Office of the Ohio Inspector General

Policies and Procedures
## OFFICE OF THE INSPECTOR GENERAL
### TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Policy</th>
<th>Policy Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFICE ORGANIZATION</td>
<td>100</td>
</tr>
<tr>
<td>Summary of Benefits</td>
<td>100.01</td>
</tr>
<tr>
<td>ADMINISTRATIVE POLICIES</td>
<td>200</td>
</tr>
<tr>
<td>Pre-Employment Conditions</td>
<td>200.01</td>
</tr>
<tr>
<td>Employee Identification</td>
<td>200.02</td>
</tr>
<tr>
<td>Confidentiality</td>
<td>200.03</td>
</tr>
<tr>
<td>Access to Confidential Personal Information and OIG Supplement Rule</td>
<td>200.04</td>
</tr>
<tr>
<td>Public Records Policy Notice</td>
<td>200.05</td>
</tr>
<tr>
<td>Record Requests</td>
<td>200.06</td>
</tr>
<tr>
<td>Document Retention Policy</td>
<td>200.07</td>
</tr>
<tr>
<td>Information Technology Policy</td>
<td>200.08</td>
</tr>
<tr>
<td>Inventory Control</td>
<td>200.09</td>
</tr>
<tr>
<td>Electronic Personnel Action Request Policy</td>
<td>200.10</td>
</tr>
<tr>
<td>Storage and Disposition of Evidence</td>
<td>200.11</td>
</tr>
<tr>
<td>Media Relations/Noteworthy Issues</td>
<td>200.12</td>
</tr>
<tr>
<td>Purchasing Procedures</td>
<td>200.13</td>
</tr>
<tr>
<td>Charitable Campaigns</td>
<td>200.14</td>
</tr>
<tr>
<td>Auditor of State’s Fraud Reporting System</td>
<td>200.15</td>
</tr>
<tr>
<td>Response to Active Aggressor</td>
<td>200.16</td>
</tr>
<tr>
<td>Ohio Law Enforcement Gateway</td>
<td>200.17</td>
</tr>
<tr>
<td>Policy</td>
<td>Policy Number</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>EMPLOYER EXPECTATIONS</td>
<td>300</td>
</tr>
<tr>
<td>Workplace Attire Policy</td>
<td>300.01</td>
</tr>
<tr>
<td>Standards of Behavior</td>
<td>300.02</td>
</tr>
<tr>
<td>Office Hours/Work Schedules</td>
<td>300.03</td>
</tr>
<tr>
<td>Payroll and Timekeeping Policy</td>
<td>300.04</td>
</tr>
<tr>
<td>Travel Policy</td>
<td>300.05</td>
</tr>
<tr>
<td>Municipal and School Income Tax Liability</td>
<td>300.06</td>
</tr>
<tr>
<td>Confirmation of Independence</td>
<td>300.07</td>
</tr>
<tr>
<td>Seeking New or Secondary Employment</td>
<td>300.08</td>
</tr>
<tr>
<td>Financial Disclosure Statements</td>
<td>300.09</td>
</tr>
<tr>
<td>Political Activity</td>
<td>300.10</td>
</tr>
<tr>
<td>Public Safety Emergencies</td>
<td>300.11</td>
</tr>
<tr>
<td>Domestic Violence Policy</td>
<td>300.12</td>
</tr>
<tr>
<td>Drug Free Workplace Policy</td>
<td>300.13</td>
</tr>
<tr>
<td>Non-Smoking Policy</td>
<td>300.14</td>
</tr>
<tr>
<td>Equal Employment Opportunity</td>
<td>300.15</td>
</tr>
<tr>
<td>Americans with Disabilities Act</td>
<td>300.16</td>
</tr>
<tr>
<td>Sexual Harassment</td>
<td>300.17</td>
</tr>
<tr>
<td>Workplace Violence Policy</td>
<td>300.18</td>
</tr>
<tr>
<td>Governor’s Policy and Procedure for Notification</td>
<td>300.19</td>
</tr>
<tr>
<td>Of suspected Illegal or Improper Activity</td>
<td></td>
</tr>
<tr>
<td>Policy</td>
<td>Policy Number</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Payment Card Policy</td>
<td>300.20</td>
</tr>
<tr>
<td>Customer Service Standards</td>
<td>300.21</td>
</tr>
<tr>
<td><strong>EMPLOYER BENEFIT POLICIES</strong></td>
<td>400</td>
</tr>
<tr>
<td>Health Insurance</td>
<td>400.01</td>
</tr>
<tr>
<td>Dental and Vision Insurance</td>
<td>400.02</td>
</tr>
<tr>
<td>Basic Life and Long Term Care Insurance</td>
<td>400.03</td>
</tr>
<tr>
<td>Employee Wellness Program</td>
<td>400.04</td>
</tr>
<tr>
<td>Flexible Spending Accounts</td>
<td>400.05</td>
</tr>
<tr>
<td>Public Employee Retirement System</td>
<td>400.06</td>
</tr>
<tr>
<td>Deferred Compensation Program</td>
<td>400.07</td>
</tr>
<tr>
<td>Credit Union and Savings Bonds</td>
<td>400.08</td>
</tr>
<tr>
<td>Employee Assistance Program</td>
<td>400.09</td>
</tr>
<tr>
<td>United Behavioral Health</td>
<td>400.10</td>
</tr>
<tr>
<td>Prior Service Credit</td>
<td>400.11</td>
</tr>
<tr>
<td>Child Care Voucher Program</td>
<td>400.12</td>
</tr>
<tr>
<td>COBRA</td>
<td>400.13</td>
</tr>
<tr>
<td>Workers’ Compensation Policy</td>
<td>400.14</td>
</tr>
<tr>
<td><strong>EMPLOYER LEAVE POLICIES</strong></td>
<td>500</td>
</tr>
<tr>
<td>Holiday Leave</td>
<td>500.01</td>
</tr>
<tr>
<td>Vacation Leave</td>
<td>500.02</td>
</tr>
<tr>
<td>Personal Leave</td>
<td>500.03</td>
</tr>
<tr>
<td>Policy</td>
<td>Policy Number</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Sick Leave</td>
<td>500.04</td>
</tr>
<tr>
<td>Compensatory Time/Overtime Compensation</td>
<td>500.05</td>
</tr>
<tr>
<td>Administrative Leave</td>
<td>500.06</td>
</tr>
<tr>
<td>Adoption/Childbirth Leave</td>
<td>500.07</td>
</tr>
<tr>
<td>Disability Leave</td>
<td>500.08</td>
</tr>
<tr>
<td>Family Medical Leave Act</td>
<td>500.09</td>
</tr>
<tr>
<td>Bereavement Leave</td>
<td>500.10</td>
</tr>
<tr>
<td>Court/Jury/Response to Subpoena</td>
<td>500.11</td>
</tr>
<tr>
<td>Military Leave</td>
<td>500.12</td>
</tr>
<tr>
<td>Donated Leave</td>
<td>500.13</td>
</tr>
<tr>
<td>Living Organ and Bone Marrow Leave</td>
<td>500.14</td>
</tr>
<tr>
<td>Separation of Service</td>
<td>500.15</td>
</tr>
</tbody>
</table>

**INDEX**

Governor’s Executive Orders  Follow Link
Adoption/Childbirth Leave: Allows OIG permanent exempt employees the opportunity to take up to a maximum of six weeks of continuous parental leave to care for the birth or adoption of a minor child. Employees who adopt a child may elect to receive $2,000 for adoption expenses in lieu of receiving the paid leave benefit. *(See Policy 500.07)*

Bereavement Leave: OIG full-time permanent exempt employees may receive up to three consecutive work days (maximum 24 hours) with pay upon the death of an immediate family member. Immediate family means an employee’s spouse, child, stepchild, stepparent, step-sibling, grandchild, parent, grandparent, brother, sister, mother in-law, father in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step-brother, step-sister, legal guardian or other person who stands in the place of a parent. *(See Policy 500.10)*

Child Care Voucher Program: This program is an annual, grant-type cash payment made to the employee by the State of Ohio if the employee meets the qualified requirements. *(See Policy 400.12)*

Compensatory Time/Overtime Compensation: Compensatory time/overtime can be earned by employees of the OIG if in active pay status for more than 40 hours in any calendar week and if the additional hours are deemed immediately necessary to the operation of the OIG. An overtime exempt employee may accrue compensatory time up to a maximum of 120 hours. An overtime eligible employee may accrue compensatory time up to 240 hours. Compensatory time is not available for use until it appears on the employee’s earning statement and the compensation described in the earnings statement is available to the employee. *(See Policy 500.05)*

Consolidated Omnibus Budget Reconciliation Act (COBRA): This federally mandated program allows an employee or covered dependent to continue his/her medical, dental and/or vision benefits, for a limited period of time, based on qualifying events. *(See Policy 400.13)*

Court Leave/Jury Duty/Response to Subpoena: Grants full pay for court duty. All compensation received for court or jury duty is to be remitted by the employee to the Human Resources Department unless such duty is performed outside of the normal working hours. The original court check is required in order to verify actual compensation received by the court. *(See Policy 500.11)*

Credit Union: The Credit Union of Ohio is available to all employees and offers the convenience of a payroll deduction plan. A credit union is a not-for-profit cooperative. *(See Policy 400.08)*

Deferred Compensation Program: The Ohio Public Employees Deferred Compensation Program is a voluntary savings, supplemental retirement program that allows eligible public employees to save pre-tax dollars. *(See Policy 400.07)*
Dental and Vision Insurance: After one year of continuous state service employees are eligible to select dental and vision coverage. There is no monthly premium required from the employee.  *(See Policy 400.02)*

Dependent Care Spending Account Program: A tax-free benefit that allows eligible employees to have funds taken from their paycheck before taxes are computed and have them directed to a special account which is to be used to pay for the care of eligible dependents.  *(See Policy 400.05)*

Disability Leave Benefits: OIG permanent exempt employees with a disabling illness, injury, or condition that will last more than 14 consecutive calendar days who has completed one year of continuous state service immediately prior to the date of the disability and whose salary or wage is paid directly by warrant of the director of the office of budget and management is eligible for disability leave benefits granted under the provisions of section 124.385 of the Revised Code and Chapter 123:1-33 of the Administrative Code.  *(See Policy 500.08)*

Donated Leave Program: State employees are eligible to receive donated leave when the employee or a member of the employees’ immediate family has a serious illness or injury, the employee has no accrued leave, the employee has not been approved to receive other state paid benefits, and the employee has applied for any paid leave, worker’s compensation, or benefits program for which the employee is eligible. Employees may donate sick, personal or vacation leave. Comp time can not be donated.  *(See Policy 500.13)*

Employee Assistance Program (EAP): A support and referral service for state government employees and their families who have personal problems which may be affecting their ability to function efficiently and safely at work. Employees may contact the Employee Assistance Program at (800) 221-6327 or (614) 644-8545 in Franklin County.  *(See Policy 400.09)*

Employee Wellness Program: The OIG will allow employees to combine a one hour lunch period with two fifteen minute breaks on three designated days of each week. On the designated days, employees may take a total of 90 minutes to participate in qualified health and wellness activities.  *(See Policy 400.04)*

Family and Medical Leave: Employees who have been employed by the state for at least 12 months and have actually worked (i.e. in “active work status”) at least 1,250 hours during the past 12 months are entitled to FMLA leave regardless of gender. Eligible employees are afforded up to 12 work weeks per year or 480 hours of leave pursuant to the FMLA provisions. FMLA leave may be paid leave, by using current leave balances, or may be unpaid.  *(See Policy 500.09)*

Health Care Spending Program: Allows employees to pay for current health expenses and save for future qualified medical and retiree health expenses on a tax-free basis.  *(See Policy 400.05)*

Health Insurance: OIG permanent exempt employees are eligible to participate in the state’s comprehensive health care plan or a health maintenance organization. Eligibility begins the first day of the month following an employee’s hire date.  (See Policy 400.01)

Holiday Leave: Full time employees in active pay status immediately preceding the holiday, may receive a minimum of eight hours of pay for each holiday observed regardless of the employee’s work shift and work schedule. The State of Ohio currently observes ten paid holidays.  (See Policy 500.01)

Life Insurance and Supplemental Life Insurance: OIG permanent exempt employees are automatically enrolled in the State Group Life Insurance Plan after one year of continuous state service. Supplemental life insurance is through Prudential Life Insurance and it is an optional insurance policy. Newly hired employees must apply for supplemental life insurance within the first 90 days of his/her start date. (See Policy 400.03)

Living Organ & Bone Marrow Donor Leave: Full-time permanent employees may receive a specified amount of paid leave to recuperate from donating his/her kidney, a portion of liver, or bone marrow. (See Policy 500.14)

Long-term Care: Refers to a wide range of personal care, health care, and social services for people of all ages who suffer from a chronic disease or long-lasting disability. Enrollment must be made within 60 days from an employee’s appointment date or during the designated open enrollment period.  (See Policy 500.03)

Military Leave: Permanent employees who are members of the Ohio National Guard, Ohio Military Reserve, Ohio Naval Militia, or members of other components of the armed forces of the United States, are granted military leave without loss of pay for such time as they are performing military duty in the uniformed services for periods not to exceed one month in any one calendar year. One month is defined as 22 eight-hour workdays.  (See Policy 500.12)

Personal Leave: Full-time permanent employees will be credited with 32 hours of personal leave on the 1st paycheck received in December. Employees appointed after the 1st paycheck in December will receive 32 hours, less 1.2 hours for each pay period that has elapsed from the 1st paycheck in December.  (See Policy 500.03)

Prior Service Credit: OIG employees may receive credit for employment with a political subdivision(s) (e.g., county, city, township, school, university, and library). Vacation accrual rates may increase based on prior service credit.  (See Policy 400.11)

Ohio Public Employees Retirement System (OPERS): Every state employee is a member of OPERS. As a member, mandatory employee contributions are deducted from every paycheck. This is in lieu of Social Security.  (See Policy 400.06)
Savings Bonds: Employees may purchase “Series EE” or “Series I” U.S. Savings Bonds through TreasuryDirect which is a web-based system that allows employees to establish accounts to buy, hold, and manage treasury securities online. (See Policy 400.08)

Sick Leave: Full-time permanent employees accrue sick leave at a rate of 3.1 hours for each 80 hours in active pay status, excluding overtime hours, not to exceed 80 hours in a 12-month period. (See Policy 500.04)

Unemployment Compensation: State employees are covered by the Ohio Unemployment Compensation Law. For additional information, contact Job and Family Services at 1-877-644-6562. 

United Behavioral Health: Provides confidential mental health and chemical dependency services for employees and their dependents that are enrolled in a state-sponsored health care plan. Employees may get a referral to a provider in the UBH network by contacting UBH directly at 1-800-852-1091. (See Policy 400.10)

Vacation Leave: Full-time permanent employees accrue vacation each biweekly pay period. Vacation allowance increases with the number of years of service. Vacation accrual rates may be reduced for time spent in an inactive pay status. (See Policy 500.02)

Workers’ Compensation: OIG employees are covered by the Ohio workers’ compensation system for medical cost as a result of a work-related injury allowed by the Bureau of Workers’ Compensation (BWC). (See Policy 400.14)
BACKGROUND CHECK

All prospective employees of the Office of the Inspector General (OIG) shall be required to provide information and be fingerprinted so that the OIG may conduct a standard pre-employment background check. The background information to be solicited includes, but is not limited to: felony or misdemeanor convictions, traffic citations (moving violations), disciplinary actions for breach of ethics or unprofessional conduct, pending civil suits to which the employee was or is a party, unresolved bankruptcy actions in which the employee is a debtor, and information regarding child support and tax payments. The background check is conducted prior to and as a condition of employment with the OIG.

The OIG is an equal employment opportunity employer and will not use any of the information provided or obtained through the background or record check for purposes of discrimination on the basis of race, color, religion, sex, national origin, age (40 years or more), ancestry, disability, military status, genetics or veteran status.

DRUG TESTING

All prospective employees of the Office of the Inspector General shall be required to undergo a pre-employment drug test.

EMPLOYMENT STATUS

All employees of the Office of the Inspector General are unclassified and serve at the pleasure of the appointing authority. Employees may be removed, suspended, or demoted according to Ohio Revised Code sections 121.48, 121.51, 121.52 and 121.53. The Inspector General likewise has the authority to set the rate of compensation for all employees.
**GENERAL**

Newly hired employees of the Office of the Inspector General (OIG) will be issued a building photo identification card. The identification card permits OIG employees to enter the main areas of the Rhodes State Office Tower. In addition, the card serves as the “security swipe card” needed to access the OIG suite. Contract employees will be assigned a temporary security card that will enable them to enter the OIG suite as needed. OIG employees will receive keys to both the OIG office suite and their individual offices, if applicable.

In addition, Deputy Inspectors General will be issued investigator credentials and an OIG investigator badge after successfully executing the oath of office.

Employees are responsible for assigned employee identification. Assigned employee identification (e.g. identification card, credentials, badge, keys or parking pass) should be treated the same as office equipment and should not be left unattended. Misuse, abuse or failure to provide reasonable efforts to safeguard assigned employee identification may constitute neglect and be grounds for disciplinary action up to and including termination. An employee will be responsible for any associated replacement costs.

Any lost employee identification, including office keys, should be promptly reported to the Human Resources Department.

**EXPECTATIONS**

Employees are to refrain from using Office of the Inspector General identification in a manner or setting that does not reflect appropriately on the office (i.e. using the office, position or the officeholder’s name to influence someone to act on your behalf in a non-work related/personal capacity).

**SEPARATION OF SERVICE**

Any employee who separates or transfers from the Office of the Inspector General is required to return all applicable OIG property prior to his/her last day (e.g., identification card, credentials, keys, badge, parking pass, work telephone, and office computer equipment).

*(Also refer to the Separation of Service Policy 500.15)*
POLICY

In accordance with the Office of the Inspector General’s (OIG) philosophy of professionalism, it is the policy of the OIG to not discuss the general internal business affairs of the organization with anyone outside the organization except as may be required in the normal course of business. As a result, all employees have the responsibility to avoid unnecessary disclosure of confidential internal information about the OIG. This duty is not intended to impede normal business communications, but is intended to alert employees to their obligation to use discretion to safeguard internal office business. Furthermore, "confidential information" as defined below is to be discussed with no one outside the organization and only discussed within the organization on a "need to know" basis. "Confidential information" is defined in the Professional Standards contained in Ohio Administrative Code § 4701-11-02; Ohio Revised Code § 1347.12, and in public records law contained in Ohio Revised Code § 149.43. Because of the sensitive nature of the information gathered and kept by the OIG during the course of the investigations required under Ohio Revised Code § 121.42, confidentiality is essential. Breaches of confidentiality or “leaks” of information prior to the public release of a report of investigation will not be tolerated. Strict adherence will ensure that the integrity and confidentiality of investigations are maintained as required by Ohio law.

CONFIDENTIALITY STATEMENT

All OIG employees, including temporary and contract employees, are required as a condition of employment, to sign a confidentiality agreement. A copy of the signed agreement will be placed in each employee’s personnel file.

PUBLIC RECORDS REQUEST

If or when a public records request is received the matter shall be discussed immediately with the chief legal counsel. (Also refer to the Public Records Policy 200.05)

Employees violating this policy will be subject to discipline up to and including termination.
(A) Authority

In late 2008, in response to the “Joe the Plumber” case, the 127th General Assembly enacted H.B. 648. That legislation created Ohio Revised Code sections 1347.15 and 5703.211. While the latter section of law applies only to the Department of Taxation, all other state agencies, save and except law enforcement, are required by Revised Code section 1347.15 to adopt rules, policies and procedures that regulate employees’ access to confidential personal information kept by that agency. Accordingly, this policy is promulgated under the authority of Revised Code section 1347.15 (B), and the Inspector General’s authority to enact rules that he finds necessary “for the successful implementation and efficient operation” of the duties assigned by law to the Office of the Inspector General. See Revised Code section 121.50.

(B) Purpose

This rule is designed to regulate access to the confidential personal information that is kept by the Office of the Inspector General. (Hereinafter referred to as “OIG”) Note: There is substantial debate as to whether agencies like the OIG actually “keep” confidential personal information as a part of their routine duties. However, to avoid issues with future audits of the OIG, and to strictly comply with the law; this rule is established.

(C) Application and Scope

This rule applies to all records kept by the OIG, whether in electronic or paper form. Likewise, this rule applies to all employees of the OIG and to all persons who are granted access, for valid business reasons, to the records of the OIG which may contain confidential personal information. This rule is designed to supplement any rules or policies previously enacted by the OIG which address OIG access to other agencies’ databases or data systems.

(D) Definitions

As used in Revised Code section 1347.15 and this rule, the following definitions apply:

1 “Kept” is a term of art, according to the Ohio Supreme Court. In State ex rel. Cincinnati Enquirer, Div. of Gannett Satellite Info. Network, Inc. v. Cincinnati Bd. Of Edn., 99 Ohio St. 3d 6, 2003-Ohio-2260; held that the word must be given its customary, usual and normal meaning. Thus, “kept”, the past participle of “keep”, means: “preserve”, “maintain”, “hold”, “detain”, or “retain or continue to have in one’s possession or power especially by conscious or purposive policy.” Id. at 8. Unlike agencies such as ODJFS, Taxation, and Health, we do not “keep” confidential personal information. Our contact with that sort of information is primarily accidental – provided by the complainant—or incidental to a particular investigation or to the daily human resources needs of our agency.
“Confidential personal information” means personal information that is not a public record for purposes of section 149.43 of the Revised Code, Ohio’s Public Records Act; 2

“Personal” refers to information about a natural person or individual as used in section 1347.12 (A)(2)(b)(5) of the Revised Code;

“State agency” does not include the courts or any judicial agency, any state-assisted institution of higher education, or any local agency; and

“Records” has the same meaning as set forth in Revised Code section 149.011 (G).

(E) Criteria for Access to Confidential Personal Information

Revised Code section 1347.15 (B)(1) requires that every state agency, including the OIG, develop criteria for determining which of its employees may have access to confidential personal information, and which supervisors may authorize those employees to have access. For the OIG, the following criteria apply:

(1) The Inspector General, the chief legal counsel, the First Assistant Inspector General and all agency-dedicated Deputy Inspectors General may have unlimited access to any and all confidential personal information in the possession of the OIG;

(2) By necessity, the IT Administrator whose primary responsibility is for the OIG’s computers and for computer forensics may have unlimited access to any and all confidential personal information in the possession of the OIG;

(3) The Support Staff assigned to the agency-dedicated Deputy Inspectors General, the Support Staff assigned the role of Human Resources/Fiscal officer and the designated Case Manager may have access to any confidential personal information provided by complainants and to confidential personal information contained in the OAKS system or otherwise in the possession of the OIG on an unlimited basis;

(4) Deputy Inspectors General may have access to all confidential personal information provided with cases assigned to those persons for investigation. In addition, those Deputy Inspectors General who have applied for and have been authorized to access the Attorney General’s OHLEG system, or the ACCURINT system may have unlimited access to the confidential personal information available through those portals,

2 Simply put, “If you have to redact it before releasing the information in response to a public records request, it is probably confidential personal information.”
provided that the access is made for legitimate OIG business purposes. (Access to these systems is logged and audited on a routine basis.);

All OIG employees are entitled to access their own OAKS information and all other confidential personal information kept on file for payroll and other time and hour functions.

OIG employees may also receive information through the LEADS system where that information is pertinent to a specific case or investigation. Access to LEADS information is governed by a written agreement between the OIG and the Ohio State Highway Patrol.

(5) OIG employees who serve the agency in a supervisory capacity may authorize any other OIG employee in their direct line of supervision or others who may be working with the OIG in the course of an investigation to have access to confidential personal information that is acquired by or in the possession of the OIG. The OIG organizational chart denotes those employees who serve in supervisory capacities. That organizational chart is incorporated herein by reference.

(F) **Rational for Access to Confidential Personal Information**

OIG employees are only permitted to access confidential personal information that is acquired by or in the possession of the agency for valid business reasons. Specifically, “valid business reasons” are those reasons that reflect the employee’s execution of the duties of the OIG set forth in Revised Code sections 121.41 through 121.53, including the referral of information to other appropriate law enforcement or ethics agencies and prosecuting authorities. Employees are also permitted to access their individual employment records, which contain confidential personal information, for time and hour and other payroll reasons.

(G) **Statutory and Other Legal Authority for Confidentiality**

The term “confidential personal information” is defined by Revised Code sections 1347.15 and 149.43. Other state and federal statutes, and even case law, may add to the collection of information that is classified as “confidential personal information” (See, e.g., the Health Insurance Portability and Accountability Act of 1996, or “HIPAA” that makes confidential certain health information or State ex rel. Office of Montgomery Cty. Public Defender v. Siroki, (2006), 108 Ohio St. 3d 207, 2006-Ohio-662, concerning Social Security Numbers.) An exhaustive list cannot be attached. Consequently, OIG employees should consult with either the chief legal counsel or one of the other attorneys on staff before accessing personal information.

In addition, some personal information may be deemed “confidential “under the authority statutorily vested in the Inspector General. Such information is
Finally, all OIG employees who have access to confidential personal information through portals such as OHLEG and ACCURINT are required to abide by the security and confidentiality provisions specific to those systems.

(H) Existing Computer Systems and Computer Upgrades

In the event that the OIG intends to upgrade its existing computer system or purchase any new computer system that stores, manages, or contains confidential personal information, the IT Administrator must be consulted prior to purchase. The IT Administrator shall ensure that the upgrades or the new system contain(s) a mechanism for recording specific access by employees of the OIG to the confidential personal information.

Until an upgrade or new acquisition of such a computer system is made employees accessing confidential personal information should keep a log that records access of the confidential personal information. Access to certain portals, like ACCURINT, is routinely logged. Such logs should continue to be maintained.

(I) Requests for Information from Individuals

From time to time, the OIG may receive requests from individuals who want to know what confidential personal information is kept by this agency. Only written requests will receive a response. However, OIG employees receiving such a request should consult with the Inspector General and the chief legal counsel before any response is provided. Under no circumstances will the subject of an investigation be provided with information about the confidential personal information the OIG has pertaining to that individual.

(J) Access for Invalid Reasons

Even though appropriate safeguards are in for protecting the confidentiality of personal information, it is possible that an employee of the OIG might gain access to such information for invalid reasons. Should an incident of invalid access occur, the Inspector General or his designee will advise the individual whose information was invalidly accessed of the breach of confidentiality as soon as is reasonably possible. However, if such notice would compromise the outcome of an investigation, notice may be provided upon completion of the investigation but prior to the release of any final report.
(K) **Data Privacy Point of Contact**

By law, the Inspector General must appoint a data privacy point of contact. The designated individual will work with the State’s chief privacy officer to ensure that confidential personal information is properly protected and that the requirements of Revised Code 1347.15 are satisfied. The data privacy point of contact will be responsible for completing a privacy impact assessment form for the OIG. The OIG’s **Chief Legal Counsel** is the appointed data privacy point of contact.

(L) **Use of Authentication Measure**

Every OIG employee is required to have a personal and secure password for his or her computer. Through that computer the employee may be able to access confidential personal information. In addition, those employees who are able to access information through systems or portals like OHLEG are assigned a specific password or identifying authentication measure that must be used. OIG employees are to keep passwords confidential and are prohibited from using their own passwords to log onto systems for non-employees or other persons.

(M) **Training and Publication of Rule**

The OIG will develop a training program for all its employees so that those employees are made aware of all the rules, laws and policies governing their access to confidential personal information. In addition, this rule will be copied and distributed to each OIG employee for inclusion in the employee’s Policy and Procedure Manual. Employees will acknowledge receipt of the copy in writing. Amendments to this rule will be distributed and acknowledged in the same way. Further, a copy of this rule will be kept by the Support Staff for HR and Fiscal; another copy will be prominently posted in a conspicuous place in the OIG office, and the rule should be posted on the OIG website.
Records of the Inspector General (IG) which are not exempt from disclosure under the law are available for inspection and copying in accordance with the Ohio Public Records Act. Requests for records may be made to:

Inspector General, Randall J. Meyer  
Attention: Chief Legal Counsel  
1-800-866-1525 or 614-644-9110  
30 E. Broad Street, Suite 2940  
Columbus, Ohio 43215  
www.watchdog.ohio.gov

Once we have received your request, we will provide a response or acknowledge your request and provide you with: an estimate of when you should expect our response, an estimated cost if copies have been requested, and the items (if any) that we expect may be exempt from disclosure. If at any time prior to completing our response, we believe our response will take longer than initially estimated (because of the volume of records requested, the proximity of location where the records are stored; or the complexity of the legal review); we will inform you of this change.

If you wish to view public records of our office, we will promptly make them available to you. If you wish to receive copies of records, we will provide them within a reasonable period of time. “Prompt” and “reasonable” take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

It is within your right not to:

1. Disclose your identity to the OIG when you request records (you will be given a “public records request number” which we will use to track our communications with you and our response(s) to your request);

2. Provide our office with a written request; and

3. Provide a reason why you have requested these records.

If any portion of your request for records must be denied because the records are exempt from disclosure under the law, we will inform you which records you have requested are not public by clearly marking the portion “redacted” or we will explain which portions of the record(s) have been redacted. In addition, we will provide you with the legal authority upon which we have relied.
Please note that if we have denied your request because it is overbroad, ambiguous, or doesn’t reasonably identify our records, we will provide you with information about how our records are maintained and if you wish, you may revise your request for the records.

A fee for copies of public records may be charged which covers the direct costs of duplication incurred by the OIG; currently this fee is $.05 per page and $1.00 per CD-ROM. In addition, actual cost of postage or other delivery may be charged. We may require payment of these fees prior to processing your request. It is the policy of the OIG to waive charges to a requester for duplication of 20 pages or less per month.

Feel free to ask our Chief Legal Counsel any questions you may have about public records.
POLICY

This policy is a very general summary of Ohio’s current Public Records Law and establishes a protocol for responding to requests for records.

The Office of the Inspector General (OIG) will post “The Public Records Policy”. (See attached Appendix A). The public must be able to see this policy upon entering the lobby/public area of the OIG. In addition, a copy of the OIG record retention schedule must be readily available to the public.

When the OIG receives a public records request the matter should be discussed with the chief legal counsel.

Any person may ask to inspect and/or receive copies of public records. “Any person” includes individuals or corporations and is not limited to Ohio residents.

All requests must be directed to the chief legal counsel who is responsible for evaluating, assessing and responding to the request, determining whether the records requested are public records and/or must be redacted before disclosure.

The request should specifically and particularly describe the record being sought. A request for information, as opposed to a particular record, may not be a legally adequate request.

● The requester is not required to put his/her request in writing. Before asking a requester to put a request in writing, let him/her know they are not required to put it in writing. If there is no written request, please write down the request as verbally given and read it back to the requester. This will assist the OIG in providing exactly what has been requested.

The requester does not have to provide his/her name to the OIG. Before asking the name of a requester, let him/her know they are not required to give us this information. If there is no requester name, please be sure to document the date of the request in order to keep track of the request and response.

The requester is not required to give a reason why he/she is requesting the records. However, it is permissible to ask the reason for the request as long as the inquiry is to understand the use for which the information being sought will assist the OIG in determining which records are best suited to accurately and fully respond to the request.
The OIG is under no legal duty to create a new record or perform a new analysis of existing records in response to a public records request.

However, if the OIG computers are currently programmed to create the requested output, the record shall be provided as requested.

The requester has a right to receive the record, in the medium that the requester prefers, (e.g., computer disk or email) as long as the OIG determines it can reasonably be duplicated as part of normal operations. The chief legal counsel will help assess the appropriate medium to be provided.

Requesters have no legal right to make their own copies of public records. To maintain the integrity of the OIG records, it is our policy that only employees of the Inspector General will duplicate the requested records.

To insure the integrity of the OIG records, an employee should always accompany the requester during any inspection of records to make certain original records are not taken or altered.

Time

When copies of public records are requested, the OIG must provide such records within a reasonable period of time.

When inspection of public records is requested, the OIG must promptly prepare and make available for inspection at all reasonable times during regular business hours (8:00 a.m. to 5:00 p.m.). The OIG should promptly arrange an appointment for inspection at a mutually convenient time.

Cost

For duplication of public records on paper, the OIG may charge the requester actual cost of five cents ($0.05) per page for each photocopy. For duplication of public records on any other medium (e.g., computer disc) the OIG may charge its actual cost to accomplish the duplication.

Copies of requested records must be sent by the method requested within a reasonable period of time after receiving the request. The OIG may require the requester to pay in advance for all copies, as well as the cost of postage or delivery and mailing supplies, before sending the copies.
EXCEPTIONS

There are several exceptions to the general availability of public records.

1. Drafts of investigation reports are not available for public disclosure until the investigation is released.

2. Correspondence seeking legal advice is not subject to public disclosure.

4. Other non-public information:
   • Social Security Numbers
   • Employee Home addresses
   • Infrastructure records that disclose the configuration of a public office’s critical systems, such as its computer system and/or security codes (Ohio Revised Code § 149.433)

If you do not know the answer to a records request, DO NOT simply deny access. If the request is vague, try to cause the requester to be more specific or narrow the request to a certain time period. If you are not sure whether records are public records or are exempt from public disclosure, tell the requester his/her request will receive the proper review and the OIG will reasonably respond.

REFERENCES

Ohio Revised Code - Title I State Government - Chapter 149: Documents, Reports, and Records

Ohio Revised Code § 9.01 Reproduction of Records
Records of the Office of the Inspector General (OIG) which are not exempt from disclosure under the law are available for inspection and copying in accordance with the Ohio Public Records Act. Requests for records may be made to:

Inspector General, Randall J. Meyer  
Attention: Chief Legal Counsel  
1-800-866-1525 or 614-644-9110  
30 E. Broad Street, Suite 2940  
Columbus, Ohio 43215  
www.watchdog.ohio.gov

Once we have received your request, we will provide a response or acknowledge your request and provide you with: an estimate of when you should expect our response, an estimated cost if copies have been requested, and the items (if any) that we expect may be exempt from disclosure. If at any time prior to completing our response, we believe our response will take longer than initially estimated (because of the volume of records requested, the proximity of location where the records are stored; or the complexity of the legal review); we will inform you of this change.

If you wish to view public records of our office, we will promptly make them available to you. If you wish to receive copies of records, we will provide them within a reasonable period of time. “Prompt” and “reasonable” take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

It is within your right not to:

1. Disclose your identity to the OIG when you request records (you will be given a “public records request number” which we will use to track our communications with you and our response(s) to your request);

2. Provide our office with a written request; and

3. Provide a reason why you have requested these records.

If any portion of your request for records must be denied because the records are exempt from disclosure under the law, we will inform you which records you have requested are not public by clearly marking the portion “redacted” or we will explain which portions of the record(s) have been redacted. In addition, we will provide you with the legal authority upon which we have relied.

Please note that if we have denied your request because it is overbroad, ambiguous, or doesn’t reasonably identify our records, we will provide you with information about how our records are maintained and if you wish, you may revise your request for the records.
A fee for copies of public records may be charged which covers the direct costs of duplication incurred by the OIG; currently this fee is $.05 per page and $1.00 per CD-ROM. In addition, actual cost of postage or other delivery may be charged. We may require payment of these fees prior to processing your request. It is the policy of the OIG to waive charges to a requester for duplication of 20 pages or less per month.

Feel free to ask our chief legal counsel any questions you may have about public records.
PURPOSE

The purpose of this policy is to maintain complete, accurate and high quality records. Records are to be retained for the period of their immediate use, unless longer retention is required for historical reference, contractual, legal or regulatory requirements. Records that are no longer required, or have satisfied their required periods of retention, shall be destroyed. No officer, director, employee, contractor or volunteer of the Office of the Ohio Inspector General (OIG) shall knowingly destroy a document with the intent to obstruct or influence the investigation or proper administration of any matter within the jurisdiction of any government department or agency or in relation to or contemplation of any such matter or case. This policy covers all records and documents of the OIG. A record is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) that is created, received by, or comes under the jurisdiction of the OIG that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

All public record requests shall be acted on pursuant to the Public Records Policy Notice #200.05 and the Record Requests Policy #200.06.

GUIDELINES

Electronic mail, correspondence, documents, and other internal memoranda received or generated by an employee of the Office of the Inspector General (OIG) may contain information that documents the organization, its function, office policies and procedures, decisions, operations or other activities. Regardless of the format in which the information is kept-hard copy or electronic – such records must be retained in accordance with the Ohio Public Records Act. As a general rule, the determination of whether a particular item is a public record focuses on the use and substance of the document or record, not on the form of the document or record, or where and how it was created. For instance, an OIG employee may have hard copies or electronic reproductions that are considered courtesy or convenience copies. These documents may be duplicates of documents distributed for informational purposes. Draft investigation reports or memoranda are examples of courtesy copies. The record is simply in existence for the purpose of allowing multiple users to have an opportunity to review an unofficial copy of a record or other document. Another example are records with very little administrative value and only useful for a brief period of time and created for a limited purpose. Such as, telephone messages, posters, bulletins, notices and/or blank forms.

Documents generated by or that come into the possession of a deputy inspector general during the course of an investigation that are not relied on in coming to any conclusion in the investigative report, or are determined to be outside the scope of the investigation are considered as having no value and will be discarded at the proper time and in accordance with the record retention schedule.
The OIG follows the record retention schedules established on the Department of Administrative Services Records and Information Management System (RIMS). Click here http://apps.das.ohio.gov/rims/General/General.asp to review record retention periods. The Inspector General shall designate an OIG Record Officer who shall have the authority and responsibility of an agency records officer as set forth at Chapter 149:1-1-02(A) of the Ohio Administrative Code.

**Note:** Records may fall under an exception, such as: a record may be relevant to litigation, potential litigation or a dispute that could result in litigation. In this case, the record must be preserved until the chief legal counsel determines the record is no longer needed or all appellant remedies have been exhausted.

Failure to follow this policy can result in disciplinary action against responsible individuals, up to and including termination of employment.
PURPOSE

The purpose of this policy is to establish guidelines, procedures, education and awareness on the acceptable use of state provided IT resources/properties and information technology devices. Due to the nature of the business conducted by the OIG, this policy is intended to be a supplement to the State of Ohio Information Technology Policies.

The OIG reserves the right to review any information on the agency's computer systems to determine if there have been any breaches of security, violation of policy, or misuse of state resources.

DEFINITIONS

**Desktop** – A non-mobile, desk-side computer that does not run off of a battery and is in a form factor case that is typically an upright tower or box.

**Laptop** - A portable, battery enabled computer with a clamshell form factor, suitable for mobile use. Laptops are also sometimes referred to as notebook computers, notebooks, or ultrabooks.

**Tablet** - A portable, battery operated, touch-screen device that omits laptop features, such as built-in keyboards, touch pads, input/output ports, and/or optical drives. Tablets are closed devices that run off of a modified operating system. (e.g., Windows RT, iOS, Android)

**Voice Over Internet Protocol (VOIP phone)** – A non-mobile desk phone that allows telephone calls to be made using network connection using TCP/IP.

**Smartphone** - A mobile phone built on a mobile operating system (i.e. iOS, Android, BlackBerry, Windows Mobile), with more computing capability and connectivity than a regular cell phone. Smartphones have internet connectivity ability to synchronize with other services (e.g. e-mail, calendars), and the ability to download commercial applications.

**Cell phone** – A mobile phone that can make and receive telephone calls and/or texts over a cellular connection. Cell phones connect to a cellular network provided by a commercial provider and connect voice calls to the public telephone network.

**Portable Flash Drive** – Portable flash memory data storage device used for storing digital information. Including but not limited to: USB Flash/Thumb Drives, SD Cards, Micro SD Cards, and Memory Cards.

**Viewing Station** – Unassigned laptop maintained by the OIG IT Department used for viewing information not suitable for an assigned device. Viewing Stations are not encrypted and disabled from connecting to the internet. Permission from the IT Administrator must be obtained prior to removing a Viewing Station from leaving the premises of the OIG’s main office location.
INFORMATION TECHNOLOGY POLICY 200.08

Revised October 30, 2015

SCOPE OF POLICY

Employees are to use state provided IT resources (e.g. internet, e-mail) and devices (e.g. desktop, laptop, tablet, VOIP phone, smartphone, cell phone, camera, portable flash drive) only for business purposes, with the exception of incidental personal use. Incidental use is defined as use which is of a minimal duration and frequency. Prohibited incidental personal use includes, but is not limited to: accessing, visiting, downloading, displaying, transmitting, duplicating, storing, printing or receiving materials related to gambling, pornography, harassment, personal advertisements or dating services. Prohibited incidental use also includes operating a business for personal gain, displaying or using a state telephone number on personal business cards and other personal business materials, mass emailing chain letters, violating copyright laws, solicitation for political causes, or any other activity that is illegal or could potentially embarrass or harm the state, or has the appearance of impropriety. Participating in, or contributing to an online community including, but not limited to, online forums, chat rooms, instant messaging, listservs, blogs, wikis, peer-to-peer file sharing, and social networks, is prohibited unless organized or approved as part of state business by the Inspector General.

If a legitimate investigation situation arises, an employee needs to consult with his/her supervisor, IT Administrator and/or the Inspector General before accessing the internet or conducting activities that would normally be prohibited. Determining the merits of an investigation and the possible risks vs. benefits of such actions shall be weighed. In all cases, the Inspector General or his/her designee shall make the final determination as to whether an exception should be made. If there is a need to access the internet or on-line services that would normally be prohibited, the IT Administrator will provide a computer workstation or a viewing station dedicated for use by the investigation staff, in order to reduce risks to state resources. The workstation and/or viewing station will be maintained by the IT Administrator with up-to-date malware/virus protection. When not in use, the workstation and/or viewing station shall be logged off or powered off.

PRINCIPLES OF ENCRYPTION

Encryption is the conversion of data into an unreadable form that protects data privacy when being sent from sender to receiver. The OIG will use appropriate means to check for activities that risk unauthorized access to or disclosure of confidential data.

The following OIG devices shall be encrypted per the Ohio State IT Standard (ITS-SEC-01 Data Encryption and Cryptography).

**Portable flash drives**

- Employees shall use an assigned OIG portable flash drive or storage device for work related data. Long term storage of work-related data on an OIG portable flash drive or storage device is discouraged. When appropriate, an OIG portable flash drive or storage device may be encrypted in conformance to Ohio State IT Standard (ITS-SEC-01 Data Encryption and Cryptography). All personal flash drives (e.g. USB Flash/Thumb Drives,
SD Cards, Micro SD Cards, and Memory Cards) or personal external storage devices used for transferring, copying, and/or storing work-related data is prohibited.

**Laptops**
- All assigned laptops, excluding viewing stations, within the OIG environment are to be encrypted in conformance to Ohio State IT Standard (**ITS-SEC-01** Data Encryption and Cryptography). Disabling or altering the encryption of an assigned laptop is prohibited.

**Tablets/Smartphones**
- All assigned Tablets, and/or Smartphones within the OIG environment are to be encrypted in conformance to Ohio State IT Standard (**ITS-SEC-01** Data Encryption and Cryptography). Disabling or altering the encryption of an assigned Tablet, and/or Smartphone is prohibited.
- All passwords used for encryption and/or locking assigned devices must be advance/strong passwords of at least 6 characters in length. A biometric password may be used with the knowledge or consent of the IT Administrator and/or his/her designee. Simple password features, including but not limited to, 4-digit PINs, patterns, picture identification, are discouraged.
- Data syncing of personal accounts (e.g. e-mail, phone, or messaging accounts) to assigned OIG device(s) without the knowledge or consent of the Inspector General, IT Administrator or his/her designee is prohibited.
- Installing non-work related applications, syncing backups and/or clouds to personal accounts without the knowledge or consent of the Inspector General, IT Administrator or his/her designee is prohibited.
- Use of any device backup software or cloud storage which stores State of Ohio data outside of State of Ohio controlled facilities is strictly prohibited.

**DATA CLASSIFICATION**

The OIG shall conform to the DAS/OIT State of Ohio Administrative Policy (IT-13 Data Classification) and accurately classify data to help ensure that the appropriate security controls are selected and implemented to protect data from unauthorized access or misuse.

**SYSTEM SECURITY**

Any use of state provided IT resources or devices that interfere with or compromises the security or operations of any computer system, or compromises public trust, is strictly prohibited. Attempting to circumvent confidentiality procedures, access any data or programs for which the employee is not authorized or disseminate confidential information or information about another person without authorization is also prohibited. An employee is responsible for safeguarding his/her password and shall not share his/her password with anyone.
An employee shall protect any information used and/or stored on/in his/her OIG accounts and should report any security system weaknesses.

**OWNERSHIP AND PROPERTY RIGHTS**

All computer (e.g. desktops, laptops, tablets, smartphones, cell phones, USB flash drive) resources utilized in the course of business are considered government-owned assets. These assets, whether purchased, leased, or developed internally, are the sole property of the Office of the Inspector General, unless specified otherwise.

**ORIGIN OF SOFTWARE PRODUCTS AND APPLICATIONS**

Employees or contractors may not install applications or software on any device without authorization from the IT Administrator. This specifically applies to software or applications personally owned by employees or available in the public domain. Software installation CD/DVD’s and/or CD keys (serial keys) may not be copied, distributed, and/or removed from OIG premises at any time by an employee.

**OBSERVATION OF SOFTWARE LICENSE AGREEMENTS**

Employees may not copy software from one computer to another and, no copies are to be made for home or mobile use without specific authorization from the IT Administrator.

**COPYRIGHT PROTECTION**

Most software licensed by the Office of the Inspector General (OIG) is copyright protected. It is against the policy of the OIG to violate or to permit violation of federal copyright laws. Duplicating, selling or otherwise copying for purposes of distributing software products (other than that which is agreed to under the terms of the software license agreement) is a violation of the law and is firmly forbidden by the OIG. The Federal Copyright Act makes no distinction between duplicating software for sale or for free distribution.

**USE OF CLOUD STORAGE**

State approved cloud storage solutions, Microsoft OneDrive for Business and SharePoint Online, shall be used to store, share and manage information. Storage for data related to state business shall be stored in state cloud storage solutions. Limited storage for personal data may be stored in state cloud storage solutions, however, such personal data shall not be racist, sexist, threatening, or otherwise objectionable or illegal material.

**SOLICITATION**

Employees should not respond to direct solicitation by telephone, regular U.S. mail, or email regarding computer services for the OIG. Employees should direct requests for new or replacement hardware or software to the IT Administrator.
On occasion, employees may receive inappropriate e-mails from internal and external sources. Inappropriate e-mails include, but are not limited to: offensive or harassing statements; sexually explicit material; derogatory statements based upon race, sex, national origin, sexual orientation, disability, age, or religious beliefs; solicitations; chain letters or non-work related matters. Employees should never respond, forward or print inappropriate e-mails.

**ASSIGNED EQUIPMENT**

Employees are responsible for all assigned IT devices (e.g., desktop, laptop, tablet, VOIP phone, smartphone, cell phone, camera, portable flash drive). Assigned devices should not be left unattended in a motor vehicle. Misuse, abuse or failure to provide reasonable efforts to safeguard assigned devices may constitute neglect and be grounds for disciplinary action up to and including termination. An employee may also be responsible for any replacement costs.

Employees should also be vigilant in maintaining the performance of their assigned computer devices. Keep CD/DVDs, USB flash drives, external hard drives, diskettes, modular drives, and computers away from magnetic fields. Magnetic fields can erase data on both CD/DVDs and hard/flash drives. Employees should avoid shutting down desktops, and laptops outside of the operating system (e.g. pressing the power button on the device, pulling the power cord) as a loss of data and corruption of the operating system might occur. Employees should avoid subjecting any computer device to extreme temperature changes. Employees should keep all liquids away from a computer and avoid dusty or dirty work environments. Dust and dirt can clog the internal mechanisms, making the computer device not operational.

Upon request, protective cases, bags, and/or screen protectors may be provided for laptops, tablets, smartphones, and/or cell phones in order to preserve assigned devices from incidental damage. The type of protective cases, bags, and/or screen protectors provided will be determined by the IT Administrator and/or his/her designee. Employees may attach personally owned cases and/or screen protectors to their assigned devices upon approval from the IT Administrator and/or his/her designee.

**RETENTION OF ELECTRONIC RECORDS**

Records created as a result of the use of state-provided IT resources may be subject to disclosure under Ohio’s public records law and must be retained in accordance with state and OIG record retention schedules.

Email messages (and other electronic records, which can include distribution lists, word-processing documents, spreadsheets, audio and video files, temporary internet files, and instant messages, to name a few) are subject to the same rules and regulations as those that govern the management of paper records. It is the content of a record and not its format or location (such as on a backup medium or personal storage device) that determines whether a record is subject to retention and disposal under the Ohio Public Records law. Retaining documents that no longer serve a useful purpose generates excess electronic storage and associated costs.
Email messages received or generated, that are older than 6 months, and no longer have value or are no longer needed, by the OIG, will be discarded automatically. Employees are required to routinely manage their email documents and are responsible for complying with email retention.

Electronic mail received or generated may contain information that documents the organization, its function, office policies and procedures, decisions, operations or other activities. Regardless of the format in which the information is kept-hard copy or electronic – such records must be retained in accordance with the Ohio Public Records. Emails may be saved as PDF or MSG files for permanent retention when necessary.

Any use of computer cleaning software without the knowledge or consent of the IT Administrator and/or his/her designee is prohibited.

**USE OF PERSONAL COMPUTING DEVICES**

The Office of the Inspector General (OIG) does not authorize the placement of work-related and/or sensitive data on personally owned computing devices. Examples of personally owned devices includes, but is not limited to, notebook computers, tablets, smartphones, flash storage devices, external storage devices, WWAN interface, personal network interfaces or mobile data collection devices. A user (i.e., employees, contractors, interns, temporary personnel and other agents of the state who administer and use state computer and telecommunications systems on behalf of the state) of a personal computing device shall not be permitted to obtain, install and/or data sync state-owned data and software that is secured, maintained and protected by the OIG. Personal communication accounts or personally owned portable computing devices shall not be used to conduct state business. An employee, who believes they have extenuating circumstances requiring the placement of sensitive data on a personally owned portable computing device, shall consult with the IT Administrator explaining his/her unique situation and need for use. The IT Administrator will discuss the situation with the Inspector General. The Inspector General will have the final determination.

An employee is discouraged from using his/her personal telephone and/or photo/video devices for work related purposes. If due to extenuating circumstances an employee is required to use his/her personal telephone and/or photo/video device for official business, the employee shall notify his/her immediate supervisor.

**EDUCATION AND AWARENESS**

Employees are required to be aware of the OIG’s Information Technology policy and the use of state provided resources and devices. OIG employees will be required to complete core training identified and/or provided by the Department of Administrative Services, Office of Information Technology. Additional training above and beyond core training may be identified based on an employee’s job responsibilities.

An employee is required to comply with the Ohio Public Records Act and Record Retention Policy to ensure that necessary records and documents are adequately protected and maintained. *(Also refer to Document Retention Policy #200.07 and Record Requests Policy #200.06)*
Violation of this policy may result in disciplinary action up to and including termination and/or subject to civil action or criminal prosecution.

REFERENCES

State of Ohio Information Technology Policies
http://das.ohio.gov/Divisions/InformationTechnology/StateofOhioITPolicies.aspx
The Office of the Inspector General (OIG) follows the policies and procedures as specified in Ohio Revised Code, Section 125.16 and Section 126.21 (A) (9); Ohio Department of Administrative Services’ (DAS) Asset Management Handbook effective July 1, 2006, updated December 28, 2015; Ohio Office of Budget Management (OBM) Financial Reporting and Accounting Policies for Capital Assets effective October 2, 2014; and OIG Fixed Asset Management Policies & Procedures. The preceding references outline how the OIG is to process additions, disposals, transfers and physical inventories of controllable, fixed assets maintained by the office.

**ADDITIONS**

All controllable, fixed assets acquired by the OIG are to be reported in OAKS AM in accordance to the parameters specified, and processes and procedures outlined in the DAS Asset Management Handbook. All acquired fixed assets that meet the criteria for controllability must be assigned and affixed a unique OIG barcode asset.

**DISPOSALS**

All OIG controllable, fixed assets slated for retirement are to be disposed in accordance to the processes and procedures outlined in the DAS Asset Management Handbook. In addition, prior to the removal of IT equipment from OIG possession, the IT Administrator must certify, in writing, that all data stored on fixed media devices (e.g.: laptops, CPUs, Blackberries, etc.) has been either removed or erased.

Assets retired with a disposal code of "Missing," "Stolen," or "Casualty Loss" must also be approved for disposal by the office’s designated “Asset Retirement Processor.” Police reports (when applicable) and support documentation for the disposed asset must be attached to the asset record reported in OAKS AM.

**ANNUAL PHYSICAL INVENTORY AND CERTIFICATIONS**

A physical inventory of all OIG controllable, fixed assets listed in the OAKS AM must be completed before the end of each fiscal year. The Office Operations’ Assistant is responsible for initiating, conducting, reconciling, and completing the annual physical inventory of all OIG controllable, fixed assets. Additionally, all OIG employees shall verify, in writing, that all assets assigned to him/her are in their physical possession and any variances reconciled. Employees who fail to execute this procedure in a timely manner or submits false/inaccurate information may be subject to disciplinary action, up to and including removal from service.
Each year, the Office Operations’ Assistant will submit to DAS the OIG’s Certification of Completion of Physical Inventory by June 30th and Property Inventory Annual Certification by October 1st.
PURPOSE

To set forth responsibilities of the Office of the Inspector General in the personnel action process.

POLICY

Beginning 2013, the Office of the Inspector General (OIG) transitioned into entering personnel actions (PAs) into the Electronic Personnel Action Request (EPAR) system. The ePAR system documents action/reasons affecting an employee in state service, including hires, reassignments, transfers, promotions, demotions, certain types of discipline, terminations, and leaves. The ePAR system allows the OIG and the Department of Administrative Services (DAS) to electronically approve action/reasons affecting an employee. The ePAR triggers any adjustment in the payroll and/or benefit records in OAKS Job Data eliminating the need for multiple points of data entry.

With this change, the OIG ensures that they are meeting all of its responsibilities in the PA process. The OIG will be required to submit a certification document to the Department of Administrative Services (DAS) every year which outlines the agency's understanding of its role in the PA process and their obligation to uphold the Civil Service Laws and Rules for the State of Ohio.

The OIG identifies ePAR security roles for each designated OIG staff and maintains an individual HCM Agency ePAR Security Request form.

Personnel Actions are prepared and initiated in ePAR in accordance with the applicable timeframes required by current DAS policies and procedures. The OIG ensures that applicable personnel actions fall within the OIG’s personnel ceiling, minimum qualifications are met, and background check forms and drug tests are successfully completed. Although the OIG can approve a PA in ePAR, the PA is not considered approved until it is approved by DAS.

The Office of the Inspector General is responsible for compliance with collective bargaining agreements, the Ohio Revised Code and the Ohio Administrative Code. The OIG will not knowingly or willfully make an appointment contrary to Ohio Revised Code Section 124.62.

REFERENCES

DAS State of Ohio Administrative Policy HR-30
Ohio Revised Code Section 124.62
POLICY

It is the policy of the Office of the Inspector General (OIG) to ensure that evidence in its custody is properly secured and stored, readily retrieved, and any changes in its custody have been properly and fully documented. All acquired evidence shall be secured and stored as outlined in this policy.

DEFINITIONS

Chain of Evidence: The continuity of custody of physical evidence from time of original collection to final disposition which may be introduced in a judicial proceeding.

Impounding Officer: The employee of this agency who initially receives the evidence and initiates the chain of custody.

Physical Evidence: Any substance or material found or recovered in connection with an investigation.

Evidence Custodian: Agency employee accountable for control and maintenance of all evidence accepted by or stored in the agency’s evidence room.

Evidence Storage Area: Facilities utilized by this agency to store evidence.

STORAGE AREA

The Office of the Inspector General (OIG) shall maintain an evidence storage area that remains secure at all times. The OIG or his/her designee shall designate an alternate location for the storage of evidence deemed not fit for storage within the OIG evidence storage area. The OIG or his/her designee may also specify that some evidence be held or stored at other criminal justice agencies or secured sites for forensic or investigative purposes. Access to the alternate evidence storage locations shall be restricted to those authorized by this policy.

PROCESSING EVIDENCE

When an OIG impounding officer is taking control of property or evidence in connection with an investigation, he/she shall immediately complete the OIG Property Control form at the location the property was found or recovered.

All evidence seized shall be properly handled, marked, packaged, and transported by the impounding officer to the OIG evidence storage area as soon as practical. If the evidence custodian or assistant evidence custodian is not available, the impounding officer shall place the seized evidence, affixed with the OIG Property Control form, in an open evidence locker. The impounding officer shall then secure the locker by closing and making sure it is locked.

If evidence is deemed not suitable for the OIG evidence storage area, the evidence custodian or assistance evidence custodian shall designate an alternative evidence storage location. All evidence shall be placed in a secure evidence storage area.
ACCOUNTABILITY

The evidence custodian or assistant evidence custodian shall be responsible for securing all property stored in the evidence storage area.

To maintain the integrity of all evidence, the OIG or his/her designee shall conduct an inspection and audit of all evidence in January and June of each calendar year. The results of the inspection and audit will be recorded on an inspection log maintained in the evidence storage area. Evidence retained in the evidence storage area by other agencies is subject to the same policies established by this agency.

Whenever a new evidence custodian is designated, an inventory of all evidence shall be jointly conducted by the newly designated evidence custodian and the out-going evidence custodian to ensure the accuracy of the records.

STORAGE OF EVIDENCE

The evidence custodian or assistance evidence custodian shall assign a storage location for each item of evidence and record this information on the OIG Property Control form.

Evidence requiring added security, including but not limited to, money, precious metals, jewelry, and gemstones shall be stored in an additional secured area located within the evidence storage area or if needed in an offsite storage area determined by the OIG or his/her designee.

ACCESS TO THE EVIDENCE ROOM

An access log to the evidence storage area shall be maintained by the evidence custodian or assistant evidence custodian. The evidence custodian or assistant evidence custodian shall log the name and purpose of entry of each authorized personnel entering the evidence storage area.

Only personnel authorized by the Inspector General or his/her designee may enter the evidence room.

Only the evidence custodian and assistant evidence custodian shall possess and maintain the security of all keys to the evidence storage area.

PROPERTY CONTROL

The evidence custodian or assistant evidence custodian shall be responsible for maintaining the OIG Property Control form for all physical evidence. The property control form documents the continuity of custody of physical evidence from time of original collection to final disposition which may be introduced in a judicial proceeding.

Authorized personnel who assume custody of evidence from the evidence storage area shall be responsible for its security, proper storage, and maintenance to insure its integrity.
DISPOSAL OF EVIDENCE

When no longer needed for evidentiary purpose, all evidence shall be returned to its lawful owner unless such evidence is transferred to the jurisdiction by court order or the lawful owner fails to claim the evidence. In such case, all evidence shall be disposed of according to law.

The evidence custodian or assistant evidence custodian shall update the OIG Property Control form to reflect the disposition.
# PROPERTY CONTROL

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>NAME (Last, First, MI)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COLLECTED BY</th>
<th>DATE</th>
<th>TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CASE #</th>
<th>PROPERTY #</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROPERTY DESCRIPTION</th>
<th>SERIAL NUMBER</th>
<th>YOUR ID MARK (INITIALS)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROPERTY CHAIN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME</th>
<th>PRINT</th>
<th>TIME</th>
<th>DATE</th>
<th>METHOD OF TRANSPORT (HAND/MAIL)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Rhodes State Office Tower 30 East Broad Street – Suite 2940 • Columbus, Ohio 43215-3414
Phone: 614-644-9110 • FAX: 614-644-9504 • Toll Free: 800-686-1525 • E-mail: oig_watchdog@oig.state.oh.us
Website at www.watchdog.ohio.gov
<table>
<thead>
<tr>
<th>NAME</th>
<th>SIGNATURE</th>
<th>PRINT</th>
<th>TIME</th>
<th>DATE</th>
<th>METHOD OF TRANSPORT (HAND/MAIL)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PURPOSE

The purpose of this policy is to understand that as a state government agency nearly everything we do is open to examination by the public, and more particularly, the representatives in the news media. With limited exceptions, this office has an obligation to inform the citizens of Ohio about the work of the Office of the Inspector General (OIG). In addition, it is the purpose of this policy to ensure the quality and integrity of our investigations and enhance the strength of any potential criminal prosecution against those accused of wrongdoing as warranted by the report of investigation. The OIG strives to respect the presumption of innocence of those accused, and proceed in a manner to prevent acts of retaliation against complainants, witnesses, and victims.

POLICY

It is the intent of the Office of the Inspector General (OIG) to provide representatives of the news media with information necessary to properly report the facts regarding the actions of this office. To avoid confusion and achieve consistent communications, all inquiries from representatives of the news media regarding the Inspector General, or the Office of the Inspector General, must be directed to the Inspector General’s designee for media relations. Alternatively, employees should generally refrain from public discussion of actions involving this office and are prohibited from communicating with the news media.

Notwithstanding the foregoing, it is the policy of the OIG to neither discuss or comment on complaints received or open investigations, nor confirm or deny whether a complaint or an open investigation exists. Discussion or comment may occur after a report of investigation is officially issued.

NOTEWORTHY ISSUES

Any issue or item that has the potential to bring public attention, either positively or negatively to the Office of the Inspector General is noteworthy. A noteworthy issue may arise out of the normal course of business, but is not routine in and of itself. It is always recommended that when trying to decide what is and is not noteworthy that an employee err on the side of caution. It is essential that any item that is deemed noteworthy be reported to the Inspector General and the Inspector General’s designee for noteworthy issues as soon as possible.
PROCUREMENT

The Office of the Inspector General (OIG) Administrative Support Section manages and executes the procurement of supplies, materials, furniture, equipment (e.g. computers, printers, copiers, etc.), and/or services (e.g.: telecommunications, software, online legal research, purchased personal services contracts, etc.) required for the operation of the agency. The director of HR/fiscal operations serves as the agency’s procurement officer. All purchasing queries and/or requests for goods or services should be directed to the director of HR/fiscal operations or his/her designee.

The director of HR/fiscal operations or his/her designee evaluates and selects vendors for agency use and reviews and approves invoices. The director of HR/fiscal operations has spending authority for purchases with an acquisition cost of under $1,000. All purchases with an acquisition cost of $1,000 or more must be approved by either the director of HR/fiscal operations or the Inspector General. Purchases from vendors whose services are not on State Term Schedule cannot exceed cumulatively $50,000 per vendor, per year without prior Controlling Board approval.

The OIG follows the State of Ohio Information Technology (IT) Procurement/OIT Release & Permit policies and procedures for purchases pertaining to IT equipment (i.e., computer equipment, printers, copiers, etc.). Upon receiving proper approval from either/both the director of HR/fiscal operations or Inspector General, the agency’s IT administrator facilitates the selection and acquisition of IT purchases.

Procurement opportunities for minority and women-owned businesses (MBE & EDGE) shall be considered when purchasing office supplies and equipment. The OIG gives preference to supplies and services produced or manufactured in Ohio (FirstOhio) and/or the United States and in compliance with Executive Order 2011-12K. Application of the preferences should be in accordance with current Office of Procurement Services policy (PUR-003) as published in the State of Ohio Procurement Handbook for Supplies & Services.

Under the statutory authority (ORC 121.48) granted for the agency, the OIG is permitted to contract and hire consultants and contractors as needed for investigations. The hiring of consultants/contractors through purchased personal services’ contracts is managed and executed by the HR/Fiscal Director or Chief Legal Counsel. The HR/Fiscal Director or Chief Legal Counsel determines need, salary, and contract period. All personal services’ contracts that are not on State Term Schedule cannot exceed $50,000 within a given fiscal year period without prior Controlling Board approval.

All furniture and/or equipment purchased and/or acquired by the agency should be reported to the Office Operations’ Administrator for evaluation of controllability and inclusion in the fixed asset data set. (Refer to the Inventory Control Policy 200.09).
GENERAL OFFICE SUPPLIES & CENTRAL STOREROOM

The OIG stocks a central storeroom of standard office supplies and is maintained by the Office Operations’ Administrator. An agency employee may “special” order a non-standard supply item unavailable through the OIG storeroom upon pre-approval from the director of HR/fiscal operations or his/her designee. The Office Operations’ Administrator procures all properly approved orders and ascertains received item(s) are correct.

ACCOUNTS PAYABLE & INVOICES

The OIG Administrative Support Section is responsible for accounts payable and pays all invoices and reimbursement requests for goods or services received by the agency. All invoices received by the OIG are stamped or initialed with the receipt date. The director of HR/fiscal operations or his/her designee verifies the receipt of goods and/or services is accurate, the item(s) or service has been received, and that the pricing is correct. Upon verification, all invoices are processed by the director of HR/fiscal operations or his/her designee through myOhio.gov/financials. The OIG follows the policies and procedures outlined by the Office of Budget and Management (OBM) and the Department of Administrative Services (DAS). The Inspector General or his/her designee approves all agency vouchers for payment and requisitions for encumbrance. All fund and account coding for vendors used by the agency is established through the development of the agency’s budget at the beginning of each fiscal year.

REFERENCES

Ohio Revised Code, Chapter 125: DEPARTMENT OF ADMINISTRATIVE SERVICES - OFFICE SERVICES

Department of Administrative Services Directive No. GS-D-12
PURPOSE

The purpose of this policy is to allow every individual an opportunity to give something back to his/her community.

POLICY

The Inspector General seeks to strengthen the community partnership by encouraging all employees to participate in charitable events. The following charitable drives are recognized by the Office of the Inspector General:

- Operation Feed: Operation Feed is a community wide effort to coordinate and promote the collection of food to supplement the needy. (Campaign runs from March through June)

- Combined Charitable Campaign: Combined Charitable Campaign is an effort to consolidate all charitable campaigns to which State of Ohio employees are asked to contribute through payroll deductions. These charities include, but are not limited to, United Way, United Negro College Fund, and International Service Agencies. (Campaign runs from September through October)

The Inspector General may designate a “Jeans Day” in an effort to benefit charitable causes. Additionally, as emergency situations arise (i.e., tornadoes, floods or other natural disasters), the Inspector General may announce ad hoc charities to assist those who are in need. State vehicles are not to be used by employees when participating in or conducting business related to charitable campaigns.
AUDITOR OF STATE’S FRAUD REPORTING SYSTEM

PURPOSE

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.

Auditor of State’s fraud contact information:

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, Ohio 43215

Web: www.ohioauditor.gov

POLICY

The Office of the Inspector General (OIG) shall provide its employee’s information about the fraud-reporting system as described by Section 117.103(A) of the Revised Code, and confirm that each OIG employee has read and understands the information provided. OIG employees are required to acknowledge receipt and that they have read the information regarding Section 124.341 of the Revised Code and the protection provided to them as a classified or unclassified employee if they use the before-mentioned fraud-reporting system.

REFERENCES

Ohio Revised Code, Section 117.103 (A)
Ohio Revised code, Section 124.341 (as amended)
A BILL

To amend section 124.341 and to enact section 117.103 of the Revised Code to require the Auditor of State to establish a fraud-reporting system for residents and public employees to file anonymous complaints of fraud and misuse of public funds by public offices or officials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 124.341 be amended and section 117.103 of the Revised Code be enacted to read as follows:

Sec. 117.103. (A) The auditor of state shall establish and maintain a system for the reporting of fraud, including misuse and misappropriation of public money, by any public office or public official. The system shall allow Ohio residents and the employees of any public office to make anonymous complaints through a toll-free telephone number, the auditor of state's web site, or the United States mail to the auditor of state's office. The auditor of state shall review all complaints in a timely manner. Upon completion of the review by the auditor of state, the complaints are public records under section 149.43 of the Revised Code unless that or another statute specifies an applicable exemption from the definition of a public record.

(B)(1) A public office shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee upon employment with the public office. Each new employee shall confirm receipt of this information within thirty days after beginning employment. The auditor of state shall provide a model form on the auditor of state's web site to be printed and used by new public employees to sign and verify their receipt of information as required by this section. The auditor of state shall confirm, when conducting an audit under section 117.11 of the Revised Code, that new employees have been provided information as required by this division.

(2) On the effective date of this section, each public office shall make all its employees aware of the fraud-reporting system required by this section.

Effective March 7, 2014
(3) Divisions (B)(1) and (2) of this section are satisfied if a public office provides information about the fraud-reporting system and the means of reporting fraud in the employee handbook or manual for the public office. An employee shall sign and verify the employee's receipt of such a handbook or manual.

Sec. 124.341. (A) If an employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the employee may file a written report with the office of internal auditing created under section 126.45 of the Revised Code or file a complaint with the auditor of state's fraud-reporting system under section 117.103 of the Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with the supervisor, appointing authority, or the office of internal auditing, or the auditor of state's fraud-reporting system, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the employee may report it to the appropriate ethics commission.

(B) Except as otherwise provided in division (C) of this section, no officer or employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report or filing a complaint as authorized by division (A) of this section, including, without limitation, doing any of the following:

1. Removing or suspending the employee from employment;
2. Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
3. Transferring or reassigning the employee;
4. Denying the employee promotion that otherwise would have been received;
5. Reducing the employee in pay or position.

(C) An employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section.

(D) If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified employee as a result of the employee's having filed a report or complaint under division (A) of this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the appeal shall be treated as a request for reconsideration and not as an appeal under division (B) of section 240.66 of the Revised Code.
appeal, the board shall immediately notify the employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119 of the Revised Code.

(E) As used in this section:

(1) "Purposely," "knowingly," and "recklessly" have the same meanings as in section 2901.22 of the Revised Code.

(2) "Appropriate ethics commission" has the same meaning as in section 102.01 of the Revised Code.

(3) "Inspector general" means the inspector general appointed under section 121.48 of the Revised Code.

Section 2. That existing section 124.341 of the Revised Code is hereby repealed.
PURPOSE

To provide clear and concise instructions on how to respond to an active aggressor or active threat.

DEFINITIONS

**Active Aggressor:** An individual who is actively engaged in killing or attempting to kill people in a confined or populated area or attempting to cause harm to as many people as possible. In most cases, active aggressors use firearms and there is no pattern or method to their selection of victims. The intent of most active aggressors is to kill individuals as quickly as possible.

**Active Threat:** An active threat is defined as any incident, which by its deliberate nature, creates an immediate threat or presents an imminent danger to human life. Active threats can take many forms and may or may not have the intent of killing targeted people as quickly as possible. Traditional law enforcement responses to active threats will include the concept of “surround and contain” in order to minimize the number of victims. In order to save lives, the law enforcement agency having jurisdiction will initiate an immediate response.

**Threat Types:**
- Active Shooter
- Hostage/barricaded subject
- Sniper
- Suicide/homicide bomber
- Known or suspected terrorist threat (biological/chemical threat)

POLICY

This policy applies to all Office of the Inspector General (OIG) employees and contractors. The OIG recognizes that the safety of its employees, contractors, and other visitors in the agency is important. The OIG will provide this policy to all current employees when it is published and/or revised. Any newly hired OIG employee will receive this policy and information regarding the OIG’s designated safe zone during his/her employee orientation.

OIG employees will receive mandatory training as per State of Ohio Administrative Policy HR-42 "Response to Active Aggressor." The mandatory training, developed by the Ohio Department of Public Safety, is available online via the Enterprise Learning Management (ELM) module in myOhio.gov.

In an effort to prepare OIG employees and contractors in the event of an active aggressor situation, the OIG will annually conduct drills tailored to the OIG office environment to ensure readiness and to quickly access and apply knowledge.
The OIG will utilize the mass notification system, called eNotify in the event of an active aggressor situation. The Human Resources Director and/or Chief Legal Counsel will be responsible for administering notifications and testing the notification system annually.

**PROCEDURES**

In the event of an active aggressor or active threat incident within the Office of the Inspector General (OIG), the primary mission of the agency is to take all necessary steps to immediately contain and stop any ongoing threat to human life. When safe to do so, any OIG employee should notify law enforcement (9-1-1) or security personnel, if possible, and provide the following information:

- Location and description of the offender. Provide as detailed information as possible (e.g., race, gender, hair color, build, tattoos, clothing, etc.) and the last known location of the aggressor.
- Number of attackers and weapons (e.g., rifles, handguns, knives, explosives, etc.).
- Location and condition of victim(s).

It is important to quickly assess the situation and determine the most reasonable way to protect your own life and those around you. First and foremost, try to remain calm; panic will only escalate the situation. Notify other employees of the situation, if possible, and consider the following actions:

A. If there is an acceptable exit route, attempt to run and evacuate the premises. Personnel should be instructed to:
   - Evacuate and help others get as far away from the attacker(s) as possible and proceed immediately to the OIG designated meeting location outside the building. This should be done regardless of whether others agree to follow or remain. Take a head count after evacuation and identify the names and last known locations of anyone not accounted for and pass them to the official in charge.
   - Alert individuals who may be nearby or entering an area where the active aggressor may be.
   - Leave belongings behind.
   - Keep hands visible for responding officers.
   - Follow instructions of any law enforcement officer or security personnel.
   - Do not attempt to move wounded people.

B. If evacuation is not possible, proceed immediately to the OIG’s designated safe zone. If practical, allow any non-employees access into the OIG safe zone and consider the following actions:
   - Secure the safe zone premises by locking the door and/or blocking the door with heavy furniture; remain quiet and still. Take a head count and identify the
names and last known locations of anyone not accounted for and pass them to the official in charge.

- If someone approaches the door and identifies themselves as a law enforcement officer, do not be tricked into talking back. Remain silent until you are able to confirm the officer’s authenticity.
- Silence all cell phones.
- Turn off any source of noise (e.g., television, radio, etc.).
- If unable to reach the safe zone, hide behind large items (e.g., cabinets, desks, doors, etc.).
- Remain hidden until contacted by law enforcement or circumstances dictate otherwise.

C. As a last resort, and only when your life is in imminent danger, fight against the aggressor:

- Disrupt and/or incapacitate the active aggressor by acting as aggressively as possible against him/her.
- Use improvised weapons.
- Scream/yell.
- Commit to your actions and follow through.

LAW ENFORCEMENT RESPONSE

The goal of law enforcement is to locate, isolate and neutralize the aggressor as quickly as possible to prevent additional injuries or fatalities. In doing so, employees should anticipate that officers will arrive in force and will be armed with rifles, shotguns and handguns and could be wearing exterior body armor. Officers should be displaying some portion of the uniform and tactical gear identifying them as law enforcement officers.

Law enforcement officers will immediately secure the site of a violent incident and then proceed to help other officers and/or emergency personnel to provide treatment and assistance.

REACTION TO LAW ENFORCEMENT

When law enforcement is present, it is important to remain calm and follow their instructions. Put down any items in your hands and raise your arms high, keeping your hands visible at all times. Avoid any sudden movements towards officers and do not scream, yell or shout. Law enforcement officials will give an “all clear” announcement when the situation has been contained and the scene is declared safe.

After law enforcement has relinquished command and control of the scene, OIG senior management, in conjunction with the facility administrator, and/or the Ohio Department of Administrative Services (DAS), will develop information strategies to address questions related to the event from employees and their families.
It is the intent of the Office of the Inspector General to provide access to trained crisis response professionals for physical, emotional and psychological support as soon as possible. The OIG’s Human Resources Director will communicate and coordinate with the Ohio Employee Assistance Program (OEAP) and/or other trained crisis response professionals.

In addition, the OIG will provide representatives of the news media with information necessary to properly report the facts related to the situation. To avoid confusion and achieve consistent communications, all inquiries from representatives of the news media regarding the incident must be directed to the Inspector General’s designee.

REFERENCES

State of Ohio Administrative Policy/Human Resources HR-42
PURPOSE

The Ohio Attorney General created the Ohio Law Enforcement Gateway (OHLEG) to allow practitioners to have timely and secure access to criminal justice information (CJI) for criminal justice purposes. The Ohio Inspector General’s (OIG) OHLEG policy is meant to supplement the existing Ohio Attorney General OHLEG security policies. If there is any question of conflict with the OIG OHLEG policy, the most restrictive interpretation of the OHLEG rules currently existing with the Ohio Attorney General shall be applied.

DEFINITIONS

Access to Criminal Justice Information – The physical or logical (electronic) ability, right or privilege to view, modify, or make use of Criminal Justice Information (CJI)

Criminal Justice Information (CJI) – Criminal Justice Information is the abstract term used to refer to all of the OHLEG-provided data necessary for law enforcement agencies to perform its mission and enforce the laws, including but not limited to: biometric, identity history, person, organization, property, and case/incident history data.

Criminal Justice Purposes – The motivating reason behind a user action, derived from the user’s work related duties or needs in furtherance of the administration of criminal justice.

OHLEG Security Policies – The term used to encompass all forms of guidance or directives used by OHLEG to control and direct OHLEG agency and user access, usage, behavior and conduct. This term includes but is not limited to: OHLEG Rules and Regulations, OHLEG site notifications and acknowledgements, and OHLEG directives, messages, and security training videos.

Designated OHLEG Approver – An OHLEG user designated by the IG to approve OHLEG Access Applications and serve as the point of contact for the Inspector General’s Office with specific duties and responsibilities for administering OHLEG security policies in support of the IG.

OHLEG User – An individual authorized to access OHLEG, who has been appropriately vetted through a national fingerprint-based record check and has been granted access to CJI data

Authorized Use – The act of using OHLEG in a manner that is consistent with OHLEG security policies, Ohio Revised Code, and with the criminal justice purposes for which the user was granted OHLEG access.

OHLEG Agency/User Agreement – a terms-of-service acknowledgment that must be signed prior to obtaining agency or individual user OHLEG access. This acknowledgment must be signed on behalf of the OIG and also by each individual user.
POLICY

The following rules apply to the use of OHLEG by any Ohio Inspector General (OIG) employee:

By virtue of user agreements, the OIG and its employees agree to the strict adherence to OHLEG security policies. Individual non-compliance with OHLEG security policies can result in loss of OHLEG access not only for the individual but also potentially for the entire agency. In order to ensure compliance with OHLEG rules and proper usage the OIG has created this OHLEG use policy.

OHLEG use is governed by provisions of the Ohio Revised Code and by the OHLEG security policies (Ohio Rev. Code §§109.57 and 2913.04). Any violations of these rules or misuse or abuse of OHLEG privileges by any employee of the OIG will be considered a serious violation of agency policy and result in disciplinary action up to and including termination of employment. In addition, violations of the Ohio Revised Code will be referred to the appropriate county prosecutor for criminal prosecution.

At the discretion of the IG, he/she may grant an OIG employee permission to obtain OHLEG access. The OIG employee must first watch the OHLEG Security Training Video. The IG or his/her designated OHLEG Approver will then fill out an OHLEG application for the OIG employee through the OHLEG Online Account Application process. The OIG employee will then be required to personally enter his or her name, social security number, and date of birth. The OIG employee will then go to the designated OHLEG Approver, who will ensure the OIG employee has watched the OHLEG Security Training Video, signed the OHLEG Agency/User Agreement and then select which attributes the OIG employee should have access to, and send the application to the BCI/OHLEG Support Center. Once the OIG employee’s application is approved, he/she will be able to access OHLEG.

A copy of the OHLEG security policies will be made available to all approved users of OHLEG. OHLEG users will be held responsible for understanding the contents of the OHLEG security policies, as well as for applying these rules in his/her use of OHLEG. OIG users will be required to sign a statement indicating they have read and understand the OHLEG security policies before being granted OHLEG access.

OHLEG user authorizations are granted to an OIG employee for his/her exclusive use. All OHLEG transactions are monitored by BCI and subject to audit procedures to verify proper usage and detect violations. OIG users are prohibited from:

1) Allowing any unauthorized person to access OHLEG;

2) Sharing or giving his/her sign-on credentials to any other person;
3) Leaving his/her sign-on credentials unprotected in such a way that another person might obtain them; and

4) Leaving a computer which has open access to OHLEG unattended and available to unauthorized personnel.

The use of OHLEG is strictly limited to criminal justice purposes. OIG users will be granted access to specific OHLEG attributes based on the particular needs of his/her job assignment. Use of OHLEG for anything other than a criminal justice purpose is strictly forbidden. An OHLEG user is not permitted to use an attribute for which he/she has not been given access. CJI obtained through OHLEG is also protected and is not to be shared with any unauthorized person.

The designated OHLEG Approver is responsible for assisting the IG with overseeing compliance with OHLEG security policies. All devices used to access OHLEG shall have up-to-date antivirus software running at all times, employ the use of firewalls and have all security related operating system patches applied, and supported internet browser versions installed and updated with all vendor security patches.

OHLEG access is not permitted outside of normal working hours unless specifically authorized by the designated OHLEG Approver. OHLEG access is not permitted from agency or non-agency computers or devices, and/or personal computers or devices unless specifically authorized by the designated OHLEG Approver.

Anyone becoming aware of an OIG employee using OHLEG in violation of agency or OHLEG security policies, or in a manner inconsistent with state or federal law, shall report said violation to his/her supervisor as soon as possible.

If an OIG employee becomes aware of themselves having committed an OHLEG violation, they are to self-report the violation to the designated OHLEG Approver or the IG so the violation can be documented. The circumstances that gave rise to the violation can then be examined to determine if there is a need for additional training. Self-reporting a violation does not relieve the user from responsibility for committing the violation. All OHLEG violations will be reported to the BCI/OHLEG Support Center by either the IG or his/her designated OHLEG Approver. Any OHLEG violations that rise to the level of a criminal offense will be investigated internally by the OIG, BCI, and/or such outside agencies as deemed appropriate. The results of said investigation will be referred to the county prosecutor for consideration of criminal charges. Violations of the OHLEG restrictions in the Ohio Revised Code are a fifth degree felony.

The IG or his/her designated OHLEG Approver shall be responsible for training, applications, policy oversight, and internal audits. Internal audits will be conducted yearly on an ongoing basis with a copy of said audit results kept on file in the IGO’s office. All violations of the OIG policy, OHLEG rules, or Ohio law will be reported to the IG. The report will include a description of the violation, frequency of occurrence, immediate steps taken to correct the situation, mitigating factors, and an indication of whether additional agency or individual training is needed. The violation and a report will be forwarded to OHLEG.
Access to OHLEG is a job-specific authorization. Consequently, if an OHLEG user is promoted, transferred, or otherwise experiences a change in duties, his/her OHLEG authorization can be evaluated in light of his/her new assignment. If an OHLEG user is terminated, his/her ability to lawfully access OHLEG is immediately ended, and he/she is prohibited from accessing OHLEG for any reason. If an OHLEG user is suspended from duty, he/she is not permitted to access OHLEG for any reason until such time as he/she is re-instated to full duty status. If an OHLEG user is unable to report to work due to sickness, injury, or disability, he/she is not to access OHLEG for any reason without receiving authorization from the IG or designated OHLEG Approver.

REFERENCES

Ohio Rev. Code §109.57, §109.88, §149.433 and §2913.04
Ohio Attorney General/BCI OHLEG Rules and Regulations
STANDARDS/GUIDELINES

Professional attire is required for employees of the Office of the Inspector General (OIG). An employee of the OIG is required to be dressed and groomed in a manner appropriate for any business environment. All clothing must be neat, clean and appropriate to the work environment and/or assignment. An employee is required to be respectful of the workplace and behave in an acceptable manner. Professional attire is permitted Monday through Thursday. Professional attire includes but is not limited to: collar shirt and tie, dresses, skirts, dress pants, pant suits, jackets, blouses, dress shoes or dress sandals.

BUSINESS CASUAL ATTIRE

Business casual attire is an opportunity for employees to dress in a less formal manner for his/her comfort. Casual attire is permitted every Friday with the exception of attending prescheduled formal meetings with clients, constituents, public officials or other governmental officials. Casual attire may also be appropriate at the discretion of the Inspector General to execute duties related to the operational needs of the office (e.g., surveillance, search warrants). Casual dress is defined as business casual and is not meant to include sneakers, jeans, shorts, jogging suits, halter-type tops or t-shirts.

In an effort to raise money for charitable causes, the Inspector General may designate certain days of the year as a “Jeans Day” in which employees may make a donation to wear denim. Employee participation is voluntary and will benefit various charitable campaigns designated by the Inspector General. Employees shall refrain from wearing jeans that are cut-off, frayed and/or with holes. Employees who have prescheduled formal meetings with clients, constituents, public officials or other governmental officials must refrain from participating. With the exception of certain days that have been deemed “Jeans Day” denim wear or jeans are deemed inappropriate.
POLICY

Employees of the Office of the Inspector General (OIG) shall maintain high work standards of behavior, conduct, and work performance befitting the trust and responsibility imposed on them as employees of a public office. An employee shall be temperate and dignified and shall not engage in illegal or unethical conduct. An employee shall comply with the following standards:

- Maintain good behavior and provide competent and efficient services;
- Responsibly perform duties that are in the proper scope of his/her employment;
- Maintain honesty in his/her dealings with fellow employees, managers, and other persons who have business dealings with the state;
- Not commit acts of insubordination;
- Treat the public and other employees with courtesy, dignity, and respect;
- Not distribute or disseminate racially and/or sexually offensive material, discriminatory propaganda, or unsolicited religious oriented materials, including e-mails, magazines, newspapers, fliers, pictures or publications using state property;
- Abide by all applicable statutes, rules, and policies governing his/her employment;
- Not commit any acts of misfeasance, nonfeasance, or malfeasance that affect his/her employment;
- Inform immediate supervisor if charged with a crime or been arrested;
- Not, at any time, be negligent in his/her duties so as to endanger life, property, public safety, or otherwise cause the State of Ohio to be liable for damage;
- Not engage in the possession or use of explosives, firearms, and other weapons or lethal materials while conducting state business or on state time, in a building or portion of a building owned or leased by the state, and in a motor vehicle owned or leased by the state.
- Refrain from the use of profane, loud, vulgar, derogatory, or abusive language while on the job, on property owned by the state or when conducting business of the state;
• Report to work on time every day that he/she is scheduled to work;

• Not take unauthorized leave or engage in habitual absences or tardiness;

• Not release or discuss confidential work related business or records with others not privileged to receive such information;

• Not release confidential personal information (as defined in 1347.12);

• Not receive anything totaling $25 or more within a calendar year from any person or entity that is regulated by, doing business with, or seeking to do business with the Office of the Inspector General. Meals and novelty items (e.g., t-shirts, book bags, coffee mugs) which are incidental to a conference may be accepted;

• Not falsify employment records, data, and/or payroll records;

• Not engage in theft of office property or the property of others;

• Not have in their possession intoxicating beverages and/or drugs, be under the influence of intoxicating beverages and/or drugs on the job, consume, ingest or otherwise utilize such beverages and/or drugs during lunch or breaks;

• Not sleep on the job; and

• Not utilize state equipment or state owned property for personal use.

An employee, who fails to abide by the standards, may be subject to appropriate disciplinary action, up to and including termination from employment.
OFFICE HOURS

The Office of the Inspector General (OIG) is open to the public from 8 a.m. to 5 p.m., Monday through Friday. At a minimum, the OIG needs to ensure that it is adequately staffed to perform all of the business administrative functions for both internal and external customers and to consistently meet customer needs.

An employee shall establish a work schedule with his/her immediate supervisor. The Inspector General and/or supervisor may approve or reject an employee’s request. During a 40 hour work week, the Inspector General or the employee’s supervisor may allow an employee to change his/her schedule, select an alternate schedule, or to occasionally flex work hours depending on the employee’s circumstances and the needs of the office. Employees may not flex work hours outside of a 40 hour work week. Flex schedules are not meant to allow employees to work a compressed schedule. Once an employee selects his/her work hours, that selection will remain in place and will be recognized as the employee’s normal work schedule. The employee will report for work at or before the assigned start time.

If or when extra work hours are necessary for the operation of the office the supervisor may grant compensatory time or overtime compensation (depending on the employee’s Fair Labor Standard Act (FLSA) designation) for hours in excess of 40. Employees need to obtain prior approval before receiving compensatory time or overtime compensation. Compensatory time is not intended to be accumulated by an employee on a regular basis in order to avoid using vacation, personal or sick leave. (Also refer to the Compensatory Time/Overtime Compensation Policy 500.05)

Sick leave hours used during a 40 hour work week are not considered active pay status for the purpose of earning compensatory time or overtime compensation.

Employees are reminded that changing schedules, selecting an alternate work schedule and/or flexing work hours is a benefit, not a right and may be modified at the Inspector General’s discretion to meet agency needs.

LUNCH PERIOD

Employees will have the option of selecting a standard, one-hour lunch period or a one half hour lunch period based on his/her work schedule. Employees participating in the wellness program must select a one-hour lunch period. An employee cannot receive compensatory time or overtime compensation for skipping or shortening a lunch period unless he/she is required, by his/her supervisor, to work during and/or through the lunch period. For purposes of this policy, the lunch period for employees participating in the wellness program is one-hour. (Also refer to the Employee Wellness Program Policy 400.04)

To the extent possible, employees should ensure that the office is adequately staffed during lunch hours and times when other employees are either ill or required to be out of the office. This may require an adjustment to an employee’s regular lunch time.
POLICY

The Ohio Administrative Knowledge System (OAKS) On-line Payroll System will be used to record payroll, leave time and, overtime/compensatory time. An employee of the Office of the Inspector General (OIG) will be given a specific State of Ohio user ID for the payroll system. An employee can access his/her payroll earning statement information by clicking here www.myOhio.gov. An employee will be directed to enter his/her employee identification number and password. An employee password needs to be established by contacting the OAKS Help Desk at 1-877-409-1205. An employee shall not share his/her identification number or password with anyone. Payroll earning statement information is available to OIG employees the Monday before payday Friday. State payroll requires that all employees be paid by direct deposit.

TIMESHEETS

An employee is required to complete and sign his/her OIG timesheet by the end of each pay period. The employee will attest to the fact that the times reflected on the timesheet are accurate and to the best of his or her knowledge. An employee is expected to report to work on time every day that he/she is scheduled to work, not take unauthorized leave, not engage in habitual absences or tardiness and obtain supervisory approval in advance for all planned absences and/or compensatory time earned. Any pre-approved leave and/or overtime/compensatory time accrued must be documented on the employee’s OIG timesheet and entered in the OAKS time reporting application. The immediate supervisor is responsible for reviewing and approving the subordinate’s OIG time reporting record. Approved absences should also be entered on the employee’s OIG outlook calendar.

An employee is eligible to flex his/her schedule based on operational needs and within set parameters approved by a supervisor. Employees may not flex work hours outside of a 40 hour work week. Flex schedules are not meant to allow employees to work a compressed schedule. (Also refer to the Office Hours/work Schedules Policy 300.03)

If a holiday falls at the end of a pay period or the beginning of the following week, the timeframe for timesheet submission and approvals may be adjusted.

OAKS TIME REPORTING

Upon receiving the required supervisory approval, an employee shall enter leave and/or overtime/compensatory time earned through the Ohio Administrative Knowledge System (OAKS) application using the Self-Service and Time Reporting menus.

The Inspector General’s payroll designee is responsible for ensuring all payroll information is accurately and timely entered into the OAKS system on a bi-weekly basis. The payroll designee is also responsible for approving payroll information and ensuring payroll is processed in accordance with federal, state, and agency rules, regulations, policies, and procedures.
While an OIG contract employee is not required to submit leave requests using the OAKS application system, he/she shall notify his/her supervisor of times during which they will be absent from the office. Contract employees are responsible for accurately maintaining their own respective time sheets.

An employee who fails to abide by the procedures established herein or falsifies employment records, data and/or payroll records may be subject to appropriate disciplinary action, up to and including termination from employment.
POLICY

The Office of the Inspector General (OIG) follows the Office of Budget and Management (OBM) travel policy (Administrative Code 12601-02) and uses the Ohio Administrative Knowledge System (OAKS) Travel and Expense Module.

All OIG employees who are required to travel for state business purposes must have a valid Ohio driver’s license and be insured under a policy of liability insurance complying with the requirements of the Ohio Revised Code §4509.51.

MODE OF TRANSPORTATION

An OIG pool vehicle is the most appropriate mode of transportation and should be utilized for business travel purposes. When unusual circumstances or emergency situations preclude adhering to this procedure, an employee’s supervisor may allow an exception. The use of a privately-owned automobile may be authorized if deemed economical and more practical. Reimbursement of mileage expenses incurred on state business is authorized at a rate up to the internal revenue service's business standard mileage rate, within the discretion of the director of the office of budget and management.

UNAUTHORIZED USE OF POOL VEHICLE

Unauthorized use includes, but is not limited to the following:

a. Any use for personal purpose, other than commuting;
b. Transport of family, friends, associates or other persons who are not employees of the state or serving the interest of the state;
c. Transport of cargo which has no relation to the performance of official state business;
e. Operating a pool vehicle while under the influence of alcohol or drugs is prohibited.

HEADQUARTERS

Ohio Administrative Code Rule 126-1-02(A)(2) defines “headquarters” as “the office address at which a state agent has his/her primary work assignment”. Therefore, for purpose of this policy, all employees of the Office of the Inspector General (OIG) are headquartered at 30 East Broad Street, Suite 2940, Columbus, Ohio 43215 located in Franklin County. As such, traveling to any Franklin County location is considered a “normal or necessary commute” and is not deemed as work time, no matter how long the commute.

However, an employee who is traveling to attend a training, seminar or meeting that is outside of “Franklin County” shall be considered in “work status” for his/her commute to
and from the training, seminar and/or meeting. An employee in “work status” beyond his/her normally scheduled work week (i.e., 40 hours) may be eligible for compensatory and/or overtime depending on the employee’s Fair Labor Standards Act (FLSA) status.

**COMPENSATORY TIME FOR FLSA OVERTIME EXEMPT EMPLOYEES**

For purposes of this policy, overtime exempt employees are eligible to receive compensatory time, for time spent traveling that is considered “work status” on an hour-for-hour basis for ONLY those hours over 40 in a calendar week, in active pay status, exclusive of sick leave, that are authorized by their supervisor as approved for compensatory time. No employee may authorize his or her own accrual of compensatory time.

**COMPENSATORY TIME FOR FLSA OVERTIME ELIGIBLE EMPLOYEES**

For purposes of this policy, overtime eligible employees are eligible to receive overtime or compensatory time for time spent traveling that is considered “work status” at one and one-half times for ONLY those hours over 40 in a calendar week in active pay status, exclusive of sick leave, that is authorized and approved by their supervisor. No employee may authorize his or her own accrual of compensatory time.

**TRAVEL AUTHORIZATION**

All requests to travel, in-state or out-of-state, must be authorized by the Inspector General or his/her designee. The purpose of the travel should have a direct and substantial benefit to the state’s budget, economy or interests and/or state or departmental interests due to direct involvement of the OIG. If the authorized travel will incur expenses (e.g. lodging, car rental or airfare) for the employee, a request for travel authorization shall be created through the OAKS Travel and Expense Module prior to the travel (preferably at least 5 to 7 business days) and should include a brief description of the purpose for the travel.

**HOW TO CREATE A TRAVEL AUTHORIZATION**

A travel authorization can be created by using the OAKS Travel and Expense Module. The travel authorization represents pre-approval for planned travel based on estimated expenses to be incurred, per the OBM Travel Rule (e.g. lodging, car rental or airfare). A travel authorization must be approved in OAKS by the employee’s supervisor. An email notification will be sent to the employee verifying the travel was approved, denied or sent back.

An employee may delegate entry authority for travel authorizations or expense reports to another OIG employee on their behalf. The employee will be responsible for ensuring that the designated entry authority has accurate information on their travel and/or expenses incurred while traveling.
MEALS AND LODGING

The maximum rate for in-state and out-of-state lodging is based on the rates established by the Federal General Services Administration (GSA) plus applicable taxes. Rates are determined by the county the hotel is located. If the county is not listed, the rate will be the standard rate listed. Meals and incidental expenses (per diem) are authorized only when overnight lodging is required. To see the applicable rates for lodging, meals and incidental expenses click here www.gsa.gov. Rates are effective October 1 – September 30 and may be adjusted each year. An original itemized hotel receipt and receipts for expenditures over $10 are required and need to be submitted to the director of HR/fiscal operations.

MILEAGE

The OIG uses the mileage reimbursement rate determined by the Office of Budget and Management.

PARKING REIMBURSEMENT

Reimbursement for parking expenses is permissible if the employee is reporting to an authorized business destination or attending official training or meetings, outside of Franklin County, where parking expenses are incurred.

Parking expenses incurred, due to traveling for authorized business, may be reimbursed for actual cost incurred per day with an original receipt, as long as the costs being claimed are determined to be reasonable. Receipts for parking expenses incurred shall be submitted to the Director of HR/Fiscal Operations. Hotel valet parking is not reimbursable if self-parking is available.

Original receipts, other than for metered or unattended parking lots, are required. For metered or unattended parking lot expenses please complete the OIG Parking Receipt Form found in the CommonShare Folder.

No employee shall knowingly submit a receipt to secure reimbursement funds over and above actual cost incurred. Falsification of reimbursement funds may result in disciplinary action up and including termination.

MISCELLANEOUS EXPENSES

The Office of the Inspector General (OIG) will reimburse employees for miscellaneous expenses (e.g. postage, copies, and court fees) while traveling on and/or conducting state business. An original receipt is required for reimbursement. If a receipt is not available a copy of a credit card statement or copy of the front and back of a check used to make the purchase will be accepted.
CONFERENCES AND TRAINING EVENTS

Employees shall seek pre-approval before attending any in-state or out-of-state conference or training event. Once approved, the employee is responsible for registering themselves for the event. Lodging for training, conferences or seminars will be reimbursed at cost if the hotel is listed on the appropriate event registration form and is deemed reasonable by the Inspector General. Otherwise, lodging will be reimbursed based on rates for lodging set by the Federal General Services Administration (GSA). The registration form and agenda must be submitted to the director of HR/fiscal operations prior to reimbursement.

CREATE EXPENSE REPORTS/RECEIPTS

It is the responsibility of the employee to submit all original travel receipts in a timely fashion. After travel, an expense report must be created in the OAKS Travel and Expense Module. Expense reports shall contain actual allowed expenses incurred while traveling. Expense reports must be submitted within 60 days of the last date of travel. Any untimely travel expense reimbursements will not be accepted.

Ohio Shared Services pre-audits expense reports prior to reimbursement to verify compliance and to ensure that reimbursements requested align with expenses incurred. Incomplete or noncompliant expense reports will be held, denied, or sent back to the traveler for revision. An email notification will be sent to the traveler verifying the travel was approved, denied or sent back.

Non-reimbursable travel expenses include, but are not limited to, the following:

a.) Alcoholic beverages purchased
b.) Personal expenses not directly related to the official purpose of the travel
   (e.g., magazines, books or movie rentals)

EXPENSE REIMBURSEMENTS

Reimbursements are processed once expense reports are approved, generally within seven business days after an expense report passes pre-audit. Reimbursements are made via direct deposit into the same bank account as the employee’s payroll. Travelers can check the status of reimbursements in the OAKS Travel and Expense Module.

RESTRICTIONS APPLICABLE TO TRAVEL

Ohio law prohibits a state official or employee from accepting, soliciting, or using his/her position to secure any personal benefit which stems from the conduct of state business. Any benefits which arise from the official business which the state conducts must accrue to the state, rather than to any public official or employee personally, and an official or employee cannot benefit personally from business the state conducts. For example, an employee cannot benefit from frequent flier miles, discounts or free hotel
accommodations or rental car discounts that may be earned during travel on official state business.

As a general rule, enrollment in a frequent flier program should only be considered if the employee expects to travel three or more times per year by means of a commercial air carrier.

Employees are prohibited from using any frequent flier miles earned during travel on official state business for personal use. All frequent flier miles are to be used for the purpose of conducting subsequent official state business by the recipient of the frequent flier miles.

The recipient of frequent flier miles shall maintain and report frequent flier miles earned while on official state business at the end of each calendar year to the Human Resources Department.

Frequent flier benefits may not be used to upgrade travel accommodations or to upgrade hotel accommodations.

Frequent flier miles cannot be transferred to another state agency for use. Employees shall forfeit frequent flier miles upon separation of employment with the OIG.

VEHICLE RENTAL AND INSURANCE

Vehicle rentals may be approved for out-of-state travel only and must be prior approved by the Inspector General. Justification to rent a vehicle for travel accommodations must be considered the least expensive mode of transportation or a necessity to conduct business on behalf of the OIG. An original itemized receipt is required for reimbursement.

It is recommended that insurance coverage be obtained through the rental agency. The Department of Administrative Services, Risk Management, will only provide insurance coverage if the rented vehicle is pre-registered prior to acceptance of the vehicle. Failure to obtain insurance coverage may result in a claim against the employee’s insurance carrier.

ACCIDENT REPORTING

All accidents and/or occurrences that arise during regular working hours and/or during the course and scope of employment must be reported immediately to the employee’s supervisor or the Human Resources Department. The Human Resources Department will ensure all paperwork necessary for the proper reporting of the accident or injury that occurred to the employee is completed and processed. Even if no medical attention is needed or time off required, an incident report shall still be completed and signed by the employee.
PURPOSE

The purpose of this policy is to understand that employees with the State of Ohio are responsible for paying municipal income taxes through withholding or other appropriate means. The Office of the Inspector General (OIG), as an employer, regularly withholds local taxes from an employee’s earnings to facilitate a more convenient method of paying employee tax obligations. The state also has an interest in ensuring that tax-supported employees are paying their share of taxes.

GUIDELINES

The location where an employee earns his or her wages is the primary determinant for deciding if a local income tax obligation is owed. If an employee works in a municipality where an income tax is enacted, the employee must pay income tax to that municipality.

An employee is also subject to a local municipal income tax based on his/her place of residence. A residential tax liability is incurred if an employee’s city of residence has an income tax that does not allow a reciprocal tax credit. Depending on the municipality, there may or may not be an obligation to pay residential taxes. An employee may click here http://tax.ohio.gov/online_services/thefinder.stm to get a tax district summary based on a home address.

Another tax obligation is the school district income tax. School district income taxes are levied on the school district residence of an employee.

Employees are responsible for notifying the Human Resources Department of any changes to his/her income tax obligations.
POLICY

Employees with the Office of the Inspector General (OIG) are required to report any potential personal impairment(s) immediately upon employment and annually thereafter on or about January 1. In addition, a new Confirmation of Independence form should be completed whenever a new impairment occurs. All independence forms will be reviewed by the chief legal counsel. The chief legal counsel will determine whether a circumstance of the reported matter(s) has the potential to impair the independence of the employee or create the appearance of impairment.

A list of general guidelines for identification of potential personal impairments includes, but is not limited to:

- Employees are required to report any ownership or employment with a business, vendor, or contractor that engages in business with a state agency, officer, or employee of the state or any political subdivision of the state and/or a state university or state medical college that may pose any kind of independence issue.

- Employees are required to report any immediate family member (e.g., spouse, parents, children, stepchildren, grandparents, grandchildren, siblings, in-laws, stepparents, stepsiblings) who is/are an officer or employee of the state or any political subdivision of the state or a state university or state medical college that may pose any kind of independence issue.

- Employees are required to report any extended family member (e.g., aunts, uncles, cousins, spouse’s extended family, or close personal friends/associates) who holds a fiscal, board, or trustee position who is an officer or employee of the state or any political subdivision of the state or a state university or state medical college that may pose any kind of independence issue.

If it is determined that an impairment exists, the employee may be restricted from any investigatory activity with the specified entity. The employee will be notified, in writing, of a potential impairment or confirm there is no impairment. A copy of the employee’s confirmation form and written correspondence will be kept within the employee’s personnel file.
PURPOSE

Employees with the Office of the Inspector General (OIG) are required to be independent of all public entities that are under the jurisdiction of the OIG. OIG employees should consider any potential circumstances that may lead to possible questions regarding his/her independence. If an OIG employee suspects an impairment concerning his/her independence, the employee should immediately direct the matter to the Chief Legal Counsel or designee for their review.

POLICY

Employees with the Office of the Inspector General (OIG) are to be free from personal, external, and organizational impairments to independence, and must avoid the appearance of such impairments of independence as specified by Ohio Ethics Law and Ohio Revised Code (R.C.) Chapter 102. and Sections 2921.42 and 2921.43. These laws prohibit public officials and employees from misusing their official positions for their own personal benefit or the benefit of their family members or business associates.

The following is a summary of general employment information specific to OIG employees. NOTE: This summary of general employment information is not an advisory opinion, and is not intended to provide advice on specific facts. It also does not replace or substitute the above statutory provisions, which control the conduct of all public officials and employees within the state of Ohio.

Seeking New Employment: An OIG employee who is considering “seeking employment” with a public agency that is under the jurisdiction of the OIG must first receive approval from the Inspector General and the Chief Legal Counsel prior to engaging in any employment action. “Seeking employment” is responding to a specific job advertisement or posting, or sending resumes, making telephone calls, sending e-mails, or taking any other action to inquire about the availability of an employment position/opportunity. Without prior approval, OIG employees are prohibited from directly seeking employment on their own behalf or on the behalf of an immediate or extended family member, or friend, with a public agency that is under the jurisdiction of the OIG. An employee’s request to seek new employment will be denied if the request is determined to be an impairment of his/her independence, and/or impede or conflict with the employee’s ability to perform his/her job duties. No current OIG employee may work for a vendor who conducts business with the state of Ohio. (Also refer to the Confirmation of Independence policy 300.07)
**Seeking Secondary Employment:** The OIG recognizes that some employees may elect to engage in various types of employment or business interests to supplement their income. Such employment is not inappropriate or prohibited however; it must have prior approval in order to address any possible conflict of interest or potential conflict with the employee’s job duties and normal work schedule.

Prior to approving a secondary employment request, both actual and potential appearances of impropriety or conflict of interest will be considered to protect the public confidence in the Office of the Inspector General.

Employees are not to engage in secondary employment to the extent that it impairs performance in their regular assigned duties. Secondary employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work additional hours or different hours. If the secondary employment causes or contributes to job-related problems, the OIG will take corrective action as deemed appropriate.

Employees must at all times refrain from using their position with the OIG in a manner or setting that does not reflect appropriately on the OIG when engaging in various types of employment or business interests. Employees are to refrain from using state resources for personal or secondary employment purposes.

**In the event an employee separates from employment with the OIG, the below post-employment restrictions will apply.**

**Post-Employment Restrictions:**

a.) Profiting from a contract if an OIG employee authorized the contract or was part of a committee, board, or other authority that authorized the contract.

b.) An OIG employee is prohibited, for one year after leaving the OIG, to immediately represent his or her new state agency on any audit or investigative matters in which he or she participated in the former position.

c.) Prohibits a current or former OIG employee for using or disclosing confidential information acquired by the OIG employee in the course of his/her duties. There is no time limit for this restriction.

Violation of this policy may result in disciplinary action up to and including termination and/or subject to civil action or criminal prosecution.
REFERENCES

Ohio Revised Code (R.C.) Chapter 102. and Sections 2921.42 and 2921.43.

SEEKING NEW OR OUTSIDE EMPLOYMENT:
Ethics Commission Information Sheet # 4 (Appendix A to this policy)

POST-EMPLOYMENT RESTRICTIONS:
Ethics Commission Information Sheet # 5 (Appendix B to this policy)

INFORMATION SHEET: ADVISORY OPINION NO. 2012-03
NEW REVOLVING DOOR LAW EXCEPTIONS—R.C. 102.03(A)(8) AND (A)(9)
(Appendix C to this policy)
I. Introduction

The Ohio Ethics Law and related statutes are found in Ohio Revised Code (R.C.) Chapter 102. and Sections 2921.42 and 2921.43. These laws generally prohibit public officials and employees from misusing their official positions for their own personal benefit or the benefit of their family members or business associates.

The Ethics Law applies to all people who serve as officials and employees for public agencies in Ohio. “Public agencies” include state departments, boards, and commissions, counties, cities, villages, townships, school districts, public colleges and universities, public libraries, port authorities, and all other public entities.

The Ethics Commission was created to administer, interpret, and assist in the enforcement of the Ethics Law for all officials in the state, except members and employees of the General Assembly and judicial officers and employees. In this information sheet, the word “official” includes any person who serves a public agency, whether elected, appointed, or employed.

II. Purpose of this Information Sheet

The Ethics Commission prepared this information sheet to explain how the Law applies when an official is searching for a new job or outside employment. These restrictions apply regardless of whether the official is seeking a job with a private corporation, a non-profit organization, or another public agency.

Any official who is seeking new employment should also read the Commission’s revolving door information sheet (Information Sheet # 5), discussing limitations on the official in a new job.

Any official who is seeking outside employment should also read Ohio Ethics Commission Advisory Opinion No. 96-004, the Commission’s advisory opinion on outside employment. The opinion will explain limits on the official’s activities regarding outside employment.

III. Summary of the Law

The Ohio Ethics Law and related statutes prohibit an official from soliciting or using his position to get a job from any person that is:

- Regulated by his public agency;
- Doing or seeking to do business with his public agency; or
- Interested in matters before his public agency.

IV. Seeking Employment from Related Parties

Promoting Ethics in Public Service for Ohio Since 1974
R.C. 102.03(D) and (E) prohibit an official from soliciting or using his position to get a job from any person that is regulated by, doing business or seeking to do business with, or interested in matters before the public agency he serves. A person is “seeking employment” if he is responding to a specific job advertisement or posting, or sending resumes, making telephone calls, sending e-mails, or taking any other action to inquire about the availability of an employment position.

V. Withdrawal

There is an exception from this prohibition if the official can and does withdraw completely from any matter involving the party from whom he is seeking or has accepted employment. If the official is normally required to participate in a matter affecting the party, the public agency must approve his withdrawal. An official cannot effectively withdraw from a matter by simply refusing to perform his job duties. It must be clear that the withdrawal will not impede the official’s ability to perform his job duties.

In order to effectively withdraw from a matter, the official must inform his supervisor of his withdrawal. The supervisor must then either handle the matter herself or reassign the matter to another official or employee. If the matter is reassigned, the person to whom it is reassigned must report to someone who is a superior to, or on the same level as, the official who has withdrawn. The official cannot withdraw from a matter by delegating it to a subordinate employee.

For example, during his job search, an official whose job involves making recommendations about equipment purchases is prohibited from making recommendations about a private firm from whom he is seeking a job. Once the official has accepted a job offer from a private company or another public agency, he is prohibited from participating in matters affecting his new employer during his remaining public employment.

VI. Board Member Seeking Job with Board

The Ethics Law also prohibits a board member from seeking employment with the board he serves. This restriction applies to both elected and appointed board members. For example, a city council member is prohibited from seeking employment with the city. Also, a member of a state commission is prohibited from seeking employment with the commission.

For more information about these restrictions, please read the Commission’s Information Sheet # 6 on board member’s seeking employment with their own boards.

VII. Other Considerations

Any official who is considering seeking employment with another public agency, or with a private organization or company, should ask his supervisor, or legal counsel for the public agency he serves, whether the agency has any additional policies or rules regarding job-seeking. (A public agency cannot create a policy or rule that is less restrictive than the prohibitions described above. However, an agency may have a policy or rule that is more restrictive than the Ethics Law.)

Any official who is seeking new employment should also read the Commission’s Information Sheet # 5 on
revolving door. The restrictions discussed in that information sheet will limit the official’s activities in a new job.

VIII. Penalties

The Ethics Law and related statutes are criminal laws. If a person is convicted of violating an ethics law, that person may receive a jail sentence and/or have a fine levied against him.

Most of the ethics laws discussed in this information sheet (R.C. 102.03(D) and (E)) are first-degree misdemeanors, with a maximum penalty of six months in prison and/or a $1000 fine.

IX. Conclusion

Please contact the Ethics Commission if you have questions about this information sheet or the Ohio Ethics Laws. This information sheet is not an advisory opinion, and is not intended to provide advice on specific facts. Copies of the Commission’s formal advisory opinions can be obtained from: Ohio Ethics Commission, William Green Building, 30 West Spring Street, L3, Columbus Ohio, 432315-2256; telephone (614) 466-7090, and on the Commission’s Web site: www.ethics.ohio.gov.

Rev’d March 2005

Endnotes:

1 The ethics agency with jurisdiction over ethics issues related to members and employees of the General Assembly is the Joint Legislative Ethics Committee. The ethics agency with jurisdiction over ethics issues related to judicial officers and employees is the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court.
2 Ohio Ethics Commission Advisory Opinion No. 96-004.
5 Id.
I. **Introduction**

The Ohio Ethics Law and related statutes are found in Ohio Revised Code (R.C.) Chapter 102. and Sections 2921.42 and 2921.43. These laws generally prohibit public officials and employees from misusing their official positions for their own personal benefit or the benefit of their family members or business associates.

The Ethics Law applies to all people who serve as officials and employees for public agencies in Ohio. “Public agencies” include state departments, boards, and commissions, counties, cities, villages, townships, school districts, public colleges and universities, public libraries, port authorities, and all other public entities.

The Ohio Ethics Commission was created to administer, interpret, and assist in the enforcement of the Ethics Law for all officials in the state, except members and employees of the General Assembly and judicial officers and employees.¹ In this information sheet, the word “official” includes any person who serves a public agency, whether elected, appointed, or employed.

II. **Purpose of this Information Sheet**

The Commission prepared this information sheet to explain how the Law applies when an official is leaving the public job he holds for a new job. An official who is seeking a new job should also obtain Information Sheet # 4 on job seeking before beginning his search.

If an elected or appointed public board member would like to seek employment with the board he serves, other Ethics Laws are implicated. For more guidance on that issue, see Information Sheet # 6.

Except where otherwise noted, these restrictions apply to an official both during, and for one year after he leaves, his public position. They also apply whether the official is taking a new position with a private corporation, a non-profit organization, or another public agency.

III. **Summary of the Law**

The Ohio Ethics Law and related statutes prohibit an official from:

- Profiting from a contract of his public agency, if he authorized the contract or was part of a committee, board, or other authority that authorized the contract;
- Representing any person, before any public agency, on matters in which he personally participated during his public service; and
- Disclosing or using confidential information acquired while he was an official.

IV. **Profiting from Public Contracts**
R.C. 2921.42(A)(3) prohibits an official from profiting from a public contract authorized by him, or by a board or committee of which he was a member at the time the contract was authorized, unless the contract is let by competitive bidding to the lowest and best bidder. The restriction applies even if the official did not participate in the board action.

A public contract exists whenever a public agency buys or acquires goods or services, regardless of whether there is a written contract.\(^2\) Examples are:

- Purchases of goods like computers, fire trucks, and paper products\(^3\);
- Purchases of services like insurance and accountants\(^4\); and
- Grants (because the agency acquires services by virtue of the grant)\(^5\).

When an official has approved an unbid contract to a company, the official cannot accept employment from the company if he will profit from the contract. An official who becomes an employee of a company will profit from his employer’s contract if: (1) the establishment or operation of the company is dependent upon the contract; (2) the creation or continuation of the official’s position with the company is dependent upon the contract; (3) the contract funds would be used by the company to compensate the official or as a basis for his salary; or (4) he will otherwise profit from the contract.\(^6\)

V. **Representation**

R.C. 102.03(A) prohibits an official from representing any person on any matter in which the official has personally participated.

The restriction applies regardless of whether the official is paid to represent the person. A “person” includes an individual, corporation, partnership, association, public entity, or similar entity.\(^7\)

A former official is “representing” a person when the official makes any kind of formal or informal appearance before, or has any kind or written or oral communication with, any public agency, on behalf of that person.\(^8\) Examples of representation are:

- An informal appearance before a public agency (a former official has a meeting with an employee of a city, in which he discusses his client);
- Oral communication with a public agency (a former official discusses his new employer’s concerns with a county employee in a telephone call or a conversation in a hallway).
- Written communication with a public agency, even if the official does not sign the communication (A former official sends an e-mail to a village explaining his client’s position, or prepares a letter to the village and the letter is signed by the client).

The law prohibits a former official from representing any person before any public agency on matters in which he personally participated.\(^11\) The former official is prohibited from representing anyone before his former public agency, and before any other public agency. The term “public agency” is defined on page one of this information sheet.

An official has “personally participated” in a matter if he has engaged in the substantial exercise of administrative discretion regarding the matter such as:

- Decision;
- Approval;
- Disapproval;
For example, if an official reviews a report, and makes a recommendation about the report to his supervisor, the official has personally participated in the matter that is the subject of the report, even if his participation was not the final action on the report. An official has also personally participated in a matter if he has supervised other public officials and employees on the matter.13

A “matter” includes any case, proceeding, application, determination, issue, or question.14 A matter can include concrete items, like an application or a problem. It can also include more abstract items, like a dispute or a policy decision. A matter is the underlying issue or question, regardless of whether it involves the same parties. Matter does not mean the same thing as subject matter.15

Examples of restricted activity are:

- A former city building inspector, who is now employed by a developer, is prohibited from calling a city employee to ask when an inspection he started while he was a city employee will be completed;
- An employee of the EPA is prohibited from sending an e-mail, on behalf of an environmental group for which he volunteers, to the environmental court inquiring about the status of a case involving an inspection he completed;
- A former village council member, who is now employed by a law firm, is prohibited from speaking at a state board meeting, on behalf of his client, when the board is reviewing a policy decision made by the village council while he was a council member.

VI. **Exceptions to the Prohibition**

There are three exceptions to the Revolving Door Law:

- A former official is not prohibited from representing a client on a matter in which he did not participate.16
- A former official is not prohibited from assisting or aiding his former public agency.17
- A former official is not prohibited from doing ministerial activities, such as preparing tax returns and filing applications for permits or licenses.18

VII. **Special Revolving Door Restrictions**

There are four special revolving door restrictions. The first is a specific restriction for legislators and legislative employees.19 For more information about that restriction, contact the Legislative Inspector General.

The second applies to the former commissioners and attorney examiners of the Public Utilities Commission, and is in effect for two years.20 It prohibits former commissioners and attorney examiners from representing utilities before state agencies.

The third is a two-year restriction that applies to any official who exercised discretion regarding solid or hazardous waste matters under R.C. Chapters 343. and 3734.21

The final prohibits any present or former Ohio Casino Control Commission member or employee, for two years, from representing a client, being employed or compensated by a person regulated by the
commission, or acting in a representative capacity for any person.

For more information about these three revolving door provisions, please contact the Ohio Ethics Commission.

VIII. Confidentiality

R.C. 102.03(B) prohibits a current or former official from using or disclosing confidential information acquired by the official in the course of his duties. There is no time limit for this restriction.22

The official is prohibited from disclosing confidential information unless he is appropriately authorized to do so. If an official needs guidance about whether information is confidential, or whether he has been appropriately authorized to disclose information, he should speak to the legal advisor for the agency he serves.

IX. Other Considerations

If the official is just beginning his search for a new job, the official should also read the Information Sheet #4 on Job Seeking, which explains the Ethics Law as it applies to an official seeking employment.

If the official is an attorney, the official should contact the Board of Commissioners on Grievances and Discipline for the Ohio Supreme Court for guidance about Prof.Cond.R. 1.11 and 1.12 and other post-employment provisions in the Rules of Professional Conduct.

A state official should contact the Governor’s Office to determine whether any executive order imposes limits on his post-employment activities.

If the official was required to file a financial disclosure statement during his public service, he will be required to file a statement in the year after his service concluded, reflecting financial information for his final year.

Any public official who is moving from one public position to another public position or to the private sector should ask his supervisor or legal counsel for the public agency he serves whether the agency has any additional policies or rules regarding post-employment. (A public agency cannot create a policy or rule that is less restrictive than the prohibitions described above. However, an agency may have a policy or rule that is more restrictive than the Ethics Law.)

X. Penalties

The Ethics Law and related statutes are criminal laws. If a person is convicted of violating an ethics law, that person may receive a jail sentence and/or have a fine levied against him.

The ethics laws discussed in this information sheet are first-degree misdemeanors with a maximum penalty of six months in prison and/or a $1000 fine.

XI. Conclusion

Please contact the Commission if you have questions about this information sheet or the Ohio Ethics Laws. This information sheet is not an advisory opinion, and is not intended to provide advice on specific facts. Copies of the Commission’s formal advisory opinions can be obtained from: Ohio Ethics Commission, William Green Building, 30 West Spring Street, L3, Columbus Ohio, 43215-2256; telephone (614) 466-7090, and on the Website: www.ethics.ohio.gov.
Endnotes:

1 The ethics agency with jurisdiction over ethics issues related to members and employees of the General Assembly is the Joint Legislative Ethics Committee. The ethics agency with jurisdiction over ethics issues related to judicial officers and employees is the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court.

2 RC. 2921.42(G)(1).
3 Ohio Ethics Commission Advisory Opinions No. 84-013, 87-002, and 84-014.
4 Adv. Ops. No. 82-007, 92-017, and 97-004.
7 R.C. 1.59; Adv. Ops. No. 82-002, 89-003, and 99-001.
8 R.C. 102.03(A)(5).
11 R.C. 102.03(A)(5).
12 R.C. 102.03(A)(1).
14 R.C. 102.03(A)(5).
17 R.C. 102.03(A)(6).
18 R.C. 102.03(A)(7).
19 R.C. 102.03(A)(4).
20 R.C. 102.03(A)(2).
APPENDIX C
INFORMATION SHEET: ADVISORY OPINION NO. 2012-03
NEW REVOLVING DOOR LAW EXCEPTIONS—R.C. 102.03(A)(8) AND (A)(9)

What is the question in the opinion?

How do the newly enacted exceptions to the Revolving Door Law, in R.C. 102.03(A)(8) and R.C. 102.03(A)(9), change the application of the law to non-elected state and local officials and employees?

What is the answer in the opinion?

R.C. 102.03(A)(8) applies to any non-elected state official or employee who leaves one state agency to become an official or employee of another state agency. The person can represent his or her new state agency on any matters, except audits and investigations, in which he or she participated in the former position. The exception removes the one-year prohibition on representation that would otherwise apply.

R.C. 102.03(A)(9) applies to any non-elected local official or employee who leaves one position in a local public agency for another position in the same public agency. The person can represent his or her new department, division, agency, office, or unit on any matters in which he or she participated in the former position. The exception removes the one-year prohibition on representation that would otherwise apply.

What prompted this opinion?

Two new provisions of the Ethics Law, R.C. 102.03(A)(8) and R.C. 102.03(A)(9), were enacted in S.B. 314. They became effective on September 28, 2012.

When did this opinion become effective?

The opinion became effective on October 25, 2012.

For More Information, Please Contact:

Paul M. Nick, Executive Director, or
Jennifer A. Hardin, Chief Advisory Attorney

(614) 466-7090

THIS COVER SHEET IS PROVIDED FOR INFORMATION PURPOSES. IT IS NOT AN ETHICS COMMISSION ADVISORY OPINION. ADVISORY OPINION NO. 2012-03 IS ATTACHED.
Syllabus by the Commission:

(1) The Revolving Door Law prohibits any former public official or employee from representing any person before any public agency on any matter in which the official or employee personally participated.

(2) The General Assembly has enacted two new exceptions to the revolving door law, effective September 28, 2012.¹ The exceptions are applicable only in situations when a nonelected public official or employee leaves one public position and takes a position as a public official or employee of another public agency.

(3) The first exception applies to a nonelected official or employee of a state agency who leaves that position to become an official or employee of another state agency.² The person can represent his or her new employer on matters, other than audits or investigations, in which he or she personally participated while serving in his or her former state position.

(4) In this context, an “audit” is an official examination, analysis, or inspection of records or other documents. An “investigation” is an inquiry or detailed and careful examination to ascertain facts.

(5) The second exception applies to any person who leaves employment at one department, division, agency, or unit of a political subdivision to work for another department, division, agency, or unit of the same political subdivision.³ The person can represent his or her new employer on matters in which he or she personally participated while serving in his or her former position.

* * *

In this advisory opinion, the Ohio Ethics Commission will explain how two new exceptions to the Revolving Door Law, R.C. 102.03(A)(8) and R.C. 102.03(A)(9), will apply to state and local public officials and employees who are moving from one public position to another.⁴
Revolving Door Restriction—R.C. 102.03(A)(1)

R.C. 102.03(A)(1), the “revolving door” law, applies to most public officials and employees, at all levels of government, in the state except teachers. The revolving door law prohibits a state or local public official or employee, for one year after he or she leaves a public position, from representing or acting in a representative capacity for any person, including a new employer, on any matter in which the official or employee personally participated while serving in his or her former public position. The Ohio Ethics Commission has issued several advisory opinions and information sheets that explain the general provisions of the “revolving door law” in more detail.

The Commission has concluded, in a number of advisory opinions, that a state or local official or employee who accepted employment with another public agency is subject to this restriction. In other words, unless he or she met an exception in the law, a person who left one public position to accept another one was prohibited from representing his or her new employer before any other public agency on matters in which he or she personally participated in the former employment.

However, the General Assembly has enacted two exceptions to the “revolving door law” that apply to non-elected officials and employees moving or transferring from one public agency to another.

Exception for State Officials and Employees—R.C. 102.03(A)(8)

The first new exception is R.C. 102.03(A)(8) which provides an exception to the “revolving door restrictions” for non-elected state officials and employees leaving one state agency to work for another. “State agency” includes every organized body, office, or agency established by the laws of the state for the exercise of any function of state government.

R.C. 102.03(A)(8) provides that the revolving door restriction does not prohibit a non-elected state official or employee from leaving one state agency to become a public official or employee of another state agency. Further, the law allows any such person to represent his or her new state employer on any matters in which the employee personally participated in his or her former state service.

There is one limitation to the exception. A state official or employee is prohibited, for one year after leaving one state agency to accept a job with another, from representing his or her new state agency on any audit or investigation pertaining to the state agency if the official or employee worked on the audit or investigation in his or her former position.

The words “audit” and “investigation” are not defined in R.C. 102.03, so they must be read in context and according to common usage. In this context, an “audit” is an official examination, analysis, or inspection of records or other documents. “Audits” include audits conducted by the Auditor of State’s Office (R.C. 117.01(G)), the State’s Internal Audit


Committee (R.C. 126.45), the Casino Control Commission (R.C. 3772.061), Department of Taxation (see, e.g., R.C. 5703.50), and any other state agency.

An “investigation” is an inquiry or detailed and careful examination to ascertain facts. 13 “Investigations” includes investigations conducted by the Ethics Commission (R.C. 102.06), Inspector General’s Office (R.C. 121.42), Attorney General’s Office (see, e.g., R.C. 109.24, 109.362, 109.83), Auditor of State’s Office (see generally R.C. 117.091), the Environmental Protection Agency (see, e.g., R.C. 3745.016, 3704.06, and 3734.10), and any other state agency.

Because of the exception in R.C. 102.03(A)(8), a non-elected state official or employee is not prohibited from:

1. Leaving one state agency to become a public official or employee of another state agency; and
2. Immediately representing his or her new state agency employer on any matters, except audits and investigations pertaining to the state agency, in which he or she participated in the former position.

The exception does not apply to a former state official or employee who accepts employment with a local public agency, such as a village, township, city, or county.

**Example of the Exception**

A former assistant state auditor has accepted a new job with the Ohio Department of Transportation. The former assistant auditor has several questions about the revolving door law. He knows that the restriction applies to him for one year, and he is aware of the newly enacted exception.

1. Within the first year after leaving his job at the Auditor’s Office, can the former assistant auditor represent the Department of Transportation at a meeting with the Auditor’s Office on a non-audit matter in which he personally participated while he was an Auditor’s Office employee?

   Yes. Under the exception in R.C. 102.03(A)(8), the employee is not prohibited from representing the Department of Transportation on the matter, even though he personally participated in it while he was employed at the Auditor’s Office. The exception removes the one-year time restraint on representation that would have formerly applied to the Department employee in this situation.

2. Can the former assistant auditor send an email to a former coworker at the Auditor’s Office asking about an audit of the Department of Transportation on which he worked while he was an Assistant Auditor?


No. Because the former assistant auditor personally participated in the audit, the exception in R.C. 102.03(A)(8) does not apply to this situation. He is prohibited from contacting the Auditor’s Office, or any other public entity, regarding the audit.

3. Can the former assistant auditor telephone the Inspector’s General’s Office regarding a fraud investigation on which he worked at the Auditor’s office? The matter involves another employee of the Department of Transportation.

No. Because the former assistant auditor personally participated in the investigation, while at the Auditor’s Office, the exception in R.C. 102.03(A)(8) does not apply to this situation. He is prohibited from representing the Department of Transportation on this matter before any public agency, including the Inspector General’s Office.

**Exceptions for Local Officials and Employees—R.C. 102.03(A)(9)**

The second new exception is R.C. 102.03(A)(9) which provides an exception to the “revolving door restriction” for non-elected officials and employees of a political subdivision. A political subdivision is a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.14

R.C. 102.03(A)(9) provides that the revolving door restriction does not prohibit a non-elected official or employee of a political subdivision from leaving one department of the political subdivision to work for another department of the same political subdivision. Further, the law allows any such person to represent the department in which he or she now works on any matters in which the employee personally participated during his or her service in the other department.

Because of the exception in R.C. 102.03(A)(8), a non-elected local official or employee is not prohibited from:

1. Leaving one department, division, agency, office, or unit of a political subdivision to accept a job with another department, division, agency, office, or unit of the same political subdivision; and
2. Immediately representing his or her new department, division, agency, office, or unit on any matters in which he or she personally participated in the former position.15

The exception does not apply to a former official or employee of a political subdivision who accepts employment with a different political subdivision or with a state agency.

**Example of the Exception**

A former employee of a city zoning office has accepted a new job with the city’s development department. She knows that the revolving door restriction applies to her for one year and is aware of the newly enacted exception.
1. Can the employee represent the development department at a meeting with the zoning office on a matter in which she personally participated while she was an employee of the zoning office?

Yes. Under the exception in R.C. 102.03(A)(9), the employee is not prohibited from representing the development department on the matter, even though she personally participated in it while she was employed in the zoning office. The exception removes any time restraint on representation.

2. Can the former zoning office employee send an email to her former boss asking about an investigation the former employee conducted while she worked in the zoning office?

Yes. There is no limit on the kinds of matters on which the employee can represent the development department, even if she personally participated in those matters while employed at the zoning office.

Conclusion

Therefore, it is the opinion of the Ohio Ethics Commission, and the Commission advises that: The General Assembly has enacted two new exceptions to the revolving door law, effective September 28, 2012. The exceptions are applicable only in situations when a nonelected public official or employee leaves one public position and takes a position as a public official or employee of another public agency. The first exception applies to a nonelected official or employee of a state agency who leaves that position to become an official or employee of another state agency. The person can represent his or her new employer on matters, other than audits or investigations, in which he or she personally participated while serving in his or her former state position. In this context, an “audit” is an official examination, analysis, or inspection of records or other documents. An “investigation” is an inquiry or detailed and careful examination to ascertain facts. The second exception applies to any person who leaves employment at one department, division, agency, or unit of a political subdivision to work for another department, division, agency, or unit of the same political subdivision. The person can represent his or her new employer on matters in which he or she personally participated while serving in his or her former position.

Merom Brachman, Chairman
Ohio Ethics Commission

The Ohio Ethics Commission Advisory Opinions referenced in this opinion are available on the Commission’s Web site: www.ethics.ohio.gov.

1 Am. Sub. S.B. 314 (eff. 09/28/2012).
2 R.C. 102.03(A)(8).
3 R.C. 102.03(A)(9).

4 The exceptions do not change the application of R.C. 2921.43 or R.C. 102.03(B) and do not apply to someone who becomes a contractor, not a public official or employee, of another public entity.

5 See R.C. 102.01(B). “Public official or employee” does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.

6 These terms—“represent,” “person,” “matter,” and “personal participation”—are defined in the Ohio Revised Code. Ohio Ethics Commission Advisory Opinions that have more fully explained these terms as applied to specific situations include Ohio Ethics Commission Advisory Opinions No. 86-001, 87-001, and 92-005 (represent), 82-002 and 89-003 (person), 84-005, 99-001, and 2004-04 (matter), and 86-001 and 91-009 (personal participation).


9 There are two other exceptions to the restriction in R.C. 102.03(A)(1): (a) R.C. 102.03(A)(6), which allows a former public employee to represent, assist, or act in a representative capacity for his or her former public employer; and R.C. 102.03(A)(7), which allows a former public employee to perform ministerial functions on behalf of a client or employer. Ohio Ethics Commission Advisory Opinion No. 2012-04 fully discusses the exception in R.C. 102.03(A)(6).

10 R.C. 1.60.
11 R.C. 1.42.


14 R.C. 102.03(A)(9).
15 See also R.C. 102.03(A)(6) and (A)(7).
PURPOSE

The Ohio Ethics Commission requires many public office candidates, public officials, and public employees to annually disclose personal financial information. The purpose of the Financial Disclosure Statement is to assist citizens and the Ohio Ethics Commission in monitoring areas of potential conflict of interest.

POLICY

Designated employees of the Office of the Inspector General (OIG) are required by law to annually disclose personal financial information. Financial Disclosure Statements are to be filed annually for the previous year on or before April 15. If hired or promoted subsequent to the filing deadline, the employee must file a statement within 90 days after employment or promotion. Financial Disclosure forms will be distributed by the Human Resources Department to designated employees (current and former). An employee who resigns will be required to file a financial disclosure form for the year in which his/her resignation occurred. Completed forms are to be returned to the Human Resources Department to ensure the timeliness of the filing and the payment of the filing fees. The OIG will pay the required filing fee; however, any employee not filing by the deadline will be personally responsible for any late fees that would be assessed.

The Ohio Ethics Commission is authorized to assess a $10.00 late fee per day, up to $250 maximum, upon employees who do not file his/her Financial Disclosure Statement by the date on which it is required to be filed. An employee who does not file a complete statement by the applicable deadline will be deemed not to have complied with the deadline and will be assessed a late fee.

POST EMPLOYMENT DISCLOSURE (PED)

Ohio law requires every state elected officer or employee who filed a financial disclosure statement under Ohio’s ethics laws to disclose their subsequent place of employment to the Office of the Legislative Inspector General (“OLIG”) for 24 months after leaving public service.

Prior to separation from state service, those subject to PED will be provided an Initial Post Employment Disclosure Statement. Former employees whose new employer is specified as a “qualifying income source” may be required to submit updated disclosure statements every 4 months to OLIG. Filers who believe they are required to report expenditures are advised to contact the OLIG for reporting assistance.

PED is separate and distinct from the financial disclosure statement requirement with the Ohio Ethics Commission. Filing a PED statement does not replace any duty to file a financial disclosure statement required for the employee’s final calendar year of public service with the OIG.
REFERENCES

Office of the Legislative Inspector General, http://www.jlec-olig.state.oh.us
POLITICAL ACTIVITY 300.10

PURPOSE

To provide guidance to employees of the Office of the Inspector General (OIG) who want to participate in political and other election-related activities or run for elected government office.

POLICY

An employee is not to engage in political campaign or election-related activity at any time when on duty working for the state, while on state-owned or leased property, or using equipment owned or leased by the state (e.g., conference rooms, computers, printers, office supplies, e-mail systems, telephones, copiers, fax machines, vehicles, or any other state property or equipment). In addition, an employee may not engage in any political campaign or election-related activity which interferes with or poses a conflict of interest with his/her duties and responsibilities or brings into question, the strict and absolute independence of the Office of the Inspector General.

EMPLOYEE CONDUCT

The sensitive and political nature underlying the duties of the Office of the Inspector General (OIG) requires employees to anticipate the broad implications of his/her personal public political actions, and the potential to cast an appearance of impropriety on the OIG. An employee engaging in permitted political activity can do so on the weekends or outside normal work hours to eliminate any chance of an inadvertent violation of the law, or even the appearance of impropriety.

An employee is strongly cautioned to avoid the endorsement of a political candidate or issue, wearing political pins, badges and/or clothing to the work place especially at any time the employee is interacting with the public or conducting business of the state. The display of political paraphernalia at the work place or while at work for the state is forbidden.

RUNNING FOR ELECTED OFFICE

Any employee anticipating the filing of a petition to declare candidacy for an elected partisan or non-partisan office (e.g., school board member, township trustee, city council member, or party leadership positions with local or state central committee positions) must provide written notice to the chief legal counsel in advance of any filing. The chief legal counsel, in consultation with the Inspector General, will determine whether an apparent or potential conflict of interest exists with the obligations of the Office of the Inspector General or between the employee’s job duties and the duties of the elected office or any activities likely to take place during the employee’s candidacy. The chief legal counsel will also determine if the employee shall leave state service prior to an employee’s filing of a declaration of candidacy for elected office or take a leave of absence.
POLICY

Pursuant to the Department of Administrative Services (DAS) Directive HRD-11, effective on September 1, 2009, each agency is responsible for designating an agency representative and maintaining a list of employees who are expected to work during a public safety emergency. The directive defines a “public safety emergency” as a term of art which refers to all formal declarations or proclamations which may limit a state employee’s obligation to travel to and from work for a specific period of time. Such emergencies may include, but are not limited to, severe weather conditions like snowstorms. A public safety emergency can ONLY be made by the Governor or the Governor’s designee. A public safety emergency cannot be declared by an individual agency, department or director. For purposes of this directive, the Director of the Department of Public Safety is the Governor’s designee and as such, has the authority to declare a public safety emergency.

The Department of Public Safety will contact agency designees and various media outlets if a public safety emergency is declared. The Inspector General’s designees will notify employees immediately to inform them of the declared emergency. Employees may also call (866) 643-6756 to receive public safety emergency information.

ESSENTIAL/NON-ESSENTIAL EMPLOYEES

Designated "Essential Employees" are required to report to work during public safety emergencies unless otherwise advised. Such employees shall be paid his/her normal rate of pay for his/her regularly scheduled hours. Any overtime shall be paid according to his/her overtime eligibility or overtime exempt status.

Non-Essential employees are excused from work and are not required to report to work as a result of a declared public safety emergency. Non-essential employees who do not report to work or are sent home as a result of a declared public safety emergency shall be paid his/her normal rate of pay for his/her regularly scheduled hours.

The Inspector General may use his/her discretion in sending essential and non-essential employees home or instructing them not to report for work once a public safety emergency has been declared.

Snow emergencies may be declared by local sheriffs in certain counties, yet no formal public safety emergency is declared by the Governor. Should this situation occur, the Inspector General may exercise his/her judgment and discretion to permit employees to use any accrued vacation, personal or compensatory leave if an employee chooses not to come to work or leave early due to extenuating circumstances caused by the county sheriff snow emergency.
Any employee who is on approved leave during a declared weather emergency will be charged leave regardless of the declared public safety emergency.

REFERENCES

DAS Directive HRD-11
Ohio Administrative Code § 123:1-46-01
PURPOSE

The purpose of this policy is to heighten awareness of domestic violence and its effects in the workplace. The Office of the Inspector General (OIG) deems it important to provide support to employees, when requested, regarding the occurrence of domestic violence and its effects in the workplace by providing information, referrals, and assistance.

Domestic violence permeates the lives and compromises the safety of people each day, with tragic, destructive, and often fatal results. Domestic violence occurs between people regardless of age, race, gender, education, economic status, religious background or sexual preference. In addition to the devastating effects to victims, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover.

DEFINITIONS

“Domestic Violence” is a pattern of overt or coercive behavior used by one person in a household to gain power and control over others. Examples of a domestic violence include, but are not limited to, physical, psychological, sexual, economic and emotional abuse, threats, intimidation, verbal abuse, economic control with the intent to intimidate, stalking and destruction or attempted destruction of property.

“Family or household member” as defined by Ohio Revised Code § 2919.25(E)(1) means any of the following:

(a) Any of the following who is residing or has resided with the offender:

   (i) A spouse, a person living as a spouse, or a former spouse of the offender;

   (ii) A parent or child of the offender, or another person related by consanguinity or affinity to the offender;

   (iii) A parent or a child of a spouse, person living as a spouse or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.

(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

“Person living as a spouse” as defined by Revised Code § 2919.25(E)(2) means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question. “Abuser” is a person who perpetrates a
pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse against a family or household member, with the goal of establishing or maintaining power and control over the victim.

“Victim” is the person against whom an abuser directs coercive and violent acts.

**POLICY**

It is the policy of the Office of the Inspector General (OIG) to attempt to make available, to the victim or potential victim, early intervention information and referrals to professionals in the field in order to avoid or minimize the occurrence and effects of domestic violence in the workplace. While the OIG cannot guarantee any employee’s safety, the Office is committed to full compliance with all applicable laws governing domestic violence. The OIG will make every effort to cooperate with law enforcement investigations and enforcement actions. Additionally, the Office will cooperate to the extent feasible with domestic violence shelters in complying with shelter rules and requests for confidentiality.

If an employee reports that he or she is a victim of domestic violence and/or is in need of leave because of domestic violence, the OIG will, to the extent allowed by law, take reasonable steps to respect the confidentiality and autonomy of the employee. Other employees or other persons will only be informed on a need to know basis, and only to the extent reasonably necessary to protect the safety of the employee or others and to comply with the law. Whenever practicable, advance notice will be given to the reporting employee if the OIG needs to inform others about the domestic violence situation or if the OIG receives a subpoena ordering the disclosure of such information.

Employees are strongly encouraged to be alert and to inform his/her supervisor or the director of HR/fiscal operations of any behavior which he/she believes in good faith presents a threat to persons in the workplace. Any reported information, to the extent permitted by law, will be treated as confidential.

Safety planning is a process of identifying options, evaluating those options, and developing a detailed plan to reduce the victim’s risk when confronted with the threat of harm or actual harm while in the workforce. The value of any safety plan depends on identifying options that are meaningful and workable for the victim. The Employee Assistance Program (EAP) or a professional counselor can assist the employee in creating a safety plan. To the extent practicable, the OIG will work with the counselor and/or employee to implement the workplace portion of the safety plan and consider requested accommodations.

The OIG will extend the Leave Donation Program to victims of domestic violence for the specific purposes of attending court appearances relating to domestic violence, attending counseling sessions during work hours, and taking time off for the employee to move him/her and/or children to safety. The Leave Donation Program, for purposes of use by victims of domestic violence, will be operated in a confidential manner. The victim’s name will not be divulged to the donating employees, unless the victim agrees to such disclosure.
The OIG will also assist the victim in enforcement of an existing protective order in which the abuser has been ordered to stay away from the work site, including gathering and providing evidence relating to whether a violation of an order has occurred. If an abuser gains unauthorized access to the work site, or if an abuser engages in threatening behavior, all employees are responsible for immediately reporting any situation that could possibly result in harm to anyone in the workplace. Any employee who becomes aware of troubling persons or situations in the workplace should immediately report such situations to his/her supervisor, and the director of HR/fiscal operations. In a life-threatening situation involving violence in progress, immediately call 911 and report the situation directly to the police. All violent incidents must be promptly and accurately reported to the director of HR/fiscal operations, whether or not physical injury has occurred.

If you think you may be a perpetrator of domestic violence, seek help! Employees who are currently perpetrators of domestic violence will be required to seek and successfully complete counseling or batterers’ treatment classes. The EAP can provide a referral to a domestic violence perpetrators’ treatment program.

In an effort to provide a safe workplace for all employees, the OIG will not tolerate any form of violence including harassment of any employee during work hours or on property owned or leased by the state. This includes a display of any violent or threatening behavior (e.g., verbal or physical) that may result in physical or emotional injury or otherwise places any individual’s safety and productivity at risk. Employees who engage in the following behavior may be subject to discipline, up to and including termination: (1) misusing resources owned or leased by the state to commit an act of domestic violence; (2) committing an act of domestic violence from or at the workplace or from any other location during work hours or acting on behalf of the state; or (3) misusing his/her job-related authority and/or resources owned or leased by the state in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence. Corrective or disciplinary action may also be taken against employees who are arrested, convicted or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee’s duties as an employee.

REFERENCE

Executive Order on Workplace Domestic Violence 2011-04K
PURPOSE

The Office of the Inspector General (OIG) is committed to the principle of maintaining a drug-free workplace that is free from the effects of alcohol, illegal drugs, or other intoxicating substances that can cause potential health, safety and/job performance problems. The use and/or abuse of alcohol and/or drugs are inconsistent with the OIG’s goal to provide and maintain a safe, and secure working environment.

POLICY

This policy prohibits the manufacture, distribution, dispensation, possession, concealment, transportation, purchase, use or being under the influence of non-prescribed drugs or intoxicants on property owned by the state or during work hours. This includes the consumption of alcohol or use of drugs during meal periods and breaks. Drug use in the workplace endangers fellow workers, jeopardizes public safety, and affects office morale and production.

Employees are encouraged to seek help in dealing with drug or alcohol problems through the Employee Assistance Program (EAP) or United Behavioral Health (UBH). Any participation is strictly confidential and will not jeopardize an employee’s job. However, participation in the EAP or any other program does not preclude an employee from appropriate disciplinary action for violation of this policy. Depending on the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken against any violation of this policy. (Also refer to the EAP Policy 400.09)

The OIG reserves the right when reasonable suspicion exists, at all times while on OIG premises, to conduct searches and inspections of employees and their personal property including, but not limited to, purses, briefcases, offices, desks, clothing and lunch bags/boxes for the purpose of determining whether the employee is using, possessing, selling, receiving, transporting or under the influence of any drug. The employee’s supervisor has the right to conduct an on-the-spot search if he/she has reasonable suspicion to believe that the employee is in violation. All employees are expected to cooperate with any investigation relating to enforcement of this policy. An employee who fails to cooperate, provides false information or omits information may be subject to disciplinary action, up to and including termination.

Employees may be required to submit to a Urine Drug Screen Test and/or Blood Test for the following reasons:

- **Reasonable Suspicion Testing**: Employees may be required to undergo alcohol and/or other drug testing based on a for-cause determination which is either a belief, drawn from specific objectives and/or particularly facts and reasonable inferences, that the employee is using or has used alcohol and/or drugs in violation of the Drug-Free Workplace Policy of the OIG.
• Post On-the-Job Incident: Employees may be required to undergo drug/alcohol testing when there has been an on-the-job incident, which (1) involved circumstances where the health and/or safety of an employee, or others were at risk or actual injury occurred, and/or (2) involved extensive property damage ($2,000 or more).

• Return From Leave of Absence: An employee may be required to undergo drug/alcohol testing when he/she returns to active employment after a leave of absence of 30 days or more.

• Follow-up Testing: Employees who have been referred to counseling or rehabilitation as a result of the employee’s on-the-job substance abuse may be subject to follow-up testing for a period of time to be determined by the OIG.

An employee shall have the opportunity, prior to testing, to list all prescription and non-prescription drugs that he/she has used in the last 30 days and to explain the circumstances surrounding the use of such drugs.

The OIG shall pay the cost for the drug-testing program as outlined in this policy. An employee who is required to take a drug test shall be provided with the appropriate acknowledgement and agreement forms. Failure to execute the consent form may subject an employee to disciplinary action, up to and including termination.

Due to the concern for the safety and welfare of each employee, in instances of reasonable suspicion, an employee who is subject to testing will be transported by the OIG to the specimen collection facility. Otherwise, an employee will be responsible for his/her own transportation to the specimen collection facility. An employee must comply with the request to undergo a drug/alcohol test within the time frame set forth by the OIG.

Violation of this policy can and may result in disciplinary action up to and including termination of employment, and may include required participation and successful completion in a rehabilitation program.

REFERENCES

Ohio Administrative Code Chapter 123:1-76
PURPOSE

The purpose of this policy is to recognize the potential health and safety hazards associated with smoking. The Office of the Inspector General (OIG) is committed to enforcing the law and providing a safe, healthy, and smoke-free work environment.

POLICY

The smoking of cigarettes, pipes, cigars, the use of smokeless tobacco or the burning of any smoke producing substance is prohibited in any enclosed space owned, leased, operated, or occupied by the Office of the Inspector General (OIG).

Employees and/or visitors are expected to comply with the law. Employees who wish to smoke may do so outside of the OIG work area, before and after work, during lunch and/or authorized breaks. Smoking is prohibited in areas immediately adjacent to the entrances and exits to any “enclosed area”.

Vehicles owned by the OIG or the state and operated by employees of the OIG will be considered no smoking areas.

Employees are responsible for understanding and complying with the law and this policy. The Ohio Department of Health and OIG employees are responsible for enforcement. Violators will be subject to the same disciplinary actions that accompany infractions of other OIG policies and/or fines empowered by the Ohio Department of Health.

REFERENCE

Ohio Revised Code Ann. 3794.01 (2011)
PURPOSE

The Office of the Inspector General (OIG) will ensure equal employment opportunity in accordance with all applicable federal and state laws, rules, regulations, and guidelines. The OIG has a strong commitment to equal opportunity in the workforce and believes in treating individuals with dignity and providing equal employment and advancement opportunities for all.

POLICY

The Office of the Inspector General prohibits discrimination on the basis of race, color, religion, sex (including sexual harassment), national origin, age (40 years or more), ancestry, disability, military status, genetics, sexual orientation, or veteran status (Vietnam, Desert Storm/Shield, or Disabled).

This policy applies to employees, contract employees, as well as applicants for potential employment with the OIG.

The OIG conducts business on the following objective:

- Recruit, hire, train, and promote persons in all job titles without regard to race, color, religion, sex, sexual orientation, national origin, age, marital status, disability, veteran's status or any other basis protected by applicable discrimination laws.
- Make employment-related decisions in a manner that furthers the principles of EEO.
- Ensure all personnel actions, such as compensation, benefits, transfers, layoffs, returns from layoff, company-sponsored training, and education are administered without regard to race, color, religion, sex, sexual orientation, national origin, age, marital status, disability, veteran's status or any other basis protected by applicable discrimination laws.
- Openly display legally required notices to ensure employees, contract employees and applicants for potential employment are aware of EEO policies.

The OIG will maintain a non-hostile, harassment-free work environment and investigate, discuss and take immediate and appropriate action on all employee discrimination complaints, and resolve these complaints to a satisfactory conclusion.

An employee who believes he/she may have been discriminated against in regard to employment may submit a written complaint form to:

1. An employee’s immediate supervisor; or
2. Next level of management above an employee’s immediate supervisor; or
3. The OIG’s designated EEO officer.
A complaint should be submitted in writing to one of the above individuals no later than 30 days after the offending conduct occurs. Complaints cannot be kept strictly confidential; however, every effort will be made to protect the privacy of employees during any investigation. The complaint must include the complainant’s name, address, telephone number, and the alleged acts of discrimination; the name of the person or persons alleged to have committed the acts of discrimination; a description of the acts considered to be discriminatory; and any other pertinent information which will assist in the investigation and resolution of the complaint. The complaint must be signed and dated by the complainant.

A written notification acknowledging receipt of the complaint will be sent to the complainant, the party charged, and/or any witnesses.

The complainant will be informed, in writing, of the results of any investigation or determination, and any action taken as a result of the complaint.

A violation of the OIG equal employment opportunity policy is not necessarily equivalent to a violation of Ohio or federal laws covering discrimination. A violation of Ohio or federal law is not required to impose discipline under the OIG’s equal employment opportunity policy.

Employees, including contract employees, are expected to adhere to all policies and procedures pertaining to equal opportunity employment and are to assist in efforts to achieve equal employment opportunity.

An employee who is found to have violated the OIG’s equal employment opportunity and anti-discrimination policies may be subject to discipline up to and including termination. Any supervisor or manager who fails to report allegations or violation of this policy may likewise be subject to disciplinary action. Any employee who is discovered to have made knowingly false allegations under this policy may also be subject to disciplinary action.

It shall be a violation of this policy for any supervisor or manager to take any action against an employee because he/she filed a complaint under this policy.

REFERENCES
Title VII of the Civil Rights Act of 1964 (Title VII)
The Equal Pay Act of 1963 (EPA)
The Age Discrimination in Employment Act of 1967 (ADEA)
Title I of the Americans with Disabilities Act of 1990 (ADA)
Sections 102 and 103 of the Civil Rights Act of 1991
Sections 501 and 505 of the Rehabilitation Act of 1973
The Genetic Information Nondiscrimination Act of 2008 (GINA)
POLICY

The Americans with Disabilities Act (ADA) is a civil rights law that protects a qualified individual with a disability from discrimination on the basis of a disability in employment, transportation, telecommunications and accessibility of state and local government services.

Qualified individual: A qualified individual is an applicant or employee who, with or without a reasonable workplace accommodation, can perform the essential job functions of the employment position that the individual desires or holds. A reasonable workplace accommodation does not require an employer to eliminate or reassign essential job functions. A reasonable workplace accommodation assures that a qualified individual with a disability has employment rights and privileges equal to those of employees without disabilities. (An individual who poses a threat to the health and safety of others is not qualified)

Essential job functions: Essential job functions are those that are fundamental to the performance of a job.

Disability:

a.) A person who has a physical or mental impairment that substantially limits a major life activity. Major life activities include, but are not limited to, caring for oneself, performing manual task, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, learning and reading;

b.) A person who has a record of such impairment; and/or

c.) A person who is regarded as having such impairment. An impairment that is transitory and minor shall not apply. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

Reasonable accommodations are made to the Human Resources Department either verbally or in writing. Decisions regarding an accommodation will be made on a case-by-case basis considering the employee’s limitations, both physical and mental, as they relate to the essential job functions of the position, on the health and safety of others, on the effectiveness of the accommodation, and whether an accommodation will cause an undue hardship on the Office of the Inspector General.

REFERENCES

Ohio Revised Code § 4112.02
Federal Law: Public Law 110-325
The Office of the Inspector General (OIG) prohibits discrimination and harassment against employees and applicants due to sex, including sexual harassment.

Sexual harassment is a form of sex discrimination which includes unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to that conduct is made explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the terms and conditions of that individual’s employment;
3. The conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment; and/or
4. The harassing act or behavior is directed against a person on the basis of his or her gender.

Examples may include:

**Verbal conduct:** Sexual innuendoes, sexually vulgar or explicit language, suggestive comments, jokes of a sexual nature, sexual propositions or threats.

**Non-verbal conduct:** Displaying or disseminating sexually suggestive objects, books, magazines, computer software, e-mail, graphic commentaries, photographs, cartoons and/or pictures. Non-verbal conduct can also include leering, obscene gestures or making sexually suggestive sounds.

**Physical conduct:** Unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, or assault.

Employees or applicants who believe they may have been discriminated against in regard to employment may submit a complaint in writing to:

1. An employee’s immediate supervisor; or
2. Next level of management above an employee’s immediate supervisor; or
3. The OIG’s designated EEO Officer.

A complaint should be submitted in writing to one of the above individuals no later than 30 days after the offending conduct occurs. Complaints cannot be kept strictly
confidential; however, every effort will be made to protect the privacy of employees during any investigation. The complaint must include the complainant’s name, address, telephone number and the alleged acts of discrimination; the name of the person or persons alleged to have committed the acts of discrimination; a description of the acts considered to be discriminatory; and any other pertinent information which will assist in the investigation and resolution of the complaint. The complaint must be signed and dated by the complainant.

A written notification acknowledging receipt of the complaint will be sent to the complainant, the party charged, and/or any witnesses.

The complainant will be informed, in writing, of the results of any investigation or determination, and any action taken as a result of the complaint.

An employee who is found to have violated the OIG’s sexual harassment and anti-discrimination policies may be subject to discipline up to and including termination. Any supervisor or manager who fails to report allegations of violation of this policy may likewise be subject to disciplinary action. Any employee who is discovered to have made knowingly false allegations under this policy may also be subject to disciplinary action.

It shall be a violation of this policy for any supervisor or manager to take any action against an employee because he/she filed a complaint under this policy.
Policies

The Office of the Inspector General (OIG) is concerned about and committed to ensuring the safety and health of its employees. The OIG will not tolerate violence in the workplace and will make every effort to prevent violent incidents from occurring. Under no circumstances will violence, threatening behavior, unwanted pursuit, or harassment be tolerated. Such acts will be investigated and appropriate action will be taken. Any employee found to have violated this policy will be subject to discipline, up to and including termination. Criminal charges will also be filed with law enforcement authorities, as deemed appropriate.

APPlicABILITY

This policy applies to all Office of the Inspector General employees and anyone on the OIG’s property, whether owned or leased.

REPORTING WORKPLACE VIOLENCE

The workplace is defined as property owned or leased by the Office of the Inspector General, temporary work locations used to conduct investigations, and/or any and all locations where an OIG employee is conducting official business.

It is every employee’s responsibility to immediately report any situation that could possibly result in harm to anyone in the workplace. If violence appears to be imminent, employees should take the precautions necessary to assure their own safety and the safety of others.

In a life-threatening situation involving violence in progress, immediately call 9-911 and report the situation directly to the police.

If the situation involves an injury that requires immediate medical attention the employee should contact the appropriate medical professionals by calling 9-911, and contact Building Security for the Rhodes State Office Tower at 466-7361. Also, if deemed appropriate, the employee should contact the Ohio State Highway Patrol at 466-2660.

All non-life-threatening incidents must be promptly and accurately reported to a supervisor, the chief legal counsel and/or the Human Resources Department whether or not physical injury has occurred. Employees should be prepared to provide a basic description of the situation and they should not discuss the issue with co-workers.

EXAMPLES OF PROHIBITED CONDUCT

Specific examples of conduct considered to be “threats or acts of violence” prohibited under this policy include, but are not limited to, the following:

- Repeated instances of abusive or profane language;
- Threats or allusions to violence directed toward oneself or others;
• Excessive or intimidating references to incidents of workplace violence or other highly publicized violent crimes;
• Aggression, intimidation or hostile behavior;
• Stalking co-workers;
• Possession of firearms or other weapons by employees on company premises or at OIG-sponsored events;
• Fighting or assault;
• Excessive, and malicious criticism of others for personal failures or disappointments;
• Refusal to accept termination or other adverse personnel actions, accompanied by intimidating or unusual behavior;
• Repeated, and excessive complaints about working conditions, accompanied by harassing or intimidating behavior;
• Obsessive documentation of co-workers’ activities when it is not the individual’s responsibility to do so; and/or
• Any behavior or situation making an employee feel uneasy or concerned for his/her own well-being or the well-being of others.

In addition, employees sometimes experience personal situations that may adversely impact the workplace. These situations should also be immediately reported to the employee supervisor, chief legal counsel and/or the Human Resources Department. Examples of personal situations of concern are:

• The employee is subject to threats or domestic violence where there is a possibility that the party committing the abuse will seek out the employee at the workplace;
• The employee has obtained a restraining order that names the workplace as a restricted area;
• The employee is receiving threatening or harassing telephone calls or e-mail messages in the workplace; and/or
• The employee is the target of unwanted pursuit by another who has been seen in or near the workplace.

Where a supervisor suspects that an employee has work-related and/or personal problems, the supervisor should recommend that the employee contact the Ohio Employee Assistance Program (EAP) for counseling and support (614-644-8545 or 1-800-221-6327) (Also refer to the Employee Assistance Policy 400.09)
TO: Department/Agency Directors and Chief Legal Counsels  
FROM: D. Michael Grodhaus  
Chief Counsel, Governor’s Office  
DATE: April 7, 2011  
SUBJECT: Policy and Procedures for Notification of Suspected Illegal or Improper Activity within State Departments and Agencies

The purpose of this Memorandum is to set forth the procedures to be followed when illegal or improper activity by any state employee or official is observed, suspected or reported. This Policy sets forth the procedures for processing such allegations and provides for the careful, expeditious handling of all allegations and claims made against state employees. The procedures described herein are not intended to waive or vary any rights or obligations set forth in any Collective Bargaining Agreement and/or any notification requirements imposed by law.

I. Emergency Notification Procedure:

If an illegal activity has been committed, or is in the process of being committed, and an immediate law enforcement response is necessary to protect life, physical safety, property and/or to preserve evidence, state employees may call 911. However, if time permits and it can be safely done, it is preferable that the State Highway Patrol’s Office of Investigative Services be called first.¹

In central Ohio, the State Highway Patrol Office of Investigative Services can be reached at (614) 752-0234 during normal business hours. After hours, call the Highway Patrol Communications Center at (614) 466-2660. In other areas of the state, reports should be directed to the local State Highway Patrol Post. A trooper will be dispatched to start an investigation.

After the immediate emergency has subsided, the Department Director and/or the Chief Legal Counsel for the Department shall provide information about the incident according to the procedure outlined below.

¹ If there is a need to keep the peace on lands or waters owned, maintained, controlled or regulated by the Ohio Department of Natural Resources (ODNR), employees should call Gary Obermiller at ODNR at (614) 265-7067.
II. Non-Emergency Suspected Illegal Activity Notification Procedure:

A state employee who observes, becomes aware of, or suspects non-emergency illegal or improper activity should immediately notify his or her supervisor or the Chief Legal Counsel for the Department and/or the Department Director. If the notification is made to an employee’s supervisor, that supervisor should then immediately report the information to the Chief Legal Counsel for the Department and/or the Department Director. Employees who report conduct that they believe is illegal or improper should have a reasonable factual basis for believing or suspecting that illegal or improper activities have occurred or will occur, and should provide as much specific information as possible to allow for proper assessment of the nature, extent, and urgency of the illegal or improper conduct.

Once such a report is made by an employee, Department Directors, Chief Legal Counsels and department senior staffs must be aware of their obligations to comply with the so-called “whistleblower statutes” found in R.C. §124.341 and R.C. §4113.52. An employee who has properly reported an illegal or improper activity and has otherwise complied with a whistleblower statute cannot be subject to any disciplinary action for making such a report.

Upon receipt of the report of possible illegal or improper activity, the Chief Legal Counsel for the Department and/or the Department Director shall promptly provide the information to (a) the Chief Legal Counsel for the Governor (or his designee), (b) the State Highway Patrol Office of Investigative Services and (c) the Ohio Inspector General (or his designee). To the extent practicable, notification shall be simultaneously provided to the three of them in writing and include the following factual details:

a. A description of the activity believed to be illegal or improper;

b. What action/investigation, if any, has been taken by the Department;

c. Where the activity occurred;

d. Name and position of the person(s) suspected of acting illegally or improperly;

e. Time frame in which the activity is believed to have occurred or will occur;

f. How and when the Department learned of the activity; and

g. Department contact person with contact information.

If an employee observes, becomes aware of or suspects illegal or improper activity by the Department Director, then the employee or supervisor should report the activity to the Chief Legal Counsel and not the Director. The Chief Legal Counsel must then notify the Governor’s Office, the State Highway Patrol and the Inspector General according to the procedures below. Likewise, if the purported illegal or improper activity is being conducted by the Chief Legal Counsel, then the employee or supervisor should notify the Director directly who will then notify the Governor’s Office, the State Highway Patrol and the Inspector General according to the procedure set forth below.

An example of the suggested format for this notification can be found on page 5.
Once the information is received, the Chief Legal Counsel for the Governor, the State Highway Patrol Office of Investigative Services and the Ohio Inspector General, or their respective designees, will promptly and jointly determine whether to open an investigation, and if so, whether the State Highway Patrol will undertake the investigation, whether the Ohio Inspector General will undertake the investigation, or whether it is appropriate for those two agencies to jointly investigate the matter. The Chief Legal Counsel for the Governor, the State Highway Patrol and the Ohio Inspector General may also, when warranted, refer the matter to, consult with or determine to bring into the investigation other appropriate agencies including, but not limited to, the Ohio Ethics Commission, the Ohio Auditor of State, the Ohio Attorney General, a county or city prosecuting attorney, or a local law enforcement agency.

Because a criminal investigation may be initiated as a result of such a report, the Department involved should not conduct an internal investigation unless and until specifically authorized to do so by the appropriate investigating agency. Administrative inquiries and interviews must give way to criminal investigations and no one suspected of illegal activity should be approached, disciplined or placed on administrative leave without such authorization. Upon completion of the law enforcement investigation, the Chief Legal Counsel of the Department in question shall be notified by the appropriate investigating agency.

III. Additional Procedures:

Any state employee who becomes aware of, or suspects, illegal or improper activity by the Governor or any member of his immediate staff may directly contact the State Highway Patrol and the Ohio Inspector General per their contact information below.

In such a case, the State Highway Patrol and the Inspector General shall confer without the Governor’s Chief Counsel and decide whether an investigation is warranted, and if so, which agency will conduct the investigation or whether they will jointly investigate the allegation.

Employees observing or suspecting illegal or improper activity always have the option of directly reporting such activity directly to the Ohio Inspector General, the State Highway Patrol, the Ohio Ethics Commission, or any other pertinent law enforcement authority.
IV. **Designations and Contact Information:**

**Governor’s Office:**

D. Michael Grodhaus, Chief Counsel  
(614) 644-0825  
[ michael.grodhaus@governor.ohio.gov ]

Designee: Kim Kutschbach, Assistant Chief Counsel  
(614) 644-0809  
[ kim.kutschbach@governor.ohio.gov ]

**Ohio Inspector General:**

Rodney Stewart, First Assistant Deputy Inspector General  
(614) 644-9112  
[ Rodney.Stewart@oig.state.oh.us ]

Designee: James Manken, Chief Legal Counsel  
(614) 644-9589  
[ James.Manken@oig.state.oh.us ]

**State Highway Patrol, Office of Investigative Services:**

Captain James D. Brink  
(614) 466-3375  
[ osprocess@dps.state.oh.us ]
CONFIDENTIAL MEMORANDUM

To: [insert designee & contact info]  
    Office of the Governor

    [insert designee & contact info]  
    Ohio Inspector General

    [insert designee & contact info]  
    Ohio State Highway Patrol

From: (Department Director or Chief Legal Counsel)

Date:

Subject: Notification of Employee Suspected Illegal Activity (Department Case Number)

1. Activity believed to be illegal: [be specific]

2. What action/investigation, if any, has been taken by the Department:

3. Where the activity occurred:

4. Name of the person(s) to be investigated:

5. Time frame in which the activity is believed to have occurred or will occur:

6. How and when the Department learned of the activity:

7. Department contact person:
The Office of Inspector General (OIG) follows the Office of Budget and Management (OBM) statewide payment card program. Cardholders are limited to transactions totaling $2,500 a day and $15,000 per month. Personal use or failure to follow the payment card program will result in appropriate disciplinary action up to and including termination.

**ADMINISTRATIVE PROCEDURES**

There are three roles in administrating the payment card program with the OIG:

1) **Payment Card Administrator** - the Director of HR/Fiscal Operations; the administrator is responsible for overseeing and coordinating the administration of the payment card program. The administrator determines the assignment of payment cards to cardholders; monitors and evaluates the use of payment cards by cardholders; the cancellation or revocation of payment cards when warranted; and the retention of payment card logs and support documentation (e.g.: credit card receipts, receiving documents, etc.). Moreover, the administrator maintains all cardholder information including their application and agreement and notifies the payment card provider (bank) and OBM should a card be lost or stolen.

2) **Payment Card Reconciler/Approver** – The Director of HR/Fiscal Operations; the reconciler/approver performs post audits: reviewing all purchases listed on the payment card log, confirming receipt of goods, determining appropriateness of the support documentation for the purchases, and ascertaining that the purchases meet established State of Ohio (e.g.: OBM, DAS, OIG, etc.) purchasing requirements and procedures. Through OAKS, the reconciler/approver changes the account code for each transaction to the appropriate code, adds the voucher ID number to the payment card log, **and attaches support documentation to voucher**. The reconciler/approver signs and dates the payment card log to certify the voucher has been generated and the approval and appropriateness of the purchases. Disputed purchases and irregularities will be evaluated by the reconciler/approver, and reported to the payment card provider (bank) and OBM.

3) **Payment Card Cardholder** – The cardholder is an employee of the Office of the Inspector General; the cardholder is assigned by the payment card administrator. All cardholders are trained on the proper use of payment cards and are responsible for the rules, policies, and procedures regulating payment cards as established by OBM, DAS, OIG, and applicable state and federal laws. The only person entitled to use the payment card is the cardholder whose name appears on the face of the card. Each cardholder is responsible for the security of his/her issued card. Personal use of the card is strictly prohibited. Prior to separation of employment, all cardholders must return their issued payment card to the payment card administrator.
ALLOWABLE PURCHASES

Payment cards can be used to purchase most goods and services. Per section 6050W of the Internal Revenue Code, it is now the responsibility of the merchant’s bank, which processes the transactions for the vendors, to report P-Card transactions. Therefore, it is not necessary for the state to require vendors to be tracked on a service vendor list. This applies only to credit card transactions.

The following purchases are not permitted pursuant to OBM’s policies and procedures:

- Travel and hotels, including car rentals and meal reimbursements
- Services or rentals from vendors that are in OAKS with the vendor type SE (State Employee)
- Medical services
- Legal services
- Reimbursement for professional exams, licenses or tests
- Tuition reimbursement and direct payments
- Gasoline, cash advances or petty cash replenishments
- Inter-agency purchases
- Interest, late charges, debt service, judgments or settlements

ISSUANCE & CANCELLATION

Requests for issuance of a new payment card should be directed to the agency payment card administrator. If the request is approved, the administrator will submit required forms to OBM for final approval.

If a cardholder leaves the office, the payment card must be returned to the administrator for cancellation prior to his/her resignation date.

If a card is lost or stolen, the cardholder must immediately notify US Bank and the administrator so they may apprise OBM of the situation. US Bank can be contacted at (800) 344-5696.

Use of the card is limited to the cardholder, whose name appears on the card. The account number should not be shared with any other individual(s) within the agency, including the cardholder’s supervisor.

Failure to adhere to these rules may result in OBM revoking the assigned purchase card.
MAKING A PURCHASE

When making a purchase, the cardholder should follow the proceeding procedures:

1) Notify the vendor that you are using a State of Ohio Visa Payment Card and your purchases are tax-exempt (see Sales Tax below).
2) If the vendor requires a billing address, use: 4310 East 5th Avenue, Columbus, Ohio, 43219.
3) Keep all receipts – verify the receipt(s) (e.g., vendor name, date of purchase, description of the item purchased). Should the card account number appear on the receipt, the cardholder shall redact with a black marker.
4) Prepare the payment card log (see below).
5) Submit the log and all applicable receipts to the payment card administrator for processing.

SALES TAX

Any purchase made with the payment card is tax exempt. Should a vendor request the tax exempt number, the cardholder should use the following tax ID: 31-1334820.

It is the responsibility of the cardholder to ensure that tax is not charged on the purchase and to obtain the appropriate credit from the vendor should tax be charged. If the vendor refuses to issue a credit, the cardholder should contact the payment card administrator.

PAYMENT CARD LOG

Payment card logs should be completed by the cardholder immediately after a purchase is made. Payment card logs along with all applicable receipts should be reviewed and verified by the cardholder prior to submitting to the payment card administrator for processing. Payment card logs should be submitted to the payment card administrator within three (3) business days after receipt of the good/service. If the cardholder is unable to submit and verify payment card logs within this time frame because the item has not been received, please notify the payment card administrator.

OBM requires agencies to process card payments in OAKS five (5) days after the transaction appears in the system.
POLICY

Employees of the Office of the Inspector General (OIG) shall maintain high customer service standards befitting the trust and responsibility imposed on them as employees of a public office. With limited exceptions, this office has an obligation to inform the citizens of Ohio about the work of the Office of the Inspector General.

CUSTOMER SERVICE STANDARDS

OIG employees are expected to maintain good behavior and provide competent and efficient services to both internal and external customers. An OIG employee shall be temperate and dignified and treat the public with courtesy, dignity, and respect. OIG employees shall make a conscious effort to assist individuals in finding what he or she needs and/or in resolving a problem.

The OIG is committed to ensuring that its employees continue to act with the highest of standards.

REFERENCE

Senate Bill 2, Section 121.91
Am. Sub. S. B. No. 3, Section 121.91
POLICY

Permanent exempt employees of the Office of the Inspector General are eligible to enroll in the State of Ohio’s health plan within 31 days of the employee’s date of hire. If the enrollment does not occur within this time frame, the employee must wait until the next open enrollment period. Coverage is effective the first day of the month following the employee’s date of hire or during open enrollment. When enrolled in medical coverage, the employee receives prescription drug, behavioral health and take charge live well benefits.

The State of Ohio offers one medical plan, the Ohio Med PPO plan, to employees and their dependents. Employees are assigned a third-party administrator, Medical Mutual or United Healthcare, based on home zip codes. Employees with home zip codes outside Ohio will be enrolled in United Healthcare. The State of Ohio’s health plans are self-funded. This means that the cost of benefits is funded by the contributions from the employee and the employer. To view the costs of coverage click here: http://das.ohio.gov/Divisions/HumanResources/BenefitsAdministration/Medical.aspx

The State of Ohio health plan does not contain pre-existing condition exclusions; therefore, coverage is available to an employee and eligible dependents regardless of current health or health history.

Married State Employees:

In the case of a husband and wife employed by the state; both cannot carry family coverage for medical, dental or vision. The following options are available:

- Both may carry single coverage;
- Both may be covered by one family plan; or
- One employee may carry family coverage and the other single, but the spouse with single coverage may not be listed as a dependent under the family plan

DEPENDENT ELIGIBILITY

Health care coverage is available for dependents between ages 23-25 who meet the State’s definition of eligibility. Health care coverage is also available for dependents between the ages of 26-27 who meet the eligibility requirements established by House Bill1 of the 128th General Assembly.

Click here to view the State’s definition of eligibility: http://das.ohio.gov/Divisions/HumanResources/BenefitsAdministration/EligibilityRequirements/EligibilityrequirementseffectiveJuly2013.aspx
ADDING/DROPPING A DEPENDENT

When enrolling a new dependent during a new hire period or due to birth, marriage, or lost of coverage, an employee must certify or “prove” the dependent’s eligibility for health care coverage within 31 days of the qualifying event. Valid certification documents consist of but are not limited to birth, adoption or marriage certificates, or loss of coverage documentation. These documents can be copies and must be received and validated by the Human Resources Department, prior to the dependent’s enrollment. If certification documents are not received within the 31 day period new dependents will not be added to the employee’s insurance until the next available open enrollment period.

When dropping a dependent due to a divorce, an employee must provide a divorce decree to the Human Resources Department in order to prove his/her spouse is ineligibility for health care coverage. Such proof must be submitted within 31 days of the court decree finalizing the divorce. If notification is not received timely, the employee will be required to repay all costs of medical services provided to an ex-spouse or ineligible dependents beyond the date they should have been removed from the plan. Ex-spouses and ineligible dependents are eligible for continued health coverage under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), and will receive notification of such from the Department of Administrative Services. (Also refer to the COBRA Policy 400.13) No documents are required if removing dependents due to age ineligibility or death.

Knowingly providing false or misleading dependent eligibility information may result in any or all of the following actions by the State of Ohio: 1) loss of coverage; 2) disciplinary action, up to and including removal; 3) collection action to recoup payments of benefits and claims paid for individuals determined to be ineligible dependents; and/or 4) civil and/or criminal prosecution.

REFERENCES

Ohio Revised Code § 124.82
Ohio Administrative Code 125-1-03
POLICY

After one year of continuous state service employees are eligible to select dental and vision coverage. Employees must complete a Dental and Vision Enrollment and Change form within 31 days of their eligibility in order to receive benefits. There is no monthly premium required from the employee.

Employees who experience a qualifying event, such as marriage, divorce, childbirth, adoption or legal custody can add or delete dependents within 31 days of the event or during an open enrollment period. Vision and dental care coverage is available only for dependents under the age of 23 who meet the State’s definition of eligibility.

REFERENCE

Ohio Administrative Code 125-1-03
**BASIC LIFE INSURANCE (through Minnesota Life Insurance Company)**

An employee with the Office of the Inspector General (OIG) is automatically enrolled in the State Group Life Insurance Plan after one year of continuous state service. There is no cost to the employee for this insurance. The amount of coverage is equivalent to the employee’s annual salary rounded up to the next highest thousand. An employee must designate one or more beneficiaries for his/her state group life insurance benefits. Beneficiaries must be designated by completing the appropriate beneficiary card.

It should be noted that life insurance over $50,000 is considered a taxable benefit for purposes of Social Security and Medicare; it is not taxable for income tax purposes. Only the amount over $50,000 is taxable.

**SUPPLEMENTAL/DEPENDENT LIFE INSURANCE (through Minnesota Life Insurance Company)**

An employee may purchase supplemental/dependent life insurance from the Minnesota Life Insurance Company. Newly hired employees must enroll within the first 90 days of his/her start date. Otherwise, employees may enroll during the annual open enrollment period. Dependents can also be enrolled within the first 90 days of the employee’s start date or during open enrollment. An employee experiencing a qualify event, such as marriage, childbirth, adoption or legal custody of a child can add dependent(s) within 31 days of the event.


**LONG TERM CARE**

Long-term care refers to a wide range of personal care, health care, and social services for people of all ages who suffer from a chronic disease or long-lasting disability. This type of care, often called custodial care, can be provided in a nursing facility, an adult day care center, or at home. Most of the costs incurred are not covered by health insurance plans or Medicare. The State of Ohio Long-term Care Plan is specifically designed to cover these costs.

An employee is eligible to enroll in long-term care insurance during the first 60 days of state employment or during the open enrollment period.

For additional information on rates, features of the insurance, and enrollment materials, click here: [http://das.ohio.gov/Divisions/HumanResources/BenefitsAdministration/LongTermCare.aspx](http://das.ohio.gov/Divisions/HumanResources/BenefitsAdministration/LongTermCare.aspx)

**REFERENCES**

Ohio Revised Code § 124.81
Ohio Revised Code Title 39
POLICY

It is the policy of the Office of the Inspector General (OIG) to adhere to and promote health and wellness initiatives developed by the Governor’s Office and authorized State of Ohio agencies.

WELLNESS COORDINATOR

One employee will serve as the wellness coordinator for the agency.

The wellness coordinator shall be responsible for identifying, developing and marketing wellness activities for the agency.

The wellness coordinator, in coordination with the Inspector General shall be responsible for identifying the release time that employees may be granted to attend wellness activities.

Employees who voluntarily participate in the wellness program may be asked to assist in the execution of wellness initiatives and/or participate in the planning, monitoring and organizing of wellness activities for the agency.

WELLNESS PROGRAM

The Office of the Inspector General (OIG) will allow employees to combine a one hour lunch period with two fifteen minute breaks on three (3) designated days of each week. On those designated days, employees may take a total of 90 minutes for the purpose of health and wellness activities.

Qualifying activities for the purposes of this policy include, but are not exclusively limited to:

a. Visiting a gym;
b. Walking, jogging, bicycling, rollerblading, or skipping;
c. Joining a walking/running club;
d. Attending a class or lunchtime seminar on diet, exercise or psychological topics;
e. Attending yoga, meditation, aerobics, jazzercise, kickboxing or other health related course; and
f. Attending a smoking cessation or stress management course/seminar.

Examples of inappropriate use include, but are not limited to:

a. Shopping;
b. Running errands;
c. Going home to walk the dog;
d. Visiting family members;
e. Taking extended lunch periods without a health and wellness purpose.

Requests to participate in this program shall be made in writing to the wellness coordinator. The requests shall include the anticipated days of the week and times of participation. Requests for participation may be denied based upon operational needs. Employees may be required to show proof of attendance to a health/wellness activity.

Participation in the program is limited to the lunch period (11 a.m. to 2 p.m.) already established by the OIG.

Employees found to be in violation of the program guidelines shall be denied the opportunity to participate in the future and may be subject to disciplinary action, up to and including removal.

EMPLOYEE PARTICIPATION

a. Participation in approved wellness activities is strictly voluntary;

b. At no time will employees be allowed to participate in wellness activities outside the established lunch period noted above;

c. An employee is expected to be punctual in starting and ending his/her wellness activity(s). A wellness activity shall not be used as an excuse for returning to work late. Abuse of leave, as well as routine or pattern tardiness will subject the employee to disciplinary action;

d. As a participant, the employee understands he/she is voluntarily substituting his/her lunch and break periods to participate in a health and wellness activity;

e. Employees are expected to be dressed according to the Workplace Attire Policy prior to and following any wellness activity. (*Also refer to the Workplace Attire Policy 300.01*)

DEPARTMENT LIABILITY

Employees participating in health and wellness activities should consider seeking the advice of a medical professional, if necessary, prior to engaging in such activities. The Office of the Inspector General is not liable for any injury or ill effect resulting from a wellness activity. Employees who participate in wellness activities shall sign a Wellness Program Form and Waiver For a Voluntary Participant In An Employer Wellness Program/Activity before participating.
THE OFFICE OF THE INSPECTOR GENERAL

WELLNESS PROGRAM FORM AND WAIVER FOR A VOLUNTARY PARTICIPANT IN AN EMPLOYER WELLNESS PROGRAM/ACTIVITY

I ______________________________, acknowledge that I am volunteering to participate in qualified wellness activities as part of the Office of the Inspector General’s Wellness Program Policy.

DAYS OF THE WEEK: (check three)

<table>
<thead>
<tr>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TIME OF PARTICIPATION (check one)

- 11:00am to 12:30pm
- 11:30am to 1:00pm
- 12:00pm to 1:30pm
- 12:30pm to 2:00pm

The employer and employee shall list below those sponsored wellness program activities for which the employee wishes to waive his/her rights to compensation or benefits under Chapter 4123 of the Revised Code prior to engaging in those activities.

Qualifying wellness activities include, but are not exclusively limited to:

a. Visiting a gym;
b. Walking, jogging, bicycling, rollerblading, or skipping;
c. Joining a walking/running club;
d. Attending a class or lunchtime seminar on diet, exercise or psychological topics;
e. Attending yoga, meditation, aerobics, jazzercise, kickboxing or other health related course;
f. Attending a smoking cessation or stress management course/seminar.
I am voluntarily participating in wellness activity(s) with knowledge of the danger involved, and agree to assume any and all risks of bodily injury, death or property damage, whether those risks are known or unknown.

I hereby waive and relinquish all rights to Workers’ Compensation benefits under Chapter 4123 of the Revised Code for any injury or disability incurred while participating on an annual basis in the listed activity(s). This waiver is valid for two calendar years. The employee will be provided a copy of the signed form.

My signature has been executed on my own free will.

Executed on: ____________________________

Employee/Participant Signature
PROGRAM

The State of Ohio Flexible Spending Accounts (FSAs) are voluntary accounts established under Internal Revenue Service (IRS) Code Sections 125 and 129 that allow program participants to pay for eligible expenses on a pre-tax basis. Participants save on federal, state and some local taxes. There are two types of accounts offered.

DEPENDENT CARE SPENDING ACCOUNT

The Dependent Care Spending Account Program is a tax-free benefit for eligible employees. It allows participants to have funds taken from their paycheck before taxes are computed and directed to a special account which is to be used to pay for the care of eligible dependents. Eligible dependents include children under the age of 13, elderly parent(s), a disabled spouse, or an adult child who is physically or mentally incapable of caring for himself/herself. Enrollment in the program must be made within 60 days following an employee’s first day of employment, within 60 days following a family status change (e.g., birth, adoption), or during the open enrollment period.

HEALTH CARE SPENDING ACCOUNT

The health care spending account (HCSA) allows you to pay for current health expenses and save for future qualified medical and retiree health expenses on a tax-free basis. A payment card, similar to a debit card, is issued to all participating employees. For more information about the HCSA please go to www.wageworks.com.
PROGRAM

A state employee is automatically a member of the Ohio Public Employee Retirement System (OPERS). As a member, mandatory employee contributions are deducted from every paycheck.

If an employee earns at least $1,000 per month for each 12 calendar months he/she receives a full year of service credit for retirement purposes. An employee can also request a refund of contributions after an employee’s public service ends.

CHANGING ADDRESS

Changing an employee’s address with his/her employer does not change the employee’s address with the Ohio Public Employee Retirement system (OPERS). An employee needs to call or write OPERS with address change information or use the OPERS Member Benefits System at www.opers.org to update personal information.

RETIREMENT

The Office of the Inspector General may allow an employee who is within one year of eligibility for full retirement, to schedule and attend one personal appointment with an OPERS representative to discuss his/her individual situation. For additional information regarding retirement benefits and/or contributions, contact the OPERS Customer Service Office at (800) 222-7377.
PURPOSE

The Ohio Public Employees Deferred Compensation Program is a voluntary savings, supplemental retirement program that allows eligible public employees to save pre-tax dollars. New Hire employees are required to complete and file the Ohio Deferred Compensation/Supplemental Retirement Account Election Form within 45 days of appointment date.

PROGRAM

As a supplement to other retirement benefits or savings that an employee may have, this voluntary program allows an employee to save and invest extra money tax-deferred for retirement. It also reduces the amount of current federal and state income taxes an employee pays each year. This is a supplementary plan which does not replace or reduce an employee’s pension retirement benefits.

Enrollment Options for the Deferred Compensation Program

- By phone, toll-free at 1-877-644-6457 between 8 a.m. to 5 p.m.;
- Through the Internet at www.ohio457.org;
- At the Service Center - Walk-in hours: 8 a.m. to 4:30 p.m.

Withdraw of Funds

An employee may withdrawal funds only when an employee:

- Retires
- Terminates employment (as defined by Internal Revenue Code provisions)
- Suffers an unforeseeable emergency (as defined by IRS code)
- If the account balance is less than $5,000 and the employee has not contributed to his/her account for two years (referred to as a Small Balance Distribution)

All withdrawals are subject to ordinary income tax.

For more information, contact a Deferred Compensation Account Executive.
PURPOSE

The purpose of this policy is to offer an employee the opportunity to understand and select a traditional or non-traditional cash management alternative that will help him/her achieve his/her financial goals.

CREDIT UNION

The Credit Union of Ohio is available to all employees and offers the convenience of a payroll deduction plan. A credit union is a not-for-profit cooperative. For Credit Union information, please go to www.cuofohio.org.

SAVINGS BONDS – ELECTRONIC PAYROLL SAVINGS WITH TREASURYDIRECT

TreasuryDirect is a web-based system that allows employees to establish accounts to buy, hold, and manage Treasury securities online. An employee can purchase electronic Series EE and I Savings Bonds, Treasury bills, notes, bonds, and Treasury Inflation-Protected Securities (TIPS) through TreasuryDirect. Paper savings bonds are not sold through TreasuryDirect.

For detailed information on TreasuryDirect, visit www.treasurydirect.gov.
PURPOSE

The Ohio Employee Assistance Program (OEAP) is a support and referral service for state government employees and their families who have problems with depression, personal finances, stress, alcoholism, drug abuse, or other personal concerns.

OEAP provides confidential, professional assistance to assist employees and their immediate family members resolve problems that affect their personal lives or performance on the job.

To ensure compliance with applicable state and federal laws and regulations, the OEAP is governed by the Ohio Revised Code (ORC 3701.041) with regards to client confidentiality and Federal Regulation (42 CFR Part 2) which protects information of clients seeking assistance for substance abuse issues.

Also, it is essential that the confidentiality of those using the OEAP be safeguarded at all times. Therefore, all information regarding an employee's participation in the program shall be treated in strict confidence.

PROGRAM

The Ohio Employee Assistance Program (OEAP) is part of the employee benefit package and there is no charge for using this service. If a referral is made for ongoing counseling, a co-payment will be charged for each session, for which the employee is responsible. Employees can contact OEAP for services regardless of whether the person carries health insurance. Referrals to other resources may or may not be free depending upon the resource provided. If there is a fee, it is the employee’s responsibility to pay the associated fees.

For additional information regarding the program, contact the Ohio Employee Assistance Program at (614) 644-8545 or 1-800-221-6327 (6EAP).

REFERENCES

Ohio Revised Code 3701.041
Federal Regulation 42 CFR Part 2
PURPOSE

The United Behavioral Health (UBH) benefit provides confidential mental health and chemical dependency services for employees and their dependents that are enrolled in a state-sponsored health care plan. Employees who do not have medical insurance through their employment with the State of Ohio should consult the Ohio Employee Assistance Program at (614) 644-8545 or 1-800-221-6327.

UBH can offer assistance to employees who are facing stress, anxiety, depression, drug or alcohol abuse, family or relationship concerns, or other personal problems. Services are provided by independently licensed psychiatrists, psychologists, social workers, and counselors, as well as treatment facilities, hospitals, and programs which are located throughout Ohio. Individuals may get a referral to a provider in the UBH network by either contacting UBH directly at 1-800-852-1091 or by contacting the Ohio Employee Assistance Program at (614) 644-8545 or 1-800-221-6327.
POLICY

The amount of an employee’s service shall be determined in accordance with the standard specified in section 9.44 of the Revised Code. Credit for prior service, including an increased vacation accrual rate, shall take effect during the first pay period that begins immediately following the date the Director of Administrative Services approves granting credit for that prior service. No employee, other than an employee who submits proof of prior service within 90 days after the date of the employee’s hiring, shall receive any amount of vacation leave for the period prior to the date of the director’s approval.

An employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state, any political subdivision of the state, or a regional council of government established in accordance with Chapter 167. of the Revised Code counted for the purpose of computing vacation leave.

VERIFICATION INFORMATION

To submit service credit for prior employment with a political subdivision(s) (e.g., county, city, township, school, university or library) a letter verifying an employee’s prior service credit with a former employer(s) will need to be provided to the Office of the Inspector General. The verification correspondence should specifically include the following: beginning and ending dates of employment and employment status (e.g., full-time or part-time, permanent or temporary). Also, if applicable, the employer verification correspondence should include any sick leave hours the employee had remaining at the time of the employee’s resignation. Prior service verification letter(s) should be submitted to the Human Resources Department.

REFERENCES

Ohio Revised Code § 9.44
Ohio Revised Code § 124.134
PURPOSE

The purpose of this program is assist lower income employees with incurred child care expenses.

PROGRAM

This program is an annual, grant-type cash payment made to the employee by the State of Ohio. In January of each year, Child Care Voucher applications are available to eligible employees. The completed application and the employee’s federal tax form must be filed no later than April 15. Payments are made upon approval of application by the Department of Administrative Services (DAS). Employees will be notified annually of the enrollment dates.

An employee must meet three requirements to qualify for this program:

1.) The employee’s family adjusted gross income must be less than $35,000;

2.) The employee must be either a full-time or part-time permanent employee and either exempt from collective bargaining or OCSEA/AFSCME; and

3.) The employee must meet a qualified expense for a qualified child.

A qualified expense is an expense for child care which the employee and his/her spouse incurs. A qualified child is a dependent who lives with the employee and is under 13 years of age.
COBRA (Consolidated Omnibus Budget Reconciliation Act)  

1

PROGRAM
The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires most group health plans to provide a temporary continuation of group health coverage that otherwise might be terminated.

This federally mandated program allows an employee or covered dependent to continue his/her medical, dental and/or vision benefits, for a limited period of time, based on the following qualifying events:

- Termination or reduction in hours of employment of the covered employee (for reasons other than gross misconduct);
- Death of the covered employee; or covered employee becomes eligible for Medicare;
- Divorce or legal separation of the spouse from the covered employee; or
- A child’s loss of dependent status under the plan.

NOTIFICATION OF QUALIFYING EVENT

The employer must notify the plan if the qualifying event is:
- Termination or reduction in hours of employment of the covered employee;
- Death of the covered employee;
- Covered employee’s becoming entitled to Medicare

The covered employee must notify the plan if the qualifying event is:
- Divorce or Legal separation;
- A child’s loss of dependent status under the plan

Notice to the Human Resources Department and the employee’s health insurance plan must be made within 60 days of the event or the date coverage ends in order to be eligible for COBRA continuation. If this notification is not completed within the required 60-day notification period, rights to continuation coverage will be forfeited.

DURATION OF CONTINUATION COVERAGE

COBRA requires that continuation coverage extend from the date of the qualifying event for a limited period of time of 18 or 36 months. The length of time for which continuation coverage must be made available (the “maximum period” of continuation coverage) depends on the type of qualifying event that gave rise to the COBRA rights. A plan, however, may provide longer periods of coverage beyond the maximum period required by law.

COBRA PREMIUM

If you elect COBRA coverage, you must pay the total monthly premium (employer and employee shares) plus an additional two percent administrative surcharge.
For more information on COBRA, visit the U.S. Department of Labor, Employee Benefits Security Administration (EBSA) at www.dol.gov/ebsa.

REFERENCES

United States Department of Labor, Consolidated Omnibus Budget Reconciliation Act
DEFINITION

Any accident or injury that occurs in the course of and arising out of employment with the Office of the Inspector General (OIG) can be considered for workers’ compensation benefits. This means that the injury must be a direct result of doing your job.

ELIGIBILITY

Employees of the Office of the Inspector General (OIG) are covered by the Ohio Workers’ Compensation system for medical cost as a result of a work-related injury allowed by the Bureau of Workers’ Compensation (BWC). Employees may also be eligible for lost-time wage compensation when the work-related injury exceeds seven calendar days.

REPORTING WORK RELATED INJURIES

Employees must immediately report any accident or injury that occurs during working hours to his/her supervisor and the Human Resources Department. The employee will be sent the BWC First Report of an Injury, Occupational Disease or Death form. Forms can be obtained from the Human Resources Department.

If the employee does not initially seek medical treatment but later obtains medical attention for the injury, he/she must report the visit to his/her supervisor and the Human Resources Department within 24 hours of treatment.

PROCESSING THE CLAIM AND USE OF LEAVE TIME

In order to process an employee’s claim, the Office of the Inspector General (OIG) will work with the Managed Care Organization (MCO) and the Bureau of Workers’ Compensation. The Human Resources Department will forward a completed First Report of Injury Form to the MCO in order to alert them of the accident/injury. The employee’s health care provider will need to forward all medical information to the MCO. The employee may be contacted by the MCO for information regarding the claim. The Human Resources Department will review all the information received from the employee and the MCO in order to make a recommendation (certify or reject) on the claim. While off work for a workers’ compensation claim the employee may use personal leave, vacation leave and/or comp time in order to remain in active pay status. The use of personal leave, vacation leave, or compensatory time will not affect payments of lost-time wage compensation. If the employee elects to use sick leave, he/she will be compensated only for medically related expenses. Workers’ compensation does not pay lost-time compensation during periods of sick leave. If the employee is paid sick leave for any portion of a day, he/she is not eligible to receive lost-time wage compensation for the entire day.
RECOMMENDED HEALTH CARE PROVIDERS

If an employee is injured at work and needs medical attention, he/she may receive medical attention from any bureau certified provider. It is important to know that not all health care providers are certified by the Bureau of Workers’ Compensation (BWC). Employees should ask their health care provider if he/she is certified by BWC. If medical attention is obtained from a non-certified health care provider, the BWC will only pay for the first visit. After the first visit, any medical attention received from that provider will not be covered.

HEALTH INSURANCE

An employee may continue to be eligible for health insurance while receiving workers’ compensation. While on workers’ compensation or waiting for the initial decision on a claim, the Office of the Inspector General (OIG) may continue to pay its portion of the employee’s health care premium for 12 weeks pursuant to FMLA. The employee is required to pay for his/her portion of the health care premium, during the 12 week period. Following the 12 weeks of FMLA, the employee will be required to pay the full cost of his/her health insurance premium. This includes the employer’s share and the employee’s share. The employee should coordinate payment(s) with the Human Resources Department. The OIG has the right to recover any health care premiums paid on the employee’s behalf, if the workers’ compensation claim is denied.

EMPLOYEE RESPONSIBILITIES

An employee needs to keep his/her supervisor, as well as the Human Resources Department, informed of the status of his/her injury and estimated return to work date. An employee must also provide written documentation from his/her medical provider stating the estimated return to work date, any written diagnosis, and medical treatment. Before an employee returns to work, a full medical release stating that the employee is able to perform the essential duties of his/her job must be provided to the Human Resources Department.

NOTIFICATION OF CLAIM FROM BWC

The Bureau of Workers’ Compensation (BWC) will notify the employee, in writing, of his/her claim number. It is important an employee refer to his/her claim number when contacting the health care provider, BWC, or the Managed Care Organization (MCO). BWC will also notify the employee of the approval or denial of the claim.

APPROVED CLAIMS

Medical Only Claims
An employee may be eligible for a medical only claim if he/she is able to return to work within seven days following the accident/injury. If the medical only claim is allowed, the Managed Care Organization (MCO) will pay the employee’s health care provider for authorized treatments.
Lost Time Claims
If the employee’s attending physician determines that the accident/injury will prevent him/her from working eight calendar days or more, the employee may be eligible to receive lost time benefits. The employee may receive temporary total compensation, which is equal to 72 percent of his/her weekly wages. The weekly wages are calculated based on the employee’s earnings in the six weeks before the injury. The employee’s wages may be paid at this rate for up to 12 weeks. If the accident/injury prevents the employee from working for more than 12 weeks, the temporary total compensation will be reduced to sixty-six and two thirds percent (66 2/3) of the weekly wages. The employee will receive checks for temporary total compensation directly from the Bureau of Workers’ Compensation (BWC). Lost time benefits are subject to a weekly maximum amount and are not taxable. **An employee will not be eligible to accrue leave time while off work and receiving lost time benefits through the BWC. Upon return to work, employees will be credited with those personal and sick leave hours which they normally would have accrued.**

Salary Continuation
A permanent employee, who has a BWC-allowed claim, is eligible to receive 100% of his/her rate of pay for no more than 480 hours based on medical evidence of a disabling work-related injury. Treatment must be received from an approved provider on the WILMAPC list and the employee must follow agency reporting procedures. While on salary continuation, employees are not eligible for other paid leave (i.e. holiday) or to use leave balances. However, employees are in active pay status and will continue to accrue sick and personal leave but not vacation leave. If the employee’s claim is denied by the Industrial Commission, the employee shall substitute sick leave, vacation leave, personal leave, compensatory time, or reimburse the employer for any benefits received.

DENIED CLAIMS
If the employee or the Office of the Inspector General disagrees with the Bureau of Workers’ Compensation (BWC) decision, an appeal may be filed with the Industrial Commission. All appeals must be in writing and filed within 14 days of the issuance of a decision. BWC will issue a letter to the employee informing him/her of their appeal rights. Questions regarding the appeal process should be referred to the Bureau of Workers’ Compensation [www.ohiobwc.com](http://www.ohiobwc.com).

REFERENCES
Ohio Revised Code § 124.381
Ohio Administrative Code 123:1-33-17
**PURPOSE**

Full time employees in active pay status, immediately preceding the holiday, may receive a minimum of eight hours of pay for each holiday observed regardless of the employee’s work shift and work schedule.

**OBSERVED HOLIDAYS**

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year’s Day</td>
<td>January 1</td>
</tr>
<tr>
<td>Martin Luther King Day</td>
<td>Third Monday in January</td>
</tr>
<tr>
<td>President’s Day</td>
<td>Third Monday in February</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Last Monday in May</td>
</tr>
<tr>
<td>Independence Day</td>
<td>July 4&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>Labor Day</td>
<td>First Monday in September</td>
</tr>
<tr>
<td>Columbus Day</td>
<td>Second Monday in October</td>
</tr>
<tr>
<td>Veteran’s Day</td>
<td>November 11&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>Fourth Thursday in November</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>December 25&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

If the holiday occurs on a Sunday, it will be observed on the following Monday. If the holiday falls on a Saturday, it will be observed on the preceding Friday.

Employees deemed to be in a no pay status such as disability leave or other type of non-paid leave may not be eligible to receive holiday pay.

Section 124.19 of the Revised Code does not provide for shifting the day on which a holiday is observed to any other day.

**REFERENCES**

ORC 124.18
ORC 124.19
VACATION ACCRUAL

POLICY

Full-time permanent employees, in active pay status, accrue vacation on a biweekly pay period basis at the rates listed below:

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Accrual Rate Per Pay Period</th>
<th>Hrs. Per Year</th>
<th>Max Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 4 years</td>
<td>3.1</td>
<td>80</td>
<td>240 hrs.</td>
</tr>
<tr>
<td>4 but less than 9 years</td>
<td>4.6</td>
<td>120</td>
<td>360 hrs.</td>
</tr>
<tr>
<td>9 but less than 14 years</td>
<td>6.2</td>
<td>160</td>
<td>480 hrs.</td>
</tr>
<tr>
<td>14 but less than 19 years</td>
<td>6.9</td>
<td>180</td>
<td>540 hrs.</td>
</tr>
<tr>
<td>19 but less than 24 years</td>
<td>7.7</td>
<td>200</td>
<td>600 hrs.</td>
</tr>
<tr>
<td>24 years or more</td>
<td>9.2</td>
<td>240</td>
<td>720 hrs.</td>
</tr>
</tbody>
</table>

Vacation allowance increases with the number of years of service. An employee may begin using accrued vacation leave as long as it appears on the employee’s earning statement and the compensation described in the earning statement is available to the employee. Vacation accrual rates may be reduced for time spent in an inactive pay status (e.g., leave without pay).

Vacation accrual rates for prior service credit, shall not take effect until the Director of the Department of Administrative Services approves the prior service. Increased vacation accrual will not be granted prior to the Director’s approval date, unless an employee submits proof of prior service within 90 days after the employee’s date of hire with the Office of the Inspector General. *(Also refer to the Prior Service policy 400.11)*

VACATION LEAVE USAGE

Vacation leave shall be charged in minimum units of one-tenth of one hour. Use of vacation leave must be approved in advance by the employee's supervisor. Vacation requests may be denied due to operational needs.

VACATION LEAVE BALANCE UPON SEPARATION

An employee is not permitted to use accrued vacation leave to extend the date of separation. An employee is required to work his/her last day of employment. If an employee resigns he/she will be compensated for any earned but unused vacation leave up to the maximum that can be accumulated.

If an employee transfers to another state agency, he/she shall be credited with the unused vacation leave balance up to the maximum vacation leave permitted in the public agency to which the employee transfers. *(Also refer to the Separation of Service Policy 500.15)*
CASH PAYMENT FOR MAXIMUM VACATION LEAVE ACCRUAL

Beginning in fiscal year 2012, an employee may be paid for up to 80 hours of vacation leave each fiscal year if the employee requested and was denied the use of vacation leave during that fiscal year. No employee shall receive payment for more than 80 hours of denied vacation leave in a single fiscal year. An employee is only eligible to receive payment for vacation leave when the employee's vacation leave credit is at, or will reach in the immediately following pay period, is at the maximum of the accrual for three years and the employee has been denied the use of vacation leave. The employee, at the employee's request, shall be paid in a pay period for the vacation leave the employee was denied, up to the maximum amount the employee would be entitled to be paid for in any pay period. An employee is not entitled to receive payment for vacation leave denied in any pay period in which the employee's vacation leave credit is not at, or will not reach in the immediately following pay period, the maximum of accrual for three years. Any vacation leave for which an employee receives payment shall be deducted from the employee's vacation leave balance.
POLICY

Full-time permanent employees receive 32 hours of personal leave on the first paycheck received each December. Employees appointed after the first paycheck in December will receive 32 hours, less 1.2 hours for each pay period that has elapsed from the first paycheck in December.

Personal leave conversion begins with the first day of the pay period preceding the first paycheck the employee receives in December. Any employee with unused personal leave may:

- Allow the balance to be carried forward for future use (employees may accumulate no more than 40 hours of personal leave; any amount in excess of 40 hours will be automatically converted to cash);

- Cash in the unused balance at 100 percent of the employee’s total rate of pay, or;

- Convert the balance to sick leave for future use.

PERSONAL LEAVE USAGE

Personal leave used by an employee shall be charged in minimum units of two hours or the entire duration of the employee’s scheduled shift if the employee is requesting to use personal leave for the entire shift. Personal leave may only be used in minimum units of less than two hours if the employee is using personal leave to supplement disability, workers’ compensation or childbirth/adoption leave.

Personal leave is not available for use until it appears on the employee’s earning statement and the compensation described in the earning statement is available to the employee. Pursuant to section 123:1-32-07 of the Ohio Administrative Code, personal leave may not be used to extend an employee’s date of resignation or date of retirement. When an employee terminates employment with the Office of the Inspector General and uses more personal leave than the amount pro-rated at the time of departure, the cash equivalent value of such number of hours shall be deducted from any compensation that remains payable to the employee. If compensation from an employee’s last paycheck does not cover the amount due, the employee will be required to submit a personal check made out to the Treasurer of State.
POLICY

This policy provision outlines the methods of authorizing employee sick leave, eliminating inappropriate use of sick leave, and outlining the discipline and corrective action for inappropriate use of sick leave. The policy provides for the equitable treatment of employees without being arbitrary and capricious, while allowing management the ability to exercise its administrative discretion fairly and consistently.

It is the policy of the Office of the Inspector General to not unreasonably deny sick leave to employees when requested. Sick leave is an absence granted to employees or an employee’s immediate family member for medical reasons. Immediate family means an employee’s spouse, child, stepchild, stepparent, step-sibling, grandchild, parent, grandparent, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step-brother, step-sister, legal guardian or other person who stands in the place of a parent.

SICK LEAVE ACCRUAL

Each full-time employee shall accrue sick leave at a rate of 3.1 hours for each 80 hours in active pay status, excluding overtime hours, not to exceed 80 hours in a 12-month period. If an employee takes leave without pay during a pay period, the amount of sick leave accrued for the pay period is pro-rated, based on the number of paid hours.

CHARGE OF SICK LEAVE

Sick leave used by an employee shall be charged in minimum units of one-tenth of an hour. Employees shall be charged sick leave only for the day and hours which they have otherwise been regularly scheduled to work. Sick leave is not available for use until it appears on the employee’s earning statement and the compensation described in the earning statement is available to the employee.

MISUSE OF SICK LEAVE

For purposes of this policy, sick leave hours used that are not intended or provided per statute or administrative rules is deemed misuse of sick leave.

MEDICAL DOCUMENTATION

If an employee requires professional medical attention and needs to take leave exceeding three consecutive work days, a physician’s statement shall be submitted to the Human Resources Department indicating the duration of the medical leave. Prior to returning to work for a leave exceeding three consecutive work days an employee is required to submit a return to work note from his/her doctor.
NOTIFICATION

An employee who is unable to report for work and who is not on a previously approved day of leave shall be responsible for personally notifying his/her immediate supervisor. The notification must be made within one-half hour after the employee’s scheduled start time, unless emergency conditions prevent such notification. Failure to make such notification in a timely manner could result in the employee being charged with an unexcused absence for that period of time which the employee is absent, resulting in leave without pay.

If the employee knows that he or she will be unable to work for more than one day, the supervisor should be informed as soon as possible. Should an employee become ill during the working day, he or she should notify the appropriate supervisor of the illness before using sick leave and leaving the worksite.

COMPENSATION FOR SICK LEAVE USAGE

Compensation for sick leave used during each twelve-month period beginning with the first paycheck the employee receives in December shall be at the rates established below.

1.) The initial 40 hours of sick leave shall be paid at a rate equal to the employee’s base rate of pay.

2.) The next 40 hours of sick leave shall be paid at a rate equal to seventy 70 percent of the employee’s base rate of pay, except as provided below:

(a) Overnight hospital stay or outpatient surgery.

(i) If the hours or portions thereof are associated with an overnight hospital stay by the employee, the employee’s spouse or a child residing with the employee or are used before or after the aforementioned hospital stay and are contiguous to the hospital stay, the sick leave hours shall be paid at a rate equal to the employee’s base rate of pay.

(ii) If the hours or portions thereof are associated with an outpatient surgery by the employee, the employee’s spouse or a child residing with the employee or are used before or after the outpatient surgery and are contiguous to the outpatient surgery, the sick leave hours shall be paid at the rate equal to the employee’s base rate of pay.

(b) Sick leave requested at least 30 calendar days in advance for pre-scheduled medical appointments for the employee, the employee’s spouse
or a child residing with the employee may be supplemented at the employee’s request to one hundred percent of pay with available sick leave balances provided that a doctor’s statement is submitted on the first day the employee returns to work following the absence.

3.) Sick leave used in excess of 80 hours shall be paid at a rate equal to the employee’s base rate of pay.

4.) Sick leave used to supplement an approved disability leave, workers’ compensation, or adoption/childbirth leave benefit period shall be paid at a rate equal to the employee’s base rate of pay.

ANNUAL CARRY-OVER AND CONVERSION

Employees will be offered the opportunity to convert to cash a portion of his/her 80 hours of sick leave accrued during a 12-month period. The period begins with the pay period that includes the first day of December. The cash conversion of the sick leave accrued shall be at the following rate:

<table>
<thead>
<tr>
<th>Number of Hours Subject to Cash Conversion</th>
<th>% of Regular Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>80</td>
<td>80%</td>
</tr>
<tr>
<td>79.9 - 72</td>
<td>75%</td>
</tr>
<tr>
<td>71.9 - 64</td>
<td>70%</td>
</tr>
<tr>
<td>63.9 - 56</td>
<td>65%</td>
</tr>
<tr>
<td>55.9 - 48</td>
<td>60%</td>
</tr>
<tr>
<td>47.9 and less</td>
<td>55%</td>
</tr>
</tbody>
</table>

An employee not exercising a choice will automatically have the hours carried forward. Sick leave may accumulate without limit. Balances carried forward are excluded from further cash benefits provided under this section.

PATTERN ABUSE OF SICK LEAVE

Oftentimes, a pattern of abuse can be discerned through consistent periods of sick leave usage. Examples of pattern abuse include:

A. Before and/or after holidays;

B. Before and/or after weekends or regular days off;

C. After pay days;

D. Any one specific day;

E. Absence following overtime worked;
F.  Half days;

G.  Continued pattern of maintaining 8 hours or less of sick leave;

H.  Excessive absenteeism; and

I.  Use of more sick leave than granted.

The abuse of sick leave by an employee places an additional burden on other employees who do not abuse their right to sick leave and also impairs the employer’s ability to provide efficient and satisfactory services to the public. Abuse of sick leave shall be grounds for disciplinary action.

TRANSFER OF SICK LEAVE BALANCE

An employee who is paid directly by warrant of the director of the office of budget and management and transfers to a public agency in which employees are paid directly by warrant of the director of the office of budget and management shall be credited with the unused sick leave balance up to the maximum sick leave accumulation permitted in the public agency to which the employee transfers. (Also refer to the Separation of Service Policy 500.15)

SICK LEAVE CREDIT UPON SEPARATION

An employee with one year of state service may convert all or a portion of sick leave credit at the time of separation. Payment for unused sick leave shall be at 50 percent of the employee’s base rate of pay. Sick leave may also be retained for three years from date of separation. If sick leave is not converted to cash within three years from the date of separation the employee is no longer eligible to convert leave to cash. (Also refer to the Separation of Service Policy 500.15)

Only sick leave accumulated while employed by state agencies in which the employee’s salaries or wages are paid directly by warrant of the director of budget and management shall be eligible to receive payment at the time of separation.

REFERENCES

- Ohio Revised Code § 124.382
- Ohio Revised Code § 124.383
- Ohio Revised Code § 124.384
- Ohio Administrative Code 123:1-32
POLICY

Overtime and/or compensatory time can be earned by employees of the Office of the Inspector General (OIG) if in active pay status for more than 40 hours in any calendar week and if the additional hours are deemed immediately necessary to the operation of the OIG. No overtime and/or compensatory time will be authorized for work which could have been completed during a standard 40-hour calendar week. Also, under the criteria for exemption established in the Federal Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, an employee may be exempt from the payment of compensation and from the payment of overtime compensation.

An employee may accrue compensatory time up to a maximum of 120 or 240 hours (depending on the employee’s Fair Labor Standard Act (FLSA) designation). Compensatory time is not available for use until it appears on the employee’s earnings statement and the compensation described in the earnings statement is available to the employee. Use of compensatory time must be approved in advance by the employee’s supervisor. An employee may use compensatory time earned in accordance with Rule 123:1-43-01 of the Administrative Code at a time mutually convenient to the employee and the employee’s supervisor within the usage period set forth in Section 124.18 of the Revised Code. Compensatory time may be used in intervals of one-tenth of one hour. (Also refer to the Office Hours/Work Schedules policy 300.03 and the Payroll and Timekeeping policy 300.04)

An employee who works in excess of his/her 40-hour work week without approval (where prior approval is possible) is subject to disciplinary action for failure to follow the approval processes outlined in the OIG policies. Falsification or dishonesty in the request for accrual of overtime and/or compensatory time will not be tolerated and will subject the employee to disciplinary action up to and including termination.

No employee may authorize his/her own overtime and/or compensatory time.

All compensatory time earned must be used before an employee is granted a leave of absence without pay, except as otherwise permitted under state or federal law.

OVERTIME-EXEMPT DESIGNATION

An employee designated as overtime-exempt may only receive compensatory time (hour for hour) if in active pay status for more than 40 hours in any calendar week. The maximum number of compensatory hours an overtime-exempt employee can accrue is 120 hours. Any compensatory hours accrued over the maximum will be lost. The use of sick leave shall not be considered to be active pay status for the purpose of earning compensatory time.

Compensatory time must be used within 365 days after it is granted. An overtime-exempt employee is not eligible to be paid for compensatory time. Therefore, any compensatory time not used within 365 days after it is granted will be lost.
An overtime-exempt employee who is required to work on a designated holiday shall be entitled to receive compensatory time (hour for hour) in addition to holiday pay.

An overtime-exempt employee is exempt from receiving overtime pay under the Federal Fair Labor Standards Act (FLSA).

**OVERTIME-ELIGIBLE DESIGNATION**

An employee designated as overtime-eligible may receive overtime and/or compensatory time (at one and one-half times) if in active pay status for more than 40 hours in any calendar week. Overtime-eligible employees may elect to accrue compensatory time in lieu of overtime pay. The maximum number of compensatory hours an overtime-eligible employee can accrue is 240 hours. Any hours of compensatory time accrued in excess of the maximum amount shall be paid to the employee as overtime compensation. The use of sick leave shall not be considered to be active pay status for the purpose of earning compensatory time or overtime compensation.

Compensatory time earned must be used within 365 days after it is granted. Any hours of compensatory time not used within 365 days after it is granted shall be paid to the employee as overtime compensation.

An overtime-eligible employee who is required to work on a designated holiday shall be entitled to pay for such time worked at one and one-half times the employee’s regular rate of pay in addition to holiday pay. When calculating overtime for a calendar week which includes a holiday, the automatic eight hours of holiday pay is considered as time in active pay status regardless of whether or not the employee worked on such holiday. Time actually worked on a holiday is not considered time in active pay status for overtime calculations because separate compensation is already paid.

**REFERENCES**

Fair Labor Standards Act of 1938
Ohio Revised Code § 124.18
Ohio Administrative Code 123:1-43-01
ADMINISTRATIVE LEAVE WITH PAY

A public sector employee is expected to use his/her own leave in order to be compensated for absences away from the work site. However, the Office of the Inspector General (OIG) may, at his/her discretion, place employee(s) on administrative leave with pay. An employee should only be placed on administrative leave with pay when immediate action must be taken to remove an employee from the work site because of a threat to the health and/or safety of an employee, or a threat to property entrusted to that employee. For example, a fire, bomb threat, or utility failure that causes the immediate evacuation of a building may result in all employees being granted administrative leave pending the remedying of the health-threatening emergency.

Compensation for administrative leave with pay shall be equal to the employee's base rate of pay and shall not continue beyond the length of the situation for which the leave was granted.

ADMINISTRATIVE LEAVE PENDING COMPLETION OF INVESTIGATION

In cases where no viable alternatives are available, it is permissible to place an employee on administrative leave with pay pending a review, investigation or disciplinary proceeding surrounding the situation that resulted in the employee being placed on a paid leave of absence. Administrative leave with pay shall be authorized for the period of time necessary to conduct the internal administrative review or investigation and shall include the period of time needed to decide whether to impose discipline. Administrative leave with pay shall not be considered discipline. However, discipline may be warranted and implemented as a result of the corresponding investigation.

The Office of the Inspector General (OIG) reserves the right to require the employee to provide a contact number, remain in a work-ready status at all times during his/her regular scheduled hours, and report to work with short notice. Each situation will differ and will require a case-by-case determination. Compensation for an employee placed on administrative leave with pay pending the review, investigation or disciplinary proceeding shall be equal to the employee's base rate of pay and the employee will continue to accrue leave and service credit.

REFERENCES

Ohio Revised Code § 124.388
PURPOSE

Adoption/Childbirth leave is intended to provide an opportunity for employees to take up to a maximum of six weeks of continuous leave to provide parental care immediately following the birth or adoption of a minor child.

ELIGIBILITY

Permanent exempt employees of the Office of the Inspector General are eligible.

EFFECTIVE DATE AND TRIGGERING EVENT

Eligibility for taking adoption/childbirth leave shall begin on the date of the birth of an employee's child or on the placement of an adopted child into the employee’s custody. In the case of a birth, the employee must be the biological parent. In the case of an adoption, the employee must be the legal guardian of, and reside in the same household with, the newly adopted child.

An employee may elect to receive $2,000 for adoption expenses in lieu of receiving the paid leave benefit provided under this section. Such payment may be requested when the court has awarded permanent custody to the prospective parent. If the child is already residing in the home, payment may be requested at the time the adoption is approved.

If an employee adopts multiple children, the event shall be considered a single qualifying event, and will not serve to increase the length of leave for the employee or the amount of adoption expenses received in lieu of receiving paid leave, so long as the children are adopted within six weeks of each other.

In the event a new born child dies while an employee is using the adoption/childbirth leave benefit, the adoption/childbirth leave terminates on the date of the death. Requested bereavement leave may begin on the day following the death of the child, and may be supplemented by other leave, unless the birth mother is using disability leave in lieu of adoption/childbirth leave in which case the leave shall continue for a period consistent with the appropriate recovery period for disability leave benefits for childbirth.

An employee shall apply, in writing, for adoption/childbirth leave within two working days following the birth or adoption of a child.

LEAVE AND BENEFIT AMOUNT

To qualify for adoption/childbirth leave, an employee must complete a 14-day waiting period, which commences on the date of the birth of an employee's child or the placement of an adopted child into the employee's custody. An employee may work at the discretion of the employee's appointing authority and/or may take unpaid leave, or may
use any form of accrued paid leave or compensatory time for which the employee is qualified, or any combination thereof, during the 14-day waiting period.

The 14-day waiting period under this section shall satisfy the waiting period for disability leave benefits for employees who qualify for additional leave due to disability, provided the employee does not work during the two week waiting period. The remaining four weeks of adoption/childbirth leave shall be paid at 70 percent of the employee's regular rate of pay.

The average regular hours worked (including holidays and use of paid leave) over the preceding three month period shall be used to determine eligibility and benefits under this section for part-time employees, provided that such benefits shall not exceed 40 hours per week. If the employee has not worked a three-month period, the average number of hours for which the employee has been scheduled per week will be used to determine eligibility and benefits.

For the duration of adoption/childbirth leave, employees are eligible to receive all employer-paid benefits and accrue all forms of leave at their regular accrual rates regardless of receiving payment at 70 percent or supplementing to 100 percent of their regular rate of pay. The employer is required to continue paying the employer's portion of health insurance premiums during approved adoption/childbirth leave.

**HOLIDAYS**

An employee shall not be eligible to receive holiday pay while on adoption/childbirth leave. Holidays shall be counted as one day of adoption/childbirth leave and be paid as adoption/childbirth leave, except during the waiting period. If an employee is in active pay status the day before a holiday during the waiting period, the employee will be eligible to receive holiday pay as normal. Employees who work during a holiday shall be entitled to pay as provided pursuant to the Administrative rule.

**USE OF OTHER LEAVE**

An employee may utilize sick, vacation, personal and/or compensatory time to receive pay during the 14-day waiting period and to supplement the 70 percent wages for the remaining four weeks or any portion thereof. An employee may supplement his/her wages up to a combined total of 100 percent of his/her regular bi-weekly rate of pay.

An employee using adoption/childbirth leave who meets the eligibility requirements of the Family and Medical Leave Act (FMLA) (i.e., 12 months of state service, and 1,250 hours in active work status during the 12-month period immediately before the birth or adoption) shall have the entire period of adoption/childbirth leave counted towards the employee's 12 workweek FMLA entitlement.
WORKING DURING ADOPTION/CHILDBIRTH LEAVE PERIOD

An employee may be allowed to work a reduced schedule during any portion of the six week period, subject to the needs of the agency. An employee who is permitted to work a reduced schedule during such period shall establish a schedule that is acceptable to the Inspector General.

Time spent in work status during the period of adoption/childbirth leave is not applied as FMLA leave.

CREDIT FOR HOURS WORKED OR SUPPLEMENTED

An employee who works or supplements his/her pay during the latter four weeks of leave, as described above, shall have his/her pay for hours worked or supplemented so calculated that working or supplementing 30 percent of his/her normally scheduled work hours during the pay period shall result in a bi-weekly pay amount equal to his/her regular bi-weekly pay. An employee who works more than 30 percent of his/her regularly scheduled hours shall forfeit paid adoption/childbirth leave on an hour for hour basis for all excess hours.

DURATION

Under no circumstances shall adoption/childbirth leave be taken beyond six weeks from the date of birth or placement of a child for adoption. Adoption/childbirth leave shall not be used to extend the layoff date of an employee or to extend a period of employment for established term regular or irregular employees.

OVERTIME

No portion of adoption/childbirth leave is to be included in calculating overtime.

COORDINATION WITH DISABILITY LEAVE

An employee who gives birth may elect to utilize either adoption/childbirth leave or disability leave for the six week period following the date of birth.

An employee who receives disability leave benefits prior to becoming eligible for adoption/childbirth leave shall continue to receive disability leave benefits for the duration of the disabling condition or may elect to utilize adoption/childbirth leave for the four weeks following the birth of the child without being required to serve an additional waiting period. If the employee continues to qualify for disability leave benefits immediately following the expiration of the adoption/childbirth leave, the employee may receive disability leave benefits for the duration of the disabling condition without serving an additional waiting period.
In the event that an employee is receiving disability leave benefits for a pregnancy and such benefits terminate prior to the expiration of any benefits the employee would have been entitled to under adoption/childbirth leave, the employee will receive adoption/childbirth leave for such additional time without being required to serve an additional waiting period.

REFERENCES

OIG Family Medical Leave Policy
Ohio Revised Code § 124.136
Ohio Revised Code § 124.137
Federal Law: Public Law 103-3
Federal Regulation: CFR Part 825
ELIGIBILITY

An employee of the Office of the Inspector General is eligible for disability leave benefits if he/she is a permanent employee and has completed one year of continuous state service prior to the disability.

WAITING PERIOD

There is a 14-calendar day waiting period that begins the day of the occurrence of the disabling illness, injury or condition. Disability leave benefits will commence with an employee’s first scheduled workday following the waiting period. During the 14-day waiting period, employees may use available leave or leave without pay after all available leave has been exhausted. Under no circumstances, is an employee permitted to work during the disability waiting period or benefit period. An employee is also not permitted to be placed on administrative leave, unless the employee has been placed on administrative leave pursuant to paragraph (A) of rule 123:1-33-09 of the Administrative Code.

RETURN TO WORK

The Office of the Inspector General (OIG) will reinstate an employee to the position he/she held immediately prior to becoming disabled, provided that a determination has been made that the employee is no longer disabled and the employee’s physician has released him/her to perform the duties of the position. It is the employee’s responsibility to keep in contact with his/her supervisor until such a time as they are ready to return to work. Prior to returning to work, an employee is required to submit a return to work release from his/her physician.

LENGTH OF ELIGIBILITY

Disability leave benefits will remain payable until it is determined that an employee is no longer disabled, or until the effective date of retirement for an employee eligible to file for disability retirement benefits from a state employee retirement system, or for a maximum period of one year, whichever is earlier. Disability benefits are paid for a lifetime maximum of one year.

SUBSEQUENT DISABILITY

A subsequent disability, unrelated to a previous illness, injury or condition will be considered the same claim if it occurs while an employee is on an approved disability leave. A subsequent unrelated disability that occurs after a return to work and following a previously requested disability will be considered a new claim. A new waiting period must be served before an employee will be eligible to receive disability leave benefits. However, a related disability claim, separated by a return to work of six months or less, will be considered as the same disability claim and benefits may be payable from the first day of the related disability if the employee remains disabled and off work for at least 14-calendar days. A related disability claim, separated
by a return to work of more than six months, will be considered a new disability claim and a new waiting period must be served before an employee will be eligible to receive disability leave benefits.

If otherwise eligible, an employee’s mental health or substance abuse condition may be considered for disability leave benefits if the following are true:

- The employee receives ongoing treatment;
- The employee is referred by the State of Ohio Employee Assistance Program (EAP) to a licensed professional or already receiving treatment from a licensed health provider or a certified drug treatment professional; and
- The employee’s health care provider determines that the condition or treatment prevents him/her from performing job duties for more than 14-calendar days.

**FILING A CLAIM**

An eligible employee who needs to file a disability claim will be required to submit completed disability forms with the Human Resources Department. Disability claim forms must be filed within 20 days of the last day the employee worked. Where extenuating circumstances exist which prevent an employee from filing a claim timely, a written statement explaining such extenuating circumstances can be filed within a reasonable time after the 20-day deadline has expired.

It is the employee’s responsibility to provide written documentation to substantiate the cause, nature, and extent of the disabling illness, injury or condition for which the employee is requesting disability leave benefits. A medical examination report is required for the granting of disability leave benefits and the employee is responsible for the cost of obtaining such a report.

Upon receiving a disability claim, the Department of Administrative Services (DAS) will review and grant or deny the employee’s claim. DAS will notify the employee of the disability determination, in writing, within 45 days of receiving the claim. If a determination cannot be made within 45 days of receipt of the claim, the employee will be notified of the reason for delay.

DAS requires an employee to file for disability retirement if the employee’s doctor states his/her condition is expected to last longer than 12 months or states the condition is permanent.

An employee receiving disability leave benefits will be responsible for keeping a current address on file with the Human Resources Department.
PAYMENT OF DISABILITY LEAVE BENEFITS

Disability leave benefits will be paid at 67 percent of an employee’s base rate of pay up to a maximum of 12 months. An employee’s base rate of pay, for disability leave purposes, is the base rate of pay at the time the employee became disabled. Disability leave benefits will be paid at this rate throughout the disability claim. Disability leave benefits are payable bi-weekly based on a 14-calendar day pay period.

SUPPLEMENTATION OF BENEFITS

An employee receiving disability leave benefits may indicate his/her desire to supplement the disability leave benefits by utilizing accumulated sick leave, personal leave, compensatory time and vacation leave balances. A request to supplement disability leave benefits must be made through the Human Resources Department. The balances used to supplement shall be paid at a rate equal to the employee’s base rate of pay in effect at the time the employee became disabled. The total amount received by an employee while receiving disability leave can not exceed 100 percent of pay.

ACCRUAL OF SERVICE CREDIT

An employee receiving disability leave benefits pursuant to Chapter 123:1-33 of the Administrative Code will continue to accrue service credit for purposes of determining vacation allowance and retirement benefits. Vacation, sick and personal leave benefits will not accrue while an employee is receiving disability leave benefits.

PAYMENT OF INSURANCE PREMIUMS

An employee is responsible for paying his/her share of retirement contributions, health, life and other insurance benefits regardless of pay status.

PAYMENT OF COSTS

All costs and benefits provided by the state’s disability leave program will be paid by the state. If necessary, The Department of Administrative Services (DAS) and the employer may initiate necessary steps to recover disability leave benefits or insurance premiums paid in error or as a result of fraud. When necessary, DAS and the employer will make any adjustments of benefits and/or insurance premiums to ensure that proper payment has been made. In addition, DAS may request the attorney general to take appropriate action to recover improperly paid benefits or insurance premiums.

REFERENCES

Ohio Revised Code § 124.385
BASIC LEAVE ENTITLEMENT

The Family and Medical Leave Act (FMLA) allow eligible state employees to take up to twelve workweeks of leave, per a rolling twelve-month period, for the following qualifying events:

• Incapacity due to pregnancy, prenatal medical care or child birth;

• Caring for an employee’s child after birth, or placement for adoption or foster care;

• Caring for the employee’s spouse, child, or parent with a serious health condition;

• The serious health condition of the employee that makes the employee unable to perform the employee’s job;

• The serious injury or illness for a covered servicemember in the line of duty on active duty that rendered the covered servicemember medically unfit to perform the duties of his or her job; or

• The serious injury or illness that existed before the beginning of the covered servicemember’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces.

The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition”.

QUALIFYING EXIGENCY LEAVE ENTITLEMENTS

Eligible employees with a spouse, child, or parent on federal covered active duty or call to federal active duty status in the National Guard and Reserves and the Regular Armed Forces in support of a contingency operation may use the 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies include activities related to short-notice deployment, attending military events, arranging for alternative childcare or attending school activities, addressing financial and legal arrangements, attending counseling sessions, attending post-deployment reintegration briefings, and the need to take care of a military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty. In addition, an eligible employee may take time for a covered military member who is on rest and recuperation leave for a maximum of 15 calendar days.

MILITARY CAREGIVER LEAVE ENTITLEMENTS

An employee may also be eligible to take up to 26 weeks of leave to care for a covered service member during a single 12-month period.
“Covered servicemember” refers to an employee’s spouse, child, parent or next of kin, who is a current servicemember of the Armed Forces, including a member of the National Guard and Reserves and the Regular Armed Forces or a covered veteran, who incurred a serious injury or illness in the line of active duty that renders the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or on the temporary retired list.

“Next of kin” has the same definition as set forth in 29 CFR 825.127(b)(3).

The 26 weeks of leave is to be applied on a per-covered-service member, per-injury basis. For example, an eligible employee may be entitled to take leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious injury or illness. Regardless, an employee can take no more than 26 workweeks of leave within any single 12-month period.

The “single 12-month period” begins on the first day the employee takes leave to care for the covered service member and ends 12 months thereafter.

**EMPLOYEE ELIGIBILITY**

An employee is eligible for FMLA leave if they meet both of the following criteria:

1) An employee has been employed by the state for at least twelve months; and,

2) An employee has actually worked (i.e., in "active work status") at least 1,250 hours during the past twelve months.

Previous employment with the state in which an employee was paid directly by warrant of the director of budget and management shall count toward meeting the twelve-month employment requirement.

“Active work status” includes overtime hours worked and is defined as "the conditions under which an employee is actually in a work status and is eligible to receive pay, but does not include vacation leave, sick leave, bereavement leave, compensatory time, holidays, personal leave, and disability leave." (AC 123:1-47-01 (A)(3)).

For purposes of determining FMLA eligibility, the Uniformed Services Employment and Reemployment Rights Act (USERRA) requires that a person reemployed under this provision be given credit for any time he or she would have been employed but for the military service. Each month served performing military service counts as a month actively employed by the employer. The employee’s pre-service work schedule can generally be used to determine the number of hours that would have been worked during the period of military service.

An eligible employee is entitled to the full amount of FMLA leave even if his/her spouse has already exhausted leave for a qualifying event.
The OIG shall notify employees, in writing, of their eligibility or non-eligibility status within five business days after the first time an employee requests leave for a particular qualifying reason in a rolling 12-month period or within five days after an employer receives knowledge that the reason for an employee’s absence/leave may be FMLA-qualifying. This notice only indicates whether the employee is eligible for FMLA leave and is not the determination as to whether the employee’s leave qualifies for FMLA.

REQUESTS FOR FMLA LEAVE

If the need for FMLA leave is foreseeable, an employee must submit a request, in writing, at least thirty days prior to taking leave. If the need for FMLA leave is unforeseeable, the employee’s requests must be made as soon as practicable and must comply with the OIG’s normal call-in and request for leave procedures.

Leave taken for the birth or placement of a child must be taken within one year of the date of birth or placement of the child.

CERTIFICATIONS

Depending on the nature and condition of the leave request, an employee will be required to complete and submit a sufficient certification form. One of the following certification forms may apply:

- Certification of Health Care Provider for Employee’s Serious Health Condition
- Certification of Health Care Provider for Family Member’s Serious Health Condition
- Certification of Qualifying Exigency for Military Family Leave
- Certification for Serious Injury or Illness of Covered ServiceMember for Military Family Leave

Upon request, an employee must provide a copy of the covered military member’s active duty orders to support request for qualifying exigency leave including rest and recuperation leave. In addition, the employer may require the employee to provide documentation confirming if the covered servicemember is a veteran, the date of separation, and whether the separation was other than dishonorable.

The OIG may contact the employee’s health care provider for the purpose of clarification and authentication of the medical certification after the employee has been given an opportunity to cure any deficiencies. The director of HR/fiscal operations will be the only designee to make contact with the health care provider. The employee’s direct supervisor may not contact the employee’s health care provider. The OIG must ensure that the requirements of the Health

---

Revised March 14, 2014
Insurance Portability and Accountability Act (HIPAA) are satisfied when sharing health information of an employee covered by a HIPAA-covered health care provider.

For leave taken because of an employee’s own serious health condition or the serious health condition of a family member, the OIG may require a second opinion from a second health care provider designated by and paid for by the OIG. If the first and second opinions conflict, the OIG may require the employee to submit to a third examination at the OIG’s expense by a health care provider chosen jointly by the employee and the OIG. In choosing the third health care provider, both the employee and the OIG must be reasonable and act in good faith. The opinion of the third health care provider is final and binding.

The OIG may require an employee to provide recertification of an employee or family member’s serious health condition at any time if:

- The employee requests an extension of leave;
- Circumstances described by the previous certification have changed significantly (e.g., the duration of the illness, the nature of the illness, complications); or
- Leave taken by the employee is inconsistent with the circumstances described in the employee’s certification form.

Absent such circumstances, if the medical certification indicates that the minimum duration of the condition is more than 30 days, the OIG must wait until that minimum duration expires before requesting a recertification. However, in all cases, the OIG may request a recertification of a medical condition every six months in connection with an absence by the employee.

Recertification of a second and third opinion is not permitted. In addition, a recertification for a second and third opinion for leave taken because of a qualifying exigency or for leave taken to care for a covered service member is not permitted.

An employee eligible for FMLA leave due to the employee’s own serious health condition, or the serious health condition of the employee’s covered member lasts beyond a single leave year; the OIG may require the employee to provide a new medical certification in each subsequent leave year. New medical certifications are subject to the provisions for authentication and clarification, including second and third opinions.

**DESIGNATION NOTICE**

Within five business days after receiving a complete and sufficient certification form, the OIG will determine if the condition qualifies as FMLA leave and inform the employee. Only one notice of designation is required for each FMLA-qualifying reason per applicable 12-month period.
At the end of every pay period, the OIG will notify the employee of the amount of leave counted against the employee’s FMLA entitlement.

**USE OF FMLA LEAVE**

An employee may take intermittent leave when medically necessary. An employee must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

In reviewing an employee’s request for intermittent leave, the Human Resources Department shall determine whether or not an acceptable leave schedule can be arranged and/or may consider a temporary transfer to an alternative, comparable position.

Leave may be taken in increments of no less than 1/10 hour. If it is physically impossible for an employee using intermittent leave to commence or end work mid-way through a shift, the entire period that the employee is absent may be designated as FMLA leave and be counted against the employee’s FMLA entitlement.

Holidays that occur during a full week of FMLA leave will count against the employee’s FMLA entitlement. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee’s FMLA entitlement unless the employee was otherwise scheduled and is expected to work during the holiday.

If an employee would normally be required to work overtime, but is unable to do so because of a FMLA-qualifying reason that limits the employee’s ability to work overtime, the overtime hours which the employee would have been required to work may be counted against the employee’s FMLA entitlement.

The OIG may grant an employee intermittent leave for the birth or placement of a child. Intermittent leave for the birth or placement of a child shall be upon approval of the employee's supervisor and the Human Resources Department.

An employee on FMLA leave shall not hold outside employment while on FMLA leave without the prior written approval from the Human Resources Department.

**INTERACTION WITH OTHER LEAVE PROGRAMS**

An employee shall exhaust all accrued sick, vacation, personal leave, and compensatory time balances, as appropriate, prior to going on unpaid leave. The paid leave used will count concurrently as FMLA leave.

When FMLA leave is used concurrently with Disability Leave, Workers' Compensation, or Adoption/Childbirth Leave, the leave policies for those programs shall override the requirement of this policy for employees to exhaust all of their accrued leave.
Employees requesting Workers' Compensation, Occupational Injury Leave, or Disability Leave who are also eligible for FMLA leave shall have up to twelve weeks of the non-working portion of the approved benefit period, including any required waiting period, count concurrently as FMLA leave. The OIG may also grant FMLA leave to an employee while his/her request is being reviewed. The granting of FMLA leave shall have no bearing on the approval or disapproval of employees' requests.

An eligible employee requesting Adoption/Childbirth leave benefits shall have the entire non-working portion of Adoption/Childbirth leave, including the required waiting period, count concurrently as FMLA leave. An employee who is not eligible for FMLA leave (e.g., the employee has not been in active work status for 1,250 hours during the previous twelve months or has already used his or her twelve workweeks of FMLA leave) shall retain his or her right to Adoption/Childbirth leave upon meeting the Adoption/Childbirth leave eligibility requirements.

**EMPLOYEE BENEFITS**

The OIG is required to continue paying the employer's portion of health insurance premiums during approved FMLA leave.

An employee is required to continue paying the employee’s portion of his/her health insurance premiums. Information on how health insurance premiums are to be paid, outside of the normal payroll deductions, while on FMLA leave may be obtained from the Human Resources Department.

An employee shall be given a 30-day grace period from the due date of the health insurance premium. An employee who fails to pay his/her portion of the health insurance premium within the grace period may be removed from his/her respective health insurance plan. The OIG will give a fifteen day notice to the employee prior to removing him/her from the health insurance plan.

If an employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

The OIG may seek reimbursement for any health insurance premiums paid on behalf of the employee if the employee fails to return to work from FMLA leave, unless the reason for the employee failing to return to work is due to the continuation or recurrence of the serious health condition or is otherwise beyond the employee's control as defined in the FMLA.

An employee who is reinstated will not lose any service credit and FMLA leave will be treated as continuous service for the purpose of calculating any benefits that are based on length of service.
REINSTATEMENT

An employee is entitled to reinstatement to the same or similar position upon return from leave.

If the same job is not available, the Human Resources Department will determine in which similar position the employee should be placed, making sure that the position has equivalent pay, benefits and conditions of employment.

Prior to being reinstated, an employee who takes leave due to his/her own serious health condition is required to provide certification from a health care provider that he/she is able to return to work to perform the essential functions of his/her position.

RECORDKEEPING

The OIG understands it is obligated to comply with the confidentiality requirements under the FMLA including the Genetic Information Non-Discrimination Act (GINA).

REFERENCES

Federal Law: Public Law 103-3
Federal Regulation: CFR Part 825
BEREAVEMENT LEAVE 500.10

POLICY

Full-time permanent employees may receive up to three consecutive workdays (maximum 24 hours) of bereavement leave upon the death of an immediate family member. Immediate family is defined as an employee’s spouse, child, stepchild, stepparent, step-sibling, grandchild, parent, grandparent, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step-brother, step-sister, legal guardian or other person who stands in the place of a parent.

Compensation shall be equal to the employee’s hourly rate of pay. Vacation, sick, personal or compensatory leave may be granted to extend bereavement leave. Extended leave must be pre-approved by the employee’s supervisor or the Inspector General.

REFERENCES

Ohio Administrative Code Chapter 123:1-47-01(A)(39)
POLICY

Employees may receive full pay for court/jury duty and work related subpoenas to appear before any court, commission, board, or other legally constituted body authorized by law to compel the attendance of witnesses, in which the employee is not a party to the action. Court/jury duty and work related subpoenas should be reported to an employee’s supervisor and/or the chief legal counsel. A copy of the subpoena or jury duty notice should also be forwarded to the Human Resources Department.

When an employee’s name is not chosen from the jury list for actual service and only on call, the employee will report to work as soon as reasonably possible after notification that his/her services will not be needed.

Employees must reimburse to the Office of the Inspector General for any fees paid for services as a juror or witness unless such duty is performed outside of normal working hours. All compensation received for court or jury duty, is to immediately be remitted by the employee to the Human Resources Department. Remittance by personal check or cash is unacceptable verification of compensation received. The actual court check is required in order to verify actual compensation received by the court. Upon returning to work from court proceedings or jury duty, the employee is to enter the leave as “Jury Duty” in the OAKS timekeeping system. Employees will be granted leave with full pay for the time spent in response to a subpoena.

An employee appearing before a court or other legally constituted body in a matter in which he/she is a party may be granted vacation, compensatory time or personal leave after giving proper notification and receiving approval from his/her supervisor.
POLICY

Permanent employees of the Office of the Inspector General who are members of the Ohio National Guard, Ohio Military Reserve, Ohio Naval Militia, or members of other components of the armed forces of the United States, are entitled to military leave without loss of pay for such time as they are performing military duty in the uniformed services for periods not to exceed one month during a federal fiscal year cycle. The federal fiscal year begins on October 1st of each year and ends on September 30th the following year. Section 5923.05(A)(2) of the Revised Code defines “month” as 22 eight-hour workdays or 176 hours.

Permanent employees performing military duty in the uniformed services for a period exceeding one month during any federal fiscal year cycle, as a result of an executive order or an act of Congress, may request additional military leave. Such leave will be a paid leave of absence during the period of the executive order or act of Congress. Payment will be the difference between the employee’s gross monthly salary and the active duty gross monthly salary plus any allowances received in accordance with Section 5923.05(C) of the Ohio Revised Code. If the active duty gross monthly salary plus allowances received exceeds the employee’s gross monthly salary or if the employee is already receiving full payment for the first month as set out in the above paragraph, no additional differential payment will be made to the employee.

Pursuant to Ohio Revised Code § 5923.05(F), an employee requesting military leave shall submit to his/her supervisor the published order authorizing the call or order to military duty or a written statement from the appropriate military commander authorizing such duty, prior to being credited with such leave. Depending on the circumstances of the call or order, an employee may request military leave without having orders or a written statement from his/her commander. The employer should rely on notices published in the Federal Register, pursuant to 10 U.S.C. Chapter 1209, in considering the employee’s request for military leave, since these notices are not provided to individual service members.

Employees who have worked for the state for at least 90 calendar days will be granted leave without pay to be inducted or otherwise enter military service. They are not paid for such leave unless they are members of reserve components as specified above.

An employee who re-enlists while on active duty or a commissioned officer, who voluntarily enters on extended active duty beyond that required upon accepting a commission, is not eligible for reinstatement.

Employees who are members of the Ohio National Guard will be granted military leave for mob, riot, flood, civil defense or other emergencies when so ordered by the Governor to assist civil authorities. If the emergency exceeds an employee’s entitlement of 22 calendar days of military leave during any federal fiscal year cycle leave without pay will be granted for the remainder of the official period of the emergency.
Employees found to be abusing military leave will be subject to disciplinary action which will include reimbursing the state for the time misused. Employees found to be submitting false documentation are subject to disciplinary action which may include termination.

**ACTIVE MILITARY DUTY FOR EXEMPT EMPLOYEES**

For periods of voluntary or involuntary active duty of 1-30 days, employees on duty may use any combination of the below:

- Military leave with pay (176 hours)
  - While on paid military leave, employees accrue all forms of leave (e.g., sick, vacation, and personal). After exhausting the 176 hours of paid military leave, an employee no longer accrues any form of leave, unless he/she remains in active pay status using available personal, vacation and/or compensatory leave.
- Leave without pay (not to exceed 2 full pay periods).
- Personal, vacation and compensatory leave.

For periods of voluntary or involuntary active duty of 1-180 days, if military leave with pay (176 hours per year) is already exhausted, and vacation, personal and compensatory leave are not available, or the employee does not desire to use any portion of their available leave balances, employee may use:

- Military Leave of Absence Without Pay, though it is not renewable or extendable past 180 days total.

(Note: Employees called to Federal Duty are eligible for the benefits provided in Amended Substitute Senate Bill 164 (Pay Differential and Health Care), while employees called to state active duty are not.)

For periods of voluntary or involuntary active duty of unknown duration that will obviously exceed 180 days with no known date of return:

- An employee will have full reinstatement rights after release from active duty if the individual submits a written request for reinstatement within 90 days.
- An employee may retain health care insurance by paying his/her share of the premium. The State of Ohio will continue to pay the employer's share.

**PERSONAL LEAVE OF ABSENCE WITHOUT PAY FOR MILITARY DUTY**

Personal Leave of Absence Without Pay should be used when:

- An exact starting and ending date for military duty is known.
- An employee must continue his/her military duty past the 176 hours allowed.
Appropriate travel time to and from the military duty station must be included in the total leave requested (not to exceed 180 days).

- For example, if an employee is ordered to active military duty (or volunteers) for a period of 45 days, then his/her request for a personal leave of absence should probably be for 47 days. This would allow for one-day travel to report and one-day travel back to his/her home of record after release from active duty. In unusual circumstances, it may be appropriate to allow two days travel on each end because of distance. There is no standard rule for allowance of travel time. Supreme Court decisions refer to the term "allowable" or "reasonable" travel time to and from active military duty station. Certainly distances of 100 miles or less should not require additional travel days in excess of the actual military duty days.

- In all cases, there must be military orders for either voluntary or involuntary active military duty. In most cases these orders are printed and distributed prior to the active duty date. In a few cases, the orders are not actually printed and/or distributed until the individual has progressed two or three days into the active duty period. In either case, the employee has the responsibility to provide a copy of such orders to the Human Resources Department. If an individual must deploy prior to orders being issued, then a letter (on military unit letterhead) signed by the military commander as a temporary document in lieu of the orders is acceptable to process the leave request. When orders are issued, a copy must immediately be forwarded to the Human Resources Department.

- The Leave Request (Military) Form must be used to request a personal leave of absence without pay for military reasons, for 1 through 180 days. This military duty may be voluntary or involuntary.

- Unless the employee has requested to use his/her available leave balances after the 176 hours have been exhausted, all leave balances (vacation, personal or compensatory) will remain intact throughout this period.

- Employees on an approved leave of absence from 1-180 days may retain their health and medical insurance plan during this period by making direct payments or they may let their insurance lapse until their return to a pay status.

- An employee has reinstatement rights to the same or similar position if he/she applies in writing to the appointing authority within the designated time after release from active duty:
  - Active duty service of less than 30 days, must apply for reinstatement immediately upon release from active duty.
  - Active duty service of 31-180 days, must apply for reinstatement within 14 days upon release from active duty.
  - Active duty service in excess of 181 days, must apply for reinstatement within 90 days upon release from active duty.
- Must have an honorable discharge or released from duty in an honorable status.

- Requests for personal leave of absence without pay for military duty require a copy of military orders.

- Exempt employees on unpaid military leave do not accrue sick, vacation, or personal leave.

REFERENCES

Ohio Administrative Rule 123:1-34-05
State Operating Budget (House Bill 49) included an amendment to ORC 5923.05
POLICY

Permanent employees of the Office of the Inspector General (OIG) may donate sick, personal or vacation leave to a fellow employee who is otherwise eligible to accrue and use sick leave pursuant to the provisions of section 124.391 of the revised code and this rule. The intent of the leave donation program is to allow employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to the catastrophic illness of the employee or a member of the employee’s immediate family. The definition of immediate family as provided in rule 123:1-47-01 of the Administrative Code shall apply for purposes of the leave donation program.

ELIGIBILITY TO RECEIVE DONATED LEAVE

An employee may receive donated leave up to the number of hours the employee is scheduled to work each pay period, if the employee:

- Is in critical need of leave due to their own catastrophic illness or that of his/her immediate family member;
- Has no accrued leave;
- Has not been approved to receive other state paid benefits, and;
- Has applied for any paid leave, worker’s compensation, or benefits program for which the employee is eligible. Donated leave may be used to satisfy a required waiting period. If needed, donated leave may be used after the waiting period up to the amount equal to the benefit for which the employee is pending approval. (e.g., 67 percent for disability leave benefits.)

REQUESTING DONATED LEAVE AND CERTIFICATION

An employee may request to use donated leave up to the number of hours the employee is normally scheduled to work in a pay period by:

- Submitting a written request to the Human Resources Department listing the number of hours and dates the donated leave is being requested.
- Submitting the STATE OF OHIO Certification of Health Care Provider For Employee’s or Immediate Family Member’s Serious Health Condition. Donated leave will also be charged against an employee’s yearly Family Medical Leave Act (FMLA) entitlement.
CRITERIA FOR DONATING LEAVE AND CERTIFICATION

Employees may donate leave if the donating employee:

- Voluntarily elects to donate leave and does so with the understanding that donated leave will not be returned;
- Donates a minimum of eight hours, and;
- Retains a combined leave balance of at least 80 hours.

Leave shall be donated in the same manner in which it would otherwise be used. Employees may choose to donate vacation, sick, or personal leave. Employees who wish to donate leave shall complete a donor application form.

The leave donation program shall be administered on a pay period by pay period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave can be received. Donated leave hours can never be converted into a cash benefit.

The Office of the Inspector General (OIG) shall ensure that no employee is forced to donate leave and an employee’s right of privacy is respected. However, the Inspector General or his/her designee may, with permission of the employee who is in need of leave, inform other employees of the co-worker’s critical need for leave. The OIG shall not directly solicit leave donations from employees. The donation of leave shall occur strictly on a voluntary basis.

REFERENCES

Ohio Revised Code § 124.391
Ohio Administrative Code 123:1-46-05
PURPOSE

Living Organ and Bone Marrow Donor leave (donor leave) is intended to provide an opportunity for state employees to receive a specified amount of paid leave immediately after donating their kidney, a portion of their liver, or bone marrow in order to recuperate from the procedure.

ADMINISTRATION OF PROGRAM

Pursuant to R.C. 124.139:

(A) **Per calendar year**, a full-time state employee is eligible to receive up to 240 hours of leave with pay when he/she is absent from work due to donating any portion of an adult liver or adult kidney.

(B) **Per calendar year**, a full-time state employee is eligible to receive up to 56 hours of leave when he/she is absent from work due to donating adult bone marrow.

(C) A full-time state employee who uses leave granted under division (A) or (B) of this section will be compensated at the employee’s regular rate of pay during the employee’s absence from work.

ELIGIBILITY

Paid organ or bone marrow donor leave is available to full-time permanent employees of the Office of the Inspector General. A full-time permanent employee is defined as an employee whose regular hours of duty total 40 hours in a week and whose appointment is not for a limited period of time. No employees other than full-time permanent employees are eligible for paid organ or bone marrow donor leave.

LEAVE AND BENEFIT AMOUNT

Compensation for donor leave will be at the employees’ current regular hourly rate of pay. For the duration of donor leave, employees are eligible to receive all employer-paid benefits and accrue all forms of leave as if they were in active pay status.

EFFECTIVE DATE AND APPLICATION PROCEDURE

Donor leave shall begin on the date of the procedure. An Employee who desires to use such leave is encouraged to apply in writing 10 working days prior to the procedure or as soon as possible after the employee is informed of the date of the procedure. In order to receive donor leave, the Human Resources Department will need to have the employee complete and submit within 10 days of the procedure a *Certification of Health Care Provider for Employee’s Serious Health Condition* form as well as the *State of Ohio Physician or Health Care Provider Certification For Living Organ and Bone Marrow Donor Leave* form (ADM 4261).
HOLIDAYS

Employees shall not be eligible to receive holiday pay while on donor leave. Holidays shall be counted as one day of donor leave and be paid as donor leave.

WORKING DURING DONOR LEAVE

Employees may work a reduced schedule during any portion of the donor leave period, subject to approved medical authorization from the employee's attending physician. The physician’s statement must indicate the number of hours the employee can work and any restrictions placed on the employee's activities. Employees who are permitted to work a reduced schedule during such period shall establish a schedule that is acceptable to their supervisor.

DURATION

Under no circumstances will donor leave be granted beyond the applicable statutory period. Donor leave shall not be used to extend the layoff date of employees.

DISABILITY BENEFITS

Employees who experience medical complications as a result of donating their kidney, a portion of their liver, or bone marrow that extend beyond the duration period of the donor leave, may apply for state disability leave benefits. Employees would be required to meet all eligibility criteria for disability leave, including serving a 14-day waiting period after the conclusion of donor leave. Employees may utilize sick, vacation, personal leaves and/or compensatory time to receive pay during the 14-day waiting period and to supplement the 67 percent wages for the remaining time of disability leave benefits or any portion thereof.

OVERTIME

No portion of donor leave will be included in calculating overtime.
RESIGNATION / RETIREMENT

An employee who resigns or retires from the Office of the Inspector General (OIG) must submit, in writing, notification to his/her supervisor. It is preferred that an employee give at least a two-week notice prior to his/her last date of employment. The notification shall include the employee’s last working day. After receipt of the notification, the Human Resources Department will promptly provide exit paperwork to the employee for completion. An employee may not use any type of accrued leave time to extend his/her resignation date.

TRANSFER TO ANOTHER STATE AGENCY

If an employee transfers from the Office of the Inspector General (OIG) to another State agency, he/she must submit notification to his/her supervisor. The notification must include the effective date of the transfer, and the name of the agency to which the employee is transferring. It is preferred that an employee give at least a two-week notice prior to his/her transfer date.

All leave balances, with the exception of compensatory time, may be transferred to another state or public agency if the receiving agency agrees to allow the transfer of leave balances.

DISABILITY SEPARATION

An employee who is unable to perform the essential functions of his/her position with or without reasonable accommodations will be disability separated under the following circumstances:

- Ineligible to receive disability benefits; and
- Unable to return to work at the time the disability leave benefits are exhausted.

INSPECTOR GENERAL PROPERTY

An employee with the Office of the Inspector General (OIG) is required to verify and return all assigned property in their physical possession (e.g., identification card, credentials, keys, badge, parking pass, work telephone, laptop and any additional office equipment) prior to separating from service or transferring to another state agency.

An employee shall be responsible for any cost associated with lost or stolen property belonging to the OIG.
LEAVE PAYOFFS UPON SEPARATION OF SERVICE

Employees are entitled to a cash benefit conversion of accumulated unused sick leave, personal leave and/or vacation leave upon separation of service. Leave balances are converted to cash as follows:

a.) Payment for unused vacation hours is at 100 percent of an employee’s hourly rate;

b.) Payment for unused sick leave hours is at 50 percent of an employee’s hourly rate as long as the employee has at least one year of total state service. Employees who retire receive payment for unused sick leave at 55 percent of their hourly rate;

c.) Unused sick leave may also be retained for three years from date of separation. If a separated employee does not convert unused sick leave to cash within the three-year period, the employee is no longer eligible to convert the sick leave to cash. Employees may be eligible to retain sick leave balances for reinstatement up to 10 years;

d.) Payment for unused personal leave is at 100 percent for prorated hours accumulated for the year.

COMPENSATORY TIME

Cash payment for unused compensatory time is not permitted for employees who are designated as overtime-exempt. All compensatory time balances will be forfeited upon separation of employment.

An employee not designated as overtime-exempt shall be paid for accrued but unused compensatory time at a rate that is the greater of the employee’s final regular rate of pay or the employee’s average regular rate of pay during the employee’s last three years of employment with the state.

Compensatory time may not be used to extend an employee’s date of resignation or date of retirement. No compensatory time can be transferred to another state department or agency.
<table>
<thead>
<tr>
<th>INDEX</th>
<th>Policy Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to Confidential Personal Information and OIG Supplement Rule</td>
<td>200.04</td>
</tr>
<tr>
<td>Administrative Leave</td>
<td>500.06</td>
</tr>
<tr>
<td>Adoption/Childbirth Leave</td>
<td>500.07</td>
</tr>
<tr>
<td>Americans With Disabilities Act</td>
<td>300.16</td>
</tr>
<tr>
<td>Attire</td>
<td>300.01</td>
</tr>
<tr>
<td>Auditor of State’s Fraud Reporting System</td>
<td>200.15</td>
</tr>
<tr>
<td>Bereavement Leave</td>
<td>500.10</td>
</tr>
<tr>
<td>Basic Life and Long Term Care Insurance</td>
<td>400.03</td>
</tr>
<tr>
<td>Charitable Campaigns</td>
<td>200.14</td>
</tr>
<tr>
<td>Child Care Voucher Program</td>
<td>400.12</td>
</tr>
<tr>
<td>COBRA</td>
<td>400.13</td>
</tr>
<tr>
<td>Compensatory Time/ Overtime Compensation</td>
<td>500.05</td>
</tr>
<tr>
<td>Confidentiality</td>
<td>200.03</td>
</tr>
<tr>
<td>Confirmation of Independence</td>
<td>300.07</td>
</tr>
<tr>
<td>Court/Jury/Response to Subpoena</td>
<td>500.11</td>
</tr>
<tr>
<td>Credit Union and Savings Bonds</td>
<td>400.08</td>
</tr>
<tr>
<td>Customer Service Standards</td>
<td>300.21</td>
</tr>
<tr>
<td>Deferred Compensation Program</td>
<td>400.07</td>
</tr>
<tr>
<td>Dental and Vision Insurance</td>
<td>400.02</td>
</tr>
<tr>
<td>Disability Leave</td>
<td>500.08</td>
</tr>
<tr>
<td>Document Retention Policy</td>
<td>200.07</td>
</tr>
<tr>
<td>Policy</td>
<td>Code</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Domestic Violence Policy</td>
<td>300.12</td>
</tr>
<tr>
<td>Donated Leave</td>
<td>500.13</td>
</tr>
<tr>
<td>Drug Free Workplace Policy</td>
<td>300.13</td>
</tr>
<tr>
<td>Electronic Personnel Action Request Policy</td>
<td>200.10</td>
</tr>
<tr>
<td>Employee Assistance Program</td>
<td>400.09</td>
</tr>
<tr>
<td>Employee Identification</td>
<td>200.02</td>
</tr>
<tr>
<td>Employee Wellness Program</td>
<td>400.04</td>
</tr>
<tr>
<td>Equal Employment Opportunity</td>
<td>300.15</td>
</tr>
<tr>
<td>Family Medical Leave Act</td>
<td>500.09</td>
</tr>
<tr>
<td>Financial Disclosure Statements</td>
<td>300.09</td>
</tr>
<tr>
<td>Flexible Spending Accounts</td>
<td>400.05</td>
</tr>
<tr>
<td>Governor’s Policy and Procedure for Notification</td>
<td>300.19</td>
</tr>
<tr>
<td>Of suspected Illegal or Improper Activity</td>
<td></td>
</tr>
<tr>
<td>Health Insurance</td>
<td>400.01</td>
</tr>
<tr>
<td>Holiday Leave</td>
<td>500.01</td>
</tr>
<tr>
<td>Information Technology Policy</td>
<td>200.08</td>
</tr>
<tr>
<td>Inventory Control</td>
<td>200.09</td>
</tr>
<tr>
<td>Living Organ and Bone Marrow Leave</td>
<td>500.14</td>
</tr>
<tr>
<td>Media Relations/Noteworthy Issues</td>
<td>200.12</td>
</tr>
<tr>
<td>Military Leave</td>
<td>500.12</td>
</tr>
<tr>
<td>Municipal and School Income Tax Liability</td>
<td>300.06</td>
</tr>
<tr>
<td>Non-Smoking Policy</td>
<td>300.14</td>
</tr>
<tr>
<td>Office Hours/Work Schedules</td>
<td>300.03</td>
</tr>
<tr>
<td>Ohio Law Enforcement Gateway</td>
<td>200.17</td>
</tr>
<tr>
<td>Payment Card Policy</td>
<td>300.20</td>
</tr>
</tbody>
</table>
Payroll and Timekeeping Policy
Personal Leave
Pre-Employment Conditions
Political Activity
Prior Service Credit
Public Employee Retirement System
Public Records Policy
Public Safety Emergencies
Purchasing Procedures
Records Requests
Response to Active Aggressor
Seeking New or Secondary Employment
Separation of Service
Sexual Harassment
Sick Leave
Standards of Behavior
Storage and Disposition of Evidence Policy
Summary of Benefits
Travel Policy
United Behavioral Health
Vacation Leave
Workers’ Compensation Policy
Workplace Violence Policy