the legal or judicial system, the administration of justice, or any related topic.

- (c) **Consulting.** An employee shall not provide consulting services to any person, court, group, association, or organization involving any topic related to the employee's duties and responsibilities with the Court, except as part of the employee's duties with the Court.
- (d) **Writing and publishing.** Subject to the restrictions imposed by other provisions of this policy, an employee may write and publish an article, report, summary, or review on the law, the courts, the legal or judicial system, the administration of justice, or any related topic. Employees shall notify the Court Administrator or designee upon the acceptance of such an article, report, summary or review for publication. The content of the publication shall not concern a case or legal matter pending before the Court, and the employee shall include a statement that the publication is not the official position of the Court on the topic unless the employee has been clearly authorized by the Court to speak on the topic.
- (e) **Compensation, Court time and property, and travel reimbursement.** An employee who receives compensation subject to taxation as income from any person or entity other than the Court for the provision of any professional activity set forth in this policy, other than an award, commemoration of events, or recognition of service as allowed by the "Awards, commemoration of events, and recognition of service" policy, shall not engage in such activity during work hours; use Court personnel, supplies, equipment, or facilities in preparation for or engaging in such activity; or be reimbursed by the Court for travel expenses incurred in traveling to or from such activity.

An employee who does not receive compensation subject to taxation as income from a person or entity for the provision of any professional activity set forth in this policy may engage in such activity, with approval, during work hours and may use Court personnel, supplies, equipment, or facilities in preparation for or engaging in such activity, subject to the approval of the employee's supervisor. The employee may be reimbursed by the person or entity to whom the employee has provided the professional activity for travel related expenses incurred in traveling to or from such activity. The employee may also be reimbursed by the Court for travel related expenses incurred in traveling to or from such activity pursuant to the Court's policy on Travel, subject to the prior approval of the employee's supervisor and the Court Administrator or designee, and provided the person or entity for whom the employee has provided such professional activity does not provide or reimburse for such travel expense.

**(10) Outside Employment.**

- (a) Primary employment.** The Court considers each employee's employment with the Court to be the employee's primary employment and deserving of the employee's full attention. An employee may engage in other employment, including financial and business activities, so long as those engagements do not detract from the dignity of the office, interfere with the performance of official duties, or exploit the employee's official position. Employees shall request and receive approval from the Court Administrator or designee prior to engaging in outside employment, including self-employment, in order for the Court to determine whether the proposed employment conflicts with the provisions listed above. Such requests and approvals shall be made in writing. Any approval granted for outside employment is specific to the particular position referenced in the application and approval. Any employee who wishes to change outside employment must submit a new request form and receive approval before doing so.
- (b) Court time and property.** An employee shall not engage in outside employment on Court time or use Court personnel, supplies, equipment, or facilities in the performance of such employment.
- (c) Interested parties.** An employee shall not engage in outside employment with a person or entity that is a law firm, bar association, or law enforcement agency that is interested in legal or administrative matters pending before or regulated by the Court or that is doing or seeking to do business with the Court. The only exception may be if the Court Administrator or designee, in consultation with the employee's supervisor, determines the employee can withdraw from participation in the Court's consideration of those matters that affect the interests of the person with whom the employee desires to engage in outside employment.
- (d) Court relationships.** An employee shall not use the employee's relationship with other public officials or employees to secure a favorable decision or action by those public officials or employees regarding the employee's outside employment or employer, private business, or financial interests.
- (e) Participation in decisions affecting outside employer.** An employee shall not participate in decisions or make recommendations regarding legal or administrative matters pending before the Court involving business competitors of the employee or the employee's outside employer, including, but not limited to, recommending the outside employer's services to the Court.

- (11) **Outside Practice of Law.** An employee who is an attorney must follow all provisions of the Ohio Rules of Professional Conduct and, where applicable, Code of Judicial Conduct. Regardless of whether employees hold a position that requires an active law license, those employees with a law license must keep that license and registration in good standing.

A practicing attorney who becomes a Court employee will be afforded a reasonable amount of time to wrap up their prior legal commitments. This time period shall not exceed six months without approval of the Court. Any engagements within the Court must be moved to successor counsel immediately.

Employees with active law licenses shall only provide legal representation or otherwise engage in the practice of law in the following circumstances:

- (a) **Personal affairs.** An employee who is an attorney with a license in good standing may engage in the practice of law for the management of personal affairs of the employee or the employee's family. In providing such legal representation, the employee may give legal advice, prepare or revise legal documents, and initiate or defend litigation—but not in any matter that is, or has the potential to be, heard in the Court. An employee who performs such legal work shall not receive compensation and shall not perform the work on Court time or by using Court personnel, supplies, equipment, or facilities. The employee shall ensure the legal work does not require any act that would suggest the employee's position with the Court is being misused, the work conflicts with the employee's duties or responsibilities with the Court, or preferential treatment is being sought, or otherwise creates an appearance of impropriety.
- (b) **Pro bono legal services.** An employee who is an attorney may provide pro bono legal services through a program or activity sponsored or organized by the Court, a legal aid program, bar association, or other organization. The employee shall not provide pro bono legal services that require an appearance before the Court. In providing pro bono legal service, an employee shall not receive compensation and shall not provide the services on Court time, but may make limited use of Court supplies, equipment, and facilities. The employee shall ensure that the provision of pro bono legal services does not require any act, including an appearance in the Court, that would suggest the employee's position with the Court is being misused or preferential treatment is being sought; that conflicts with the employee's duties or responsibilities with the Court; or otherwise creates the appearance of impropriety.
- (c) **As approved by the Court.** An employee who wishes to engage in the outside practice of law must first obtain the written permission of the Court. Requests for permission should be addressed to the Court Administrator or designee, who will place the matter for consideration with the Administrative

Judge. Once permission is obtained, the employee may give legal advice, prepare or revise legal documents, and initiate or defend litigation—but not in any matter that is, or has the potential to be, heard in the Court. An employee who performs such legal work may receive compensation, but shall not perform the work on Court time or by using Court personnel, supplies, equipment, or facilities. Any court appearances or client meetings occurring during the employee’s work day require the use of personal or vacation leave, and only at the approval of the employee’s supervisor/appointing authority; therefore, such representation is strongly discouraged without procuring co-counsel. The employee shall ensure the legal work does not require any act that would suggest the employee’s position with the Court is being misused; that would conflict with the employee’s duties or responsibilities with the Court; that would seek preferential treatment; or that would otherwise create an appearance of impropriety.

**(12) Recusal from Participation.**

- (a) Impartiality.** An employee shall not participate in a legal or administrative matter pending before the Court in which the employee’s impartiality might reasonably be questioned. This includes, but is not limited to, all matters in which the employee, his or her spouse, or significant other, or other individual with whom the employee has a romantic relationship, or a person within the third degree of relationship to either of them is a party; officer, director, or trustee of a party; lawyer in the proceeding; has an interest that could be substantially affected by the outcome of the proceeding; or is likely to be a material witness.

Because of the potential conflict or appearance of impropriety, all Court staff must immediately inform their respective supervisor if the employee and/or someone in close relation to them is a witness or a party to any proceeding before the Court.

If an employee becomes aware of an actual or possible conflict as described in this policy, the employee shall immediately disclose the conflict to the Court Administrator or designee so that measures can be fashioned to eliminate or address the actual or possible conflict.

- (b) Bias and prejudice.** An employee shall not participate in a legal or administrative matter pending before the Court in which the employee has a personal bias or prejudice concerning a party to the matter or a party’s attorney.
- (c) Knowledge of case.** An employee shall not participate in a legal or administrative matter pending before the Court in which the employee is a material witness concerning the matter in controversy or in which the

employee has personal knowledge of disputed evidentiary facts concerning the matter.

- (d) **Attorney of record.** An employee shall not participate in a legal or administrative matter pending before the Court in which the employee has served as an attorney in the matter, or has previously practiced law or been associated with an attorney who, during the period of the practice or association, was serving as an attorney concerning the matter in controversy.
- (e) **Economic and other interests.** An employee shall not participate in a legal or administrative matter pending before the Court in which the employee, individually or as a fiduciary, the employee's spouse, including significant other or other individual with whom the employee has a romantic relationship, parent, or child, wherever residing, or any other person residing in the employee's household has any more than a minimal economic interest in the subject matter in controversy, is a party to the proceeding, or has any more than a minimal interest that could be substantially affected by the outcome of the matter in controversy.
- (f) **Knowledge of personal and family interests.** An employee shall stay informed of the employee's personal, fiduciary, and economic interests and make a reasonable effort to stay informed about the personal economic interests of the employee's spouse and any individual residing in the employee's household to aid in meeting the employee's duty to recuse from participation in a pending matter.

**(B) Responsibility.** The Court must protect the public trust and confidence of citizens by charging all employees with the responsibility to maintain a standard of conduct that protects the Court's impartiality and independence. The cooperation of all personnel is required to effectively implement this policy and maintain the standards of conduct set forth in this policy.

- (1) **Court Administrator's Responsibility.** All reports of conduct or behavior that violate this policy will be investigated immediately. The Court Administrator or designee is responsible for initiating and managing inquiries and investigations of violations of this policy. The Court Administrator or designee is also responsible for reporting all alleged violations of this policy to the Administrative Judge.
- (2) **Supervisors' Responsibility.** Supervisors who receive any information regarding possible violations of this policy shall immediately contact the Court Administrator or designee regarding the incident. Supervisors will respect and enforce the all provisions of this policy.
- (3) **Responsibility of all employees.** All employees have a responsibility to promptly and accurately report any incident that violates this policy to their supervisor or acting supervisor, or as otherwise outlined in this policy.

**(C) Ohio Fraud Reports.** The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, or through the United States mail. Employees are protected against any retaliation under Ohio law (ORC 124.341) for making reports under this system, and they should immediately alert management if they believe they have been mistreated or retaliated against for taking this protected conduct. The Auditor of State's fraud contact information is:

Telephone: 1-866-FRAUD OH (1-866-372-8364)

US Mail: Ohio Auditor of State's office  
Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, OH 43215

Web: [www.ohioauditor.gov](http://www.ohioauditor.gov)

**(D) The Court Prohibits Retaliation Under Any Portion of this Policy.** The Court welcomes questions, concerns, and requests for clarification regarding any portion of this policy. The Court also welcomes open communication regarding any potential violations of this policy. It is in the best interest of everyone that the Court Administrator or designee be aware of any potential or actual violations so they may be promptly remedied. There will be no intimidation, coercion, threats, retaliation, or discrimination against any individual for making a good faith complaint about any perceived violation of this policy.

Any employee who believes they have observed retaliation arising out of their own good faith conduct or the good faith conduct of another under this policy should bring it to the Court's attention by reporting it to the Court Administrator or designee, either orally or in writing.

If, for some reason, an employee does not feel they can report the improper conduct to the Court Administrator or designee, or the Administrative Judge, the complaint should be filed with the Lucas County Prosecutor's Office.

It is the Court's responsibility to immediately begin an investigation into the alleged complaint, including interviewing any person who may have witnessed the improper conduct. If, after a reasonable length of time, an employee wants to know the status of an investigation, or if there are continued incidents, they should contact the Administrative Judge, Court Administrator or designee.

All complaints will be handled in a timely manner, and if a complaint is determined to be valid, appropriate disciplinary action will be taken.



## **(E) Code of Ethics and Incorporation by Reference of Ohio R.C. Chapter 102**

All employees should review the Ohio Ethics Chapter (R.C. Chapter 102) and R.C. 2921.42 to guide their dealings within public employment. This may be located at the following link, which the Court adopts and incorporates into this manual by reference: [www.ethics.ohio.gov/education/factsheets/ethicslaw.pdf](http://www.ethics.ohio.gov/education/factsheets/ethicslaw.pdf).

All employees must abide by these statutes and the Court's Employee Code of Ethics outlined in this policy. Should this policy contradict any requirement of law, the Court will follow the law.

### **Administrative Policy 27: Artificial Intelligence**

Artificial Intelligence (AI) refers to the use of computers and machines to perform tasks that typically require human intelligence. Generative AI is a type of artificial intelligence capable of generating new content such as text, images, audio, etc.

The Court supports the use of AI technology so long as it is used in compliance with the law and other Court policies and does not replace human decision making. Any employee using AI technology is responsible for reviewing AI output for accuracy, appropriateness, privacy, and security before being acted upon or disseminated. AI outputs shall not be assumed to be truthful, credible, or accurate. Caution must be used when using AI technology as AI can make assumptions based on past stereotypes and the information may need to be corrected. Employees are responsible for any material created with AI support.

All AI software services, even if they are free, shall be reviewed by the Court to ensure the software meets all necessary security and privacy requirements. This applies to downloadable software, Software as a Service (SaaS), web-based services, browser plug-ins, and smartphone apps.

Material that is inappropriate for public release shall not be entered as input to AI tools unless explicitly approved by the Court. This includes but is not limited to personally identifiable information, confidential information or any information prohibited from release under Ohio's public records law.

## **SECTION VI: CLASSIFIED EMPLOYMENT**

Classified employees have appeal rights to the State for more severe discipline, and also are held to certain standards under the law as it relates to employment within the classified civil service. The purpose of this section of policy is to outline the Court's applicable policies and procedures in regard to all classified employees of the Court. This section of policy applies exclusively to those employees of the Court whose position descriptions indicate they are part of the classified civil service.

Any Court employee who serves in a hybrid role—performing work in a classified role, and also performing another function within the Court that is in an unclassified role—is in the unclassified service.

Additional Court employees may be added to the classified service through an act of legislation; should this ever occur, employees will be expressly provided with documentation indicating their inclusion into the classified service.

To the extent any other policies in this manual are inconsistent with the policies in this Classified Employment section, the Court will follow the policies in this section in the case of classified employees. To the extent any policy in this Classified Employment section is inconsistent with the Ohio Administrative Code, the Ohio Revised Code, or Ohio common law, the Court will follow the law.

### The Selection Process in the Classified Service

All classified employees will be selected according to merit and fitness—as determined by the completion of one or more examinations. These examinations may be written, oral, and/or physical methods of assessing skills, training, and/or experience. Examinations may include structured interviews; assessment centers; work simulations; examinations of knowledge, skills, and/or abilities; and/or any other testing methods permitted by law.

When medical or psychological examinations are necessary in selecting an applicant, notice shall be published in the examination or vacancy announcement. Such examinations will be required or administered evenhandedly to all candidates at the same phase of the application process, only after a conditional job offer has been extended. The results will be the last factor evaluated before reaching a final decision to make an offer of employment. The results of any medical or psychological examination shall be maintained in a confidential manner, consistent with state, federal, and local law.

No applicant for classified employment may pay or promise to pay any money nor provide any other valuable thing in exchange for their appointment to or promotion in the classified service. Further, no classified employee or applicant may ask or receive any recommendation or assistance from any person for any political service in seeking an appointment to or promotion in the classified service.

### Probationary Period

When classified employees are appointed or promoted to a new position, they must successfully complete a probationary period of 180 days. If the employee's services are found unsatisfactory by the Court, the employee may be removed or reduced. However, after completing the probationary period, the employee becomes permanent in the classified service with all the rights and privileges afforded by law. The Court does not provide any rights or privileges in excess of what is required by law.

Time spent by classified employees on leaves of absence without pay is not counted as part of the probationary period. Probationary periods will be extended by an equal number of days the employee spent in a no-pay status.

### Temporary Appointments of Employees Who Would Otherwise Be Classified

The Court may temporarily appoint an employee who would otherwise be a part of the classified service for up to 120 days without affording the employee all the rights and privileges of the classified service described in this Classified Employee section and under Ohio law.

If the Court temporarily appoints an unclassified employee to temporarily perform the duties of a classified employee due to that individual's sickness, disability, or other approved leave, the temporary appointee may continue serving in an unclassified status for a period extending beyond 120 days, and until the period of time expires that the classified employee remains sick, disabled, or on an approved leave.

### Probationary Period Reviews for Classified Employees

All new and promotional classified employees in their probationary period may be evaluated one or more times before the completion of their probationary period. Employees shall be evaluated 90 days following the date of hire. Employees shall be re-evaluated again 180 days following the date of hire, at the end of the Probationary Period.

The purpose of a Probationary Period is to gauge the employee's suitability for the new position. Because completing the Probationary Period affords classified employees permanent employment, absent cause for their separation, it is important for management to remain vigilant to signs of performance or conduct problems during the probationary period, and to provide adequate documentation of those observations through probationary period reviews, where appropriate.

### Procedure for Certain Adverse Employment Actions against Classified Employees (Not Applicable to Those in Their Probationary Period)

#### **(1) Qualifying Events for Pre-Disciplinary Due Process Proceedings**

The following adverse employment actions may not be taken against a classified employee without that employee first being afforded prior notice to attend a pre-disciplinary hearing, and the completion of that hearing:

- Termination
- Reduction in pay (An employee's denial of a one-time pay supplement or a bonus is not a reduction in pay.)
- Demotion
- A suspension exceeding 35 work hours (*i.e.*, more than five working days) or a fine that exceeds 35 hours of pay for employees who are exempt from overtime
- A suspension exceeding 21 work hours (*i.e.*, more than three working days) or a fine that exceeds 21 hours of pay for employees who are not exempt from overtime
- Reduction or elimination of longevity

#### **(2) Procedure for Initiating Due Process Proceedings**

### **(a) Investigation**

Before a classified employee's pre-disciplinary hearing, the Court will ordinarily complete an investigation into the accuracy of the reports. This may include interviewing witnesses (which may or may not include the employee at this stage), and reviewing documents, policies, reports, or other evidence.

### **(b) Pre-Disciplinary Hearing Written Notice**

If the information suggests the potential for an adverse employment action, the Court then requires management to issue the employee a written Pre-Disciplinary Hearing Notice, which contains at least the following information:

- Notice of the hearing, which provides a date and time they may appear to attend the pre-disciplinary hearing (scheduled sufficiently after the notice to afford the employee an adequate opportunity to prepare and respond to the charges).
- An indication that the employee may waive their entitlement to attend the hearing, in writing, if they choose.
- The reason(s) for the possible adverse action, providing sufficient detail that the employee may arrive with adequate ability to respond to the allegations.
- The right to have an attorney present at the conference (*i.e.*, a *Piper* notice); however, attorneys will not have the right to call or cross-examine any witnesses.
- If the events at issue have the potential to create criminal liability for the employee, the notice will include a *Garrity* notice (*i.e.*, a disclosure that apprises the employee they will be compelled to respond to the allegations in the hearing, but their responses will not be shared with law enforcement).

### **(c) Pre-Disciplinary Hearing**

The Deputy Court Administrator (or designee) will serve as a Hearing Officer who will evaluate the information within the pre-disciplinary hearing and determine whether there is cause for discipline. The Deputy Court Administrator (or designee), must then review the facts from the hearing and make recommendations to the Court Administrator. The Court Administrator has the authority to Order any of the adverse employment actions listed above if it finds cause to conclude any of the following:

- Incompetency
- Inefficiency
- Unsatisfactory Performance
- Dishonesty
- Drunkenness
- Immoral Conduct
- Insubordination
- Discourteous Treatment of the Public
- Neglect of Duty (which can include, but is not limited to, habitual absence from duty, or absence without leave or approval)

- Violation of any Court policy or Work rule
- Violation of ORC Chapter 124 or other applicable rules of law or regulations
- Any Other Failure of Good Behavior, including, but not limited to, a finding by the appropriate ethics commission that an employee has violated Ohio R.C. Chapter 102 or advocated or willfully retained membership in an organization that advocates overthrow of the government of the United States or State by force, violence, or other unlawful means
- Any Other Acts of Misfeasance, Malfeasance, or Nonfeasance in Office
- Conviction of a Felony

Classified employees who are still in their probationary period will be subject to discipline, up to and including termination, in the same manner as unclassified employees.

In addition, a classified employee may be reduced in pay or demoted for additional reasons not listed above if they voluntarily agree to do so in writing.

Any disciplinary consequence that rises to the level of an adverse employment action as listed above (e.g., suspension of more than three days for non-exempt employees, demotion, removal), must be memorialized in an Order that demonstrates the Court afforded the employee with adequate pre-disciplinary due process and advises the employee of their rights to appeal the determination to the State Personnel Board of Review. This document must be personally served upon the employee or provided to them via certified mail.

#### **(d) Conviction of a Felony**

A classified employee's conviction for certain felony offenses provides a separate basis for reducing them in pay or position, suspending, or removing them from office—even if the Court previously reduced the employee in pay or position, suspended, or removed the employee for the same conduct. Further, this conviction immediately forfeits the employee's status as a classified employee in any public employment, on and after the date of the conviction, and this determination is not appealable to the State Personnel Board of Review.

#### **(e) Restrictions on Political Activities**

Classified employees are prohibited from engaging in certain political activities. No classified employee shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for public office. No classified employee shall solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting, any such assessment, contribution, or payment from any officer or employee in the classified service. No classified employee shall be an officer in any political organization or take part in politics other than to vote as the employee pleases and to express freely political opinions.

- (1) Prohibited Activities.** In addition to the prohibitions listed above, classified employees are prohibited from running as a candidate for partisan office, filing petitions for candidacy for partisan office, circulating petitions for partisan office, holding an office in a partisan political organization, campaigning for candidates for political office by giving speeches or distributing political material, soliciting cash or in-kind contributions for political campaigns, selling political party tickets, engaging in partisan activities at polls, serving as a witness or challenger in a political matter, or participating in partisan political caucuses or partisan political action committees. In addition, the federal Hatch Act may apply if employees exercise functions in connection with federally financed activities.
- (2) Permissible Activities.** Outside of Court premises and outside of Court time, Classified employees are permitted to engage in certain political activities including, but not limited to, registration and voting, expressing political opinions, voluntary financial contributions to political candidates or organizations, circulating non-partisan petitions, attending political rallies, candidacy in nonpartisan elections, signing nominating petitions, displaying political materials on person, property, vehicles, and serving as a precinct election official.
- (3) Penalties.** An employee in the classified service who engages in any of the prohibited activities is subject to removal from his or her position in the classified service. The appointing authority may initiate such removal action in accordance with the procedures in section 124.34 of the Revised Code. Such authority is discretionary, not mandatory.

### Disability Separation for Classified Employees

Employees in the classified service may face a voluntary or involuntary separation for reasons related to a disabling illness, injury, or condition that renders the employee unable to perform the essential job duties of the employee's position.

#### **(1) Involuntary Disability Separation**

Classified employees who become unable to perform the essential functions of their position due to a disabling illness, injury, or condition may be involuntarily disability separated. This occurs when the Court receives substantial credible medical evidence of the employee's disability and determines that the employee is incapable of performing the job's essential functions.

The Court will ask the employee to submit to a medical or psychological examination before placing the employee on involuntary disability separation unless the employee is hospitalized at the time the action is taken; the employee has exhausted their disability leave benefits; or substantial credible medical evidence already exists that documents the employee's inability to perform the essential job duties.

Before an involuntary disability separation, the Court will hold a hearing to determine whether the employee should be separated. The employee will be provided written notice at least 72 hours before the hearing. The employee may waive their right to the hearing. If the employee does not waive the right to the hearing, then the employee has the right to examine the Court's evidence of disability; to rebut that evidence; and to present testimony and evidence on their own behalf.

If the Court determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is capable of performing their essential job duties, then the involuntary disability process will cease and the employee will be considered fit to continue performing his or her position.

However, if after weighing the testimony presented and the evidence admitted at the pre-separation hearing, the Court determines the employee is unable to perform their essential job duties, then the Court must issue an "Involuntary Disability Separation Order." That Order must inform the employee of the required procedures to apply for reinstatement. Additionally, the effective date of separation, for purposes of pursuing reinstatement, must be based upon the date in which the employee was no longer performing in active work status due to the disabling illness, injury, or condition.

An employee who has been placed on involuntary disability separation is not prohibited from applying for disability leave benefits. Further, employees so separated have the right to appeal in writing to the State Personnel Board of Review within 10 days after the date the Order is served.

## **(2) Voluntary Disability Separation**

An employee who is unable to perform the essential job duties of the position due to a disabling illness, injury, or condition may request a voluntary disability separation; this occurs when the employee does not dispute their inability to perform the essential job duties of the position due to a disabling illness, injury, or condition.

The Court may grant the employee's request for voluntary disability separation, or it may require the employee to submit to a medical or psychological examination. If the examination supports the employee's request, the Court will grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the Court will not approve the employee's request.

An employee who is granted a voluntary disability separation waives the right to a pre-separation hearing and waives the right to appeal the decision to approve their request to separate.

## **(3) Payment for Medical or Psychological Evaluations**

Employees may be required to submit to medical or psychological evaluations that are requested by the appointing authorities for purposes of determining their ability to perform

the position's essential functions (both for voluntary and involuntary disability separations). The Court will provide for the cost of any requested medical or psychological evaluations; however, if an employee has an unexcused failure to appear at a scheduled examination, they may be responsible for any costs associated with rescheduling, at the discretion of the Court.

Further, an employee's refusal to appear for or submit to an examination, or their refusal to release the results of a requested examination, may jeopardize their eligibility for a voluntary separation; it may likewise result in a finding of sanctionable insubordination warranting discipline, up to and including termination of employment.

### Reinstatement Following Disability Separation

#### **(1) Timing of seeking reinstatement after disability separation**

A classified employee who was disability separated may not seek reinstatement for at least three (3) months after discontinuing active pay status, nor more than once every three (3) months after an unsuccessful reinstatement request.

A classified employee ordinarily must apply for reinstatement within two (2) years from the date they were no longer in active work status due to the disabling illness, injury, or condition; ordinarily, they will be deemed to have permanently separated from service on the second anniversary of discontinuing active work status, and be prospectively ineligible to apply for reinstatement.

One exception exists for employees who were separated due to disability, but who later qualified for PERS disability: Those former employees may apply for reinstatement, even to the extent they reapply after the second anniversary of discontinuing active work status, if PERS has determined they should remain eligible beyond that date. Former classified employees who complete disability separations may reapply for the length of time that PERS requires them to be considered for reemployment, even past the second year they discontinued active work status. However, a disability-separated employee cannot apply for reinstatement after attaining a service eligibility retirement.

Employees may contact the Court Administrator or designee with questions regarding the length of time the employee has to seek reinstatement.

#### **(2) Process for seeking reinstatement after disability separation**

Disability-separated employees seeking to be reinstated must submit a written request for reinstatement to the Administrative Judge, Court Administrator, or designee. These requests must be accompanied by substantial, credible medical evidence that the employee is capable of performing the employee's essential job duties.

Upon receiving this request, the Court may either reinstate the employee or set a pre-reinstatement hearing to determine if the employee meets the eligibility criteria for



reinstatement. *In either event, the Court must notify the employee of its decision to approve or deny the reinstatement request within 60 days after it receives the employee's written request.*

If the Court sets a pre-reinstatement hearing, it must weigh the testimony and evidence to determine whether the employee is able to perform the essential job duties of the employee's assigned position. If the Court determines an employee, who has been disability separated, has committed an act that is inconsistent with a disabling illness, injury, or condition, that act may be considered when determining the employee's eligibility for reinstatement. Based upon its conclusion following the hearing, the Court will or will not reinstate the employee.

If the Court reinstates the employee, they will return to the position held at the time of disability separation. If that position no longer exists or is no longer utilized, the employee will be placed in a similar classification. If no similar classification exists, or if the employee no longer meets the minimum qualifications, the employee may be laid off.

If the Court refuses to reinstate the employee, it will inform the employee in writing and of the right to appeal the decision to the State Personnel Board of Review within 30 days of receiving notice of the Court's decision.

#### Layoffs, Displacement ("Bumping"), Recall, and Reinstatement

Should the Court ever determine the need to lay off classified employees, it will only do so as required by law. In this circumstance the Court will maintain a recall list, because each laid-off or displaced employee has the right to reinstatement and re-employment for one year after the layoff. Further, classified employees have the right to displace another with less seniority in some instances; this information will be provided to employees, as relevant.

#### Job Abolishment

Should the Court ever determine the need to abolish classified positions (*i.e.*, an elimination lasting more than one year), it will only do so as required by law.

# Acknowledgement of Receipt of Employee Manual

I have received a copy of the Court's Employee Manual (manual). I have read it and been given an opportunity to ask questions I have concerning any of the policies, procedures and benefits in this manual.

I understand that neither this manual nor my application for employment provides any contractual rights or guarantees of employment and that my employment is for no definite duration.

With the exception of the Classified employees, which remain subject to the provisions of the classified service, I understand that I serve at the pleasure of the Court. This means that either I or the Court can terminate my employment at any time, with or without notice or cause, and this understanding cannot be modified.

I understand that no employee of the Court has authority to enter into an employment contract or justifiably rely on any purported promise of continued employment.

I further understand that the policies, procedures and benefits outlined in this manual may be changed from time to time at the discretion of the Court. I will keep my manual for future reference and observe the policies and procedures outlined in this manual unless I am notified of a change in such policies and procedures.

I verify I have been provided with a means to review a copy of Ohio Revised Code Chapter 102 and R.C. 2921.42 within this policy. I also have been provided with a summary of the Ohio Fraud Report system within this policy. I read the information and I understand where I may direct any questions or concerns.

---

Employee Printed Name

---

Employee Signature

---

Date