



EDUCATIONAL SERVICE CENTER
of Lorain County

Staff
Information
2023-2024

Updated & Board approved May, 2023

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I- BENEFITS

As a member of the Educational Service Center of Lorain County, there are certain programs that are mandated by Ohio Law to offer various types of protection to you and your family, and in which the Governing Board must participate financially. In addition, there are others which the Board feels are beneficial to the health and welfare of its employees and which are available on a voluntary basis through contribution and/or endorsement.

1.1 Retirement-Certificated

All Certified employees will become members of the State Teachers Retirement System. Deductions will be made from your pay, as well as contributions by the Board, to this system. Effective July 1, 2016, the employee contribution was increased to 14% and the employer's share is 14%.

In accordance with Board policy, Federal and State taxes on the employees' contributions to the State Teachers Retirement System (14%) are not being withheld. At retirement, these funds will be taxable in accordance with the tax policies in effect at that time. For further information, contact the Treasurer's Office.

1.2 Retirement- Classified

All Classified employees will become members of the School Employees Retirement System. Deductions will be made from your pay, as well as contributions by the Board, to this system. The employee contribution is currently 10% and the employer's share is 14%.

Federal and State taxes on the employees' contributions to the School Employees Retirement System (10%) are not being withheld, in accordance with board policy. At retirement, these funds will be taxable, in accordance with the tax policies in effect at that time. For further information, contact the Treasurer's Office.

1.3 Worker's Compensation

All members of the Center are protected by Worker's Compensation for injuries, which occur while carrying out duties and responsibilities of their jobs. The cost of this protection is borne by the Board. For individuals to receive compensation, specific steps must be followed:

1. Immediate notification of the individual in charge where the accident or injury occurred;
2. Contact the Treasurer to obtain the phone number to report the injury to Sheakley UniService, our worker's comp service provider.
3. Complete an accident report and submit to the Treasurer as soon as possible

1.4 Unemployment Compensation

Unemployment compensation is intended to provide a measure of financial security to employees and their families following an involuntary separation, not due to cause. To receive benefits from this program, the individual must establish eligibility through the Ohio Bureau of Employment Services.

1.5 Annuities

Arrangements may be made for deductions for tax shelters at the written request of the employee. Contact the Treasurer's Office for additional information.

1.6 Credit Union

Payroll deduction is available for use with the School Employees Credit Union. For further information concerning services offered by the Credit Union, contact:

Achieve Credit Union
340 Griswold, Road Elyria, Ohio 44035
Telephone: 324-3400

To initiate a payroll deduction, contact the Treasurer's office.

1.7 Severance Pay

Purpose -- In accordance with statute, all employees who present evidence of retirement from active service with the County Governing Board shall be granted severance pay for their accrued but unused sick leave days. This policy specifies the manner for so doing.

Authority – the Board authorized the payment to a retiring employee under the following formula based upon unused sick leave days:

30 days for first 120 days (25%)
30 days for next 90 days (33 1/3%)
60 210

Not to exceed 60 day total. Based on 210 sick leave days.

Severance for employees hired for school districts hired after July 1, 2023

15 days for first 120 days (12.5%)
15 days for next 90 days (16 2/3%)
30 210

For purposes of these guidelines, "retirement" means under State Teachers or School Employees Retirement systems.

Guidelines -- In order to qualify for severance pay, an employee shall have made application within three months following the effective date of retirement, and have an effective retirement date no later than 180 calendar days after the final day of service with this Board.

An employee must have worked a minimum of five continuous years for the Educational Service Center of Lorain County to be eligible for severance pay.

If approved, severance pay will be made by the Board in the following manner:

After the application is filed and the employee's retirement is verified to the Treasurer by the State Teachers or School Employees Retirement System, payment will be made no sooner than 30 days after compliance or no more than 180 days, depending upon the employee's written request to the Treasurer. Such payment shall be made only once to an employee.

Severance will be paid at the time of death to the employee's estate provided employee had ten continuous years of employment at the Educational Service Center of Lorain County. Payment shall be based upon the employee's daily rate of base pay, based on the days of service at the time of retirement, exclusive of overtime, longevity or any supplementary pay. Payment of severance pay shall eliminate all obligations of the employer at the time of retirement from any further payment or restoration of sick leave unused and shall extinguish leave balance. Reemployed retirees are not eligible for severance payout.

1.8 Insurance

The Board makes available to full-time employees medical insurance (hospitalization and prescription drug), dental and vision insurance. Both the employee and the Board contribute to purchase the level of benefits available to each full-time employee. The annual employee contribution is 15%.

In order to have a 15% employee contribution to health insurance for the 2022-23 school year and future years and participate in any premium holidays offered by LERC during the school year: You must accomplish the following wellness goals as described by LERC:

- Complete the blood draw
- Complete health assessment
- Achieve 200 points in the Wellness Portal

In order to have a 16% employee contribution to health insurance for the 2022-23 school year and future years and participate in any premium holidays offered by LERC during the school year: You must accomplish the following wellness goals as described by LERC:

- Complete the blood draw
- Complete health assessment

If you do not meet either of the wellness goals above, you will not be eligible for any premium holidays offered by LERC during the school year and your contribution rate will be 20%.

Currently, the carrier for hospitalization and vision insurance is Medical Mutual, the carrier for prescription drug insurance is CVS and Delta Dental is the dental insurance carrier. The Board reserves the right to change carriers. For details of coverage provided, brochures and pamphlets are available on request.

Beginning with employee start dates July 1, 2020, to be eligible to participate in the health plan, an employee must work on a regularly scheduled basis at least six (6) hours per day or a minimum of 30 hours per week.

Questions relating to whether specific costs are covered should be directed to the Lake Erie Employee Protection Plan Office at 440-324-5777 ext. 1116.

For newly employed employees, coverage would begin on the first day of the month following twenty-five (25) days from the first day of employment.

Current employees may elect to add or change coverage during the month of June without the limitation of a waiting period. Any change in coverage may be subject to medical underwriting.

ANY EMPLOYEE NOT SELECTING (MEDICAL, VISION, DENTAL) COVERAGE WILL BE REQUIRED TO SIGN A WAIVER INDICATING THEY HAVE ELECTED NOT TO PARTICIPATE IN THIS COVERAGE.

If you submit false information on the Insurance Enrollment form or Spouse Eligibility Certification form, or fail to notify the ESC of changes as described below, you may be subject to disciplinary action by the ESC, up to and including termination of employment.

The ESC requires that if your spouse is eligible to participate in group health insurance and/or prescription drug insurance, your spouse must enroll in such employer-sponsored group insurance coverage(s). Any spouse who fails to enroll in any such group insurance coverage, as required by this Section, shall be ineligible for benefits under group insurance coverage sponsored by the ESC.

Please note it is your responsibility to advise the ESC immediately (and not later than 30 days after any change in eligibility) if your spouse becomes eligible to participate in group health insurance and/or prescription drug insurance sponsored by his/her employer. Upon becoming eligible, your spouse must enroll in such insurance(s) and upon such enrollment by your spouse, the ESC's group insurance will become the secondary payer of benefits.

If you submit false information on the certification form or fail to timely advise the ESC of a change in your spouse's eligibility for employer-sponsored group health insurance and/or prescription drug insurance, and such false information or such failure by you results in the provision of benefits to which your spouse is not entitled, you will be personally liable for reimbursement of benefits and expenses, including attorneys' fees and costs. Any amount to be reimbursed by you may be deducted from the benefits to which you would otherwise be entitled. In addition, your spouse will be terminated immediately from group health insurance and/or prescription drug insurance coverage provided by the ESC.

1.9 Resignations & Insurance Implications

If you resign before your contract is over your insurance ends on your last day worked.

If you have a summer resignation (June, July or August) your insurance ends at the end of the contract you have completed.

1.10 Life Insurance

The Board will provide one and one-half of the employee's salary in life insurance, rounded off to the nearest \$500, for the full-time employee (six hours per day or a minimum of 30 hours per week on a regularly scheduled basis), at a cost not to exceed \$0.25 per thousand upon completion of an application and commencement of employment, up to maximum amount allowed by our current carrier.

Supplemental life insurance is available to employees at the employee's expense upon completion of an application and commencement of employment. In addition, dependent supplemental life insurance is available for dependent children and for a spouse upon completion of an application and commencement of employment. This benefit is available only at the time of initial employment or during open enrollment in the month of June.

1.11 Medicare

Under federal law P.L. 99-272--the "Act", it is mandated that all state and local government employees hired after March 31, 1986, will participate in the federal Medicare program. Under the Act, employees hired after March 31, 1986, and their employer is subject to matching Medicare contributions of 1.45 percent of the applicable employee's wages.

1.12 C.O.B.R.A

On April 7, 1986, a new Federal Law was enacted (Public Law 99-272, Title X) requiring that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the Plan would otherwise end. This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation of coverage provision of the new law.

If you are an employee of an employer covered by the employer's health plan you have a right to choose this continuation coverage if you lose your group health coverage because of a reduction in your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part).

If you are a spouse of an employee covered by the employer's group health plan, you have the right to choose continuation coverage for yourself if you lose group health coverage under the employer's group health plan for any of the following reasons:

- (1) The death of your spouse;
- (2) A termination of your spouse's employment (for reasons other than gross misconduct) or reduction in your spouse's hours of employment;
- (3) Your spouse becomes eligible for Medicare.

In the case of a dependent child of an employee covered by the employer's group health plan, he or she has the right to continuation coverage if group health coverage under the employer's group health plan is lost for any of the following reasons:

- (1) Death of a parent;
- (2) The termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment with the employer;

- (3) Parents divorce or legal separation;
- (4) The dependent ceases to be a "dependent child" under the Lake Erie Regional Council health plan.

In the event that you elect to exercise this continuation of coverage option, contact the Treasurer for further information.

2- CALENDAR

2.1 Educational Service Center School Program Calendars

The Educational Service Center of Lorain County (ESC) annually adopts a calendar for the ensuing year, identifying the official school year for each ESC school program (Early Learning Center, Pathways to Success and Detention Home).

2.2 Educational Service Center Employee Calendar

Employees of the ESC, in general, work either a 9, 10 or 12 month calendar. All 10 month employees receive six paid holidays (Labor Day, Thanksgiving Day, Martin Luther King Day, Presidents Day, Good Friday, Memorial Day).

Please view on www.loraincountyesc.org/staff/resources

3- STAFF INFORMATION

3.1 Issuance

Employees will have access to "Staff Information" through the ESCLC web page. This is accessible at loraincountyesc.org. An explanation of any of the information will be given by the Superintendent or designee upon request, and is subject to change at the Superintendent's discretion or by adoption of Board Policies.

3.2 Revisions

Any revisions to the handbook will also be updated on the web by September 1st. At any time the Superintendent may, at his discretion, amend, delete from, add to or change the information contained herein.

3.3 Housing District Policies

Personnel housed full-time in the districts will follow the information listed in here except those pertaining to work schedules, holidays, vacation and personal days. That information will be determined by the housing district. Any conflicts will be worked out cooperatively by the Superintendent and the District Superintendent, when deemed necessary.

3.4 Fiscal Agency Operations

All personnel assigned to "Cooperative" operations, such as Lake Erie Regional Council will follow the information listed. Any conflicts will be worked out cooperatively by the Superintendent or designee and the Director.

4 – CERTIFICATION/LICENSURE/PUBLIC SCHOOL WORKS

4.1 Standards

The State Department of Education establishes certification standards and procedures. (ORC 3319.23)

4.2 Filing

It is the responsibility of each certificated person to file the appropriate certificates with the Educational Service Center. (ORC 3319.36) An employee shall not receive pay until appropriate certificates have been filed in accordance with ORC 3319.36.

4.3 Public School Works

Public School Works modules ensure employees of the service center are knowledgeable of state laws and regulations. The modules also serve to inform the employee of the service centers policies and guidelines. In order to maintain staff compliance with these regulations it is imperative every staff member complete these modules in a timely manner. Given the importance of these modules the following timelines should be followed regarding completion of the modules. New employees must complete their modules by the end of their first full week of work. All returning employees must complete the modules by the Tuesday following Labor Day. Lack of completing is considered insubordination and can result in disciplinary action.

5 - CONTRACTS

5.1 Contract Status

Administrative Contracts. The Educational Service Center of Lorain County shall provide contracts to all administrative employees in accordance with the provision of H.B. 769 and ORC3319.01 for the Superintendent and ORC 3319.02 for all other administrators.

Teacher Contracts: All teachers are issued a one-year limited contract per ORC 3319.08.

Classified Limited Contracts:

1. All new regular employees receive a one-year limited contract. (ORC 3319.081-A)

Year 1 - First contract - 1 year contract

Year 2 - Second contract - 2 year

Year 3 - Salary Notice

Year 4 - Third contract - 2 year

Year 5 - Salary Notice

Year 6 - Fourth contract - 2 year

Year 7 - Salary Notice

Year 8 - Fifth contract – continuing

Classified Continuing Contracts:

After seven years of continuous employment with the Educational Service Center of Lorain County, if the Board chooses to reemploy the employee, a continuing contract is issued. (ORC 3319.081-B).

5.2 Resignations

Certificated Staff Resignation. When a certificated employee finds it necessary to tender a resignation, it is suggested that the situation be discussed with the appropriate administrative officer. A formal letter of resignation must be presented for submission to the Educational Service Center of Lorain County. Resignations will, hopefully, be timed to coincide with the individual's completion of obligations for the current school year. As much advance notice as possible would naturally be expected, but in those exceptional situations as soon as possible is encouraged. A resignation during the school year or after July 10th will be considered on the condition that a suitable replacement will be secured. An employee under contract to the Educational Service Center of Lorain County may submit, without consequences, a resignation to become effective after the completion of the annual school session and before July 10th. Termination by an employee at any other time without the Board's consent subjects the employee to penalties of ORC 3319.15, which calls for revocation of the individual's certificate for one year.

Classified Staff Resignation. When a classified employee finds it necessary to tender a resignation, it is suggested that the situation be discussed with the appropriate administrative officer. A formal letter of resignation must be presented for submission to the Educational Service Center of Lorain County.

5.3 Termination of Contract

Termination of Teacher Contract. Ohio Revised Code 3319.16 provides that a certified employee may be terminated for the following reasons:

Gross inefficiency or immorality
Willful and persistent violations of reasonable regulations of the Governing Board
Other good and just cause (other good and just cause has been defined by the Ohio Supreme Court as a fairly serious matter.)

The Governing Board has the power to suspend an employee's contract prior to the hearing on termination if in the Board's opinion the character of the charges warrants immediate action.

The Governing Board must notify the individual of its intention to terminate his/her contract and the notice of said intention must be signed by the Treasurer and mailed to the employee setting forth with full specification the grounds for such consideration.

The employee has ten (10) days from receipt of said notice to request a hearing before the Board or a hearing before a referee. If such request is not made, the Board is free to proceed with the termination of the contract.

If a notice is received from the employee, a hearing date shall be set by the Governing Board no sooner than twenty (20) nor later than thirty (30) calendar days after receipt of the written notice.

The hearing before the Governing Board or referee shall be confined to the reasons set forth in the notice sent to the employee.

The employee has the right to the following for the hearing:

1. A complete stenographic record of the proceedings, a copy of said record is to be furnished to the individual.
2. Representation by counsel.
3. The right to require witnesses to appear under oath.
4. The right to cross-examine witnesses.
5. The right to issue subpoenas to require the presence of witnesses. These subpoenas are to be issued by the Treasurer of the Board.

If the hearing occurs before a referee, the referee shall file his report within ten (10) calendar days after the conclusion of the hearing. The referee's recommendation is advisory only and the Governing Board by majority vote may accept or reject the referee's recommendation. After a hearing before the Governing Board, the Governing Board by majority vote may enter its determination upon its minutes.

If an order of termination is issued by the Governing Board, it shall state the grounds for the termination.

In the event that the termination is deemed inappropriate, all charges and records of the hearing shall be physically expunged from the minutes of the Governing Board and if the employee has suffered any loss of salary by reason of being suspended, he/she shall be paid his/her full salary during the time of the suspension.

The employee has the right to appeal the termination of his/her contract to the Court of Common Pleas within thirty (30) days after termination of the contract. The employee must file an original petition in the Court of Common Pleas challenging the termination of the contract. The original transcript and all the evidence presented shall be transmitted to the Court and the Court may consider that plus any other evidence it deems appropriate in determining whether or not the action of the Board was proper.

The decision of the Court may be appealed by either party to the Court of Appeals and all the way to the Supreme Court.

Demotion, Suspension or Termination of Classified Contract.

An employee, regardless of contract, may be demoted, suspended for a definite period of time, or terminated by a majority vote of the Board and only for violation of written rules of the Board or for the following reasons: Incompetency, insubordination, inefficiency, and neglect of duty, dishonesty, and discourteous treatment of the public, drunkenness or immoral conduct. (ORC 3319.081-C)

An employee will be notified of his demotion, suspension or termination by registered mail. (ORC 3319.081-C)

An employee may appeal action taken within ten (10) days of written notice by filing in the Lorain County Common Pleas Court. (ORC 3319.081)

5.4 Termination of Administrative Staff

Administrative Employees. The success of the educational system lies with those individuals who provide the direct services to children and/or provide supportive services to teachers and administrators. It is the Board's desire to maintain a staff of well-trained, competent professionals to offer comprehensive services to the Lorain County Schools. Only those so evaluated will be retained by the Board.

If the services of an administrator are found to be unsatisfactory to the Board, he/she shall be notified by the Superintendent.

If his/her performance continues to be unsatisfactory, the administrator shall be notified in writing by the Treasurer, as approved by the Board by June 1st of the year his/her contract expires that his/her services will not be renewed.

Before taking action to renew or not renew the contract of an administrator, the Board shall notify each such employee of the date his/her contract expires, and that he/she may request a meeting with the Board. Upon request, the Board shall grant a meeting in executive session to discuss its reason for renewal or nonrenewal.

5.5 Non-Renewal

Administrative Employees. An administrative employee, whose limited contract expires at the end of the current contract year (excluding substitutes) whom the Board does not wish to rehire for the succeeding year, will be notified in writing on or before June 1st. Unless notified of non-renewal, the employee is considered rehired.

Teaching Employees. A teaching employee whose limited contract expires at the end of the current contract year (excluding substitutes) whom the Board does not wish to rehire for the succeeding year, will be notified in writing on or before June 1st. Unless notified of said non-renewal, the teacher is considered rehired (ORC 3319.11)

Classified Employees. Any classified employee whose limited contract expires at the end of the contract year, excluding substitutes, whom the Board does not wish to rehire for the succeeding year, must be notified in writing on or before April 30. Unless notified, the employee is considered rehired. (ORC 414.29-I)

Employees on continuing contracts are automatically rehired. (ORC 3319.081)

In the case of special projects and/or federal programs, it may be the policy of the Board to automatically non-renew all personnel employed under the project/program until availability of funding can be assured.

5.6 Reduction in Staff

It is the responsibility of the Governing Board to provide appropriate staffing levels for the implementation of the educational program of the Center and the operation of the schools and to do so efficiently and economically.

The Board reserves the right to reduce positions and to suspend the contracts of staff members pursuant to such reduction whenever reasons of decreased enrollment of students, return to duty of regular professional staff members after leaves of absence, suspension of schools or territorial changes

affecting the Center, staff reorganization, changes in state requirements, or financial reasons so warrant. In lieu of suspending an entire contract the Board may suspend the contract of a staff member in part and provide a level of compensation commensurate with the percentage of work performed.

In making any such reduction, the Board will suspend contracts in accordance with the recommendation of the Superintendent who shall, within each teaching field or service area affected, give preference first to teachers on continuing contract. The Board shall not give preference to any teacher based on seniority, except when making a decision between teachers who have comparable evaluations.

Continuing contract teachers whose contracts are suspended shall have a right to restoration of employment in the Center if and when teaching positions become vacant or are created for which any such teachers are or become qualified. No continuing contract teacher whose contract has been suspended will forfeit such right to restoration by reason of having declined recall to a position that is less than full-time or, if the teacher was not employed full-time just prior to the suspension of his/her contract, to a position requiring a lesser percentage of employment than s/he last previously held in the Center. Seniority shall not be a basis for rehiring a teacher, except when making a decision between teachers who have comparable evaluations.

All Seniority is within the ESC program or district program.

Continuing contract classified employees whose contracts are suspended shall have a right to restoration of employment in order or seniority of service with the ESC if non-teaching positions for which the employees are qualified become vacant or is created. Such classified employee(s) will not forfeit his/her right to restoration by reason of having declined recall to a position with fewer hours.

Administrators whose contracts are suspended and who were previously employed by the ESC as a teacher under a continuing contract or who had a continuing contract as a teacher elsewhere prior to being employed by the ESC as an administrator and who have served the ESC for at least two (2) years, shall be offered a position with the ESC as a teacher in his/her area of certification/licensure, subject to the provisions of Board Policy 3131.

Administrators whose contracts are suspended shall be on the administrative recall list for a period of one (1) year from the last day of active employment by the ESC, unless the administrator has accepted other employment prior to that time.

Administrators on the administrative recall list shall have the right of recall only to their prior position and only if the Board reinstates the position. However, the Board will consider such administrators for openings in any other administrative position for which the administrator is qualified and holds the appropriate certification/licensure. The primary factor in filling administrative positions will be the best interests of the ESC.

An administrator shall be notified of a recall by certified mail and must accept, in writing, the employment with fifteen (15) days of service of the recall notice. It is the administrator's responsibility to maintain a current mailing address with the ESC. Failure to accept recall within fifteen (15) days shall be interpreted

as an indication that the administrator does not wish to return to active employment with the ESC and shall result in remove of the administrator from the recall list. If the recall occurs after August 1, the administrator must respond in writing within five (5) days or he/she will be removed from the recall list.

Seniority for all staff positions is based upon the ESC program/district program and status of work.

6 -COPYRIGHT DATA - PRINTING & DUPLICATING SERVICES & COMPUTER SOFTWARE

The Board will make available the equipment necessary for staff to carry out their assignments. This will include access to machines for the reproduction of materials in either single or multiple copies.

The Board recognizes, however, that the 1976 Federal Copyright Law PL-94-553, et al, makes it illegal to duplicate copyrighted materials without permission, except for certain exempt purposes. The Board further realizes that severe penalties are provided for unauthorized copying of audio, visual, printed materials, or computer software, unless the copying falls within the bounds of the "fair use" doctrine. The Board therefore informs all personnel that unauthorized reproductions and/or use of the copyrighted materials is illegal and unethical, and that violations of the copyright laws may result in criminal and civil suits and/or suspension or dismissal from employment.

To protect staff members and the Educational Service Center of Lorain County against legal redress for alleged violations of the copyright laws, the person making the reproductions must be certain that the action conforms to the law. When an individual is not certain, he/she should contact the Superintendent in order to ascertain whether copying falls under "permitted use." If it does not, the Superintendent may seek permission from the copyright holders for reproduction of the materials, using the appropriate request and clearance form.

Requests to reproduce copyrighted materials on district equipment will not be honored unless the reproduction conforms to the Federal Copyright Law.

6.1. Employee Use of Copy Equipment

Employees are permitted to use the copy equipment for personal use as long as the number of copies made is reasonable. The cost per copy for personal use is 10¢ per copy.

Duplication of materials for non-board employees

Pending board action, if a non-board employee has requested copies of public record materials, they may be duplicated at 10¢ per page. All requests for such duplication of materials will be granted providing enough time is given to schedule the work.

7 - EMPLOYMENT

The Governing Board does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, military status, ancestry, genetic information (collectively, "Protected Classes"), or any other legally protected category, in its programs and activities, including employment opportunities.

Notice of the Board's policy on nondiscrimination in employment practices shall be posted throughout the Center, published in any Center statement regarding the availability of employment, and in any staff handbooks.

Sex-Based Discrimination

Discrimination against a transgender individual because that person is transgender is discrimination based on sex and therefore a violation of Title VII. Specifically, discrimination against transgender individuals on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior.

Additionally, employment actions based upon an individual's sexual orientation are suspect and potentially impermissible.

Administrators are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her transgender identity or sexual orientation.

Any questions concerning whether alleged conduct might violate this prohibition should be promptly brought to the Superintendent's attention.

Military Status

For purposes of this policy/administrative guideline, "military status" refers to a person's status in the uniformed services which includes the performance of duty, on a voluntary or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of the Ohio organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

8 - EXPENSES (Reimbursement)

8.1 Reimbursement

Mileage shall be calculated utilizing the following guidelines:

1. Mileage shall not be paid from home to work or the reverse
2. If an employee departs and/or returns directly for a location other than their normal work station (e.g. conference or meeting) the mileage calculation shall subtract their normal mileage from home to work (or the reverse) from the total mileage. If the employee returns to the office after the initial meeting or conference, this mileage would not be reduced in any way.

a. Employee's normal home to work mileage - 15 miles

Employee's special conference mileage - 100 miles

Employee departed from home and went directly to the conference

Mileage calculation: $100 - 15 = 85$ miles

Employee returned to work station after conference

Mileage from conference to work - 60 miles

Mileage calculation: 60 miles

Total mileage submitted for this day: $85 + 60 = 145$ miles

b. Employee reports to work from home - 15 miles
Employee departs to local meeting - 10 miles
Employee returns to the office after meeting - 10 miles
Employee departs for home at end of work day - 15 miles
Total mileage submitted for this day: $10 + 10 = 20$ miles

c. Employee reports to work from home - 15 miles
Employee departs to local meeting - 10 miles
Employee departs for home after meeting (at end of work day) - 17 miles
Total mileage submitted for this day: $10 + 2 = 12$ miles
(*note employee must subtract normal mileage to home [15] from 17)

3. If an employee has multiple work stations during a day, they shall receive mileage for all travel, except for the trip to the first work station and travel home from the last work station

a. Employee reports to work from home - 15 miles
Employee departs to School A - 5 miles
Employee departs to School B - 8 miles
Employee departs for home at end of work day - 17 miles
Total mileage submitted for this day: $5 + 8 = 13$ miles

Mileage will be reimbursed at the IRS rate effect January 1st. As conditions dictate, adjustments will be reflected in the rate adopted by the Board. Travel should be by the most reasonable, direct and economical route. When more than one employee is traveling to the same place every attempt will be made to share the trip/mileage.

Reimbursement forms are to be completed and submitted to your division director or appropriate administrative officer for approval at least quarterly, and final expenses shall be submitted on the last day of your regular calendar. For 260 day employees expenses through May 31 should be submitted no later than the first Monday in June & June expenses shall be submitted to the Treasurer's office no later than the last working day in June. Those submitted later than June 30th may be denied.

Original and itemized receipts must be attached for reimbursement of tolls, motel, parking, registration, meals, etc.

Meal reimbursements will be made when accompanied by a required overnight hotel stay, including gratuity. Meal reimbursement is limited to \$35 for dinner, \$15 for lunch and \$15 for breakfast. Sales tax on hotel bills is reimbursable and meal gratuity will be reimbursed up to 20%. The Center will not reimburse meals if meals are provided as part of a conference.

The Educational Service Center of Lorain County will prepay registrations for professional meetings, which have been approved by the Superintendent. There is a minimum of \$25 per registration.

Written requests for prepayments should be submitted to the Treasurer along with a requisition approved by the employee's supervisor. At that time, a purchase order will be issued and a check will be sent to the appropriate organization.

The employee is responsible for obtaining a receipt for the registration. Failure to do so will result in the employee having to repay the amount of the registration to the Governing Board. If meals are included in registration fees, duplicate meals shall not be reimbursed.

8.2 Professional Meetings and Conventions

Attendance at any "professional" meeting or convention outside Lorain County must be approved in advance by submitting a preapproval form and receiving approval in advance by the appropriate supervisor. Employees must receive approval from the Governing Board prior to any out-of-state conference or meeting. Under extreme circumstances, the Superintendent may grant such approval. Upon the recommendation of the Supervisor and approved by the Superintendent, additional funds may be provided to an employee for attendance at meetings or conferences.

Contingent upon financial conditions and in order to provide as many opportunities for professional involvement as possible with the funds available for this kind of expense, these guidelines will be imposed when approving expenditures for professional meetings and convention attendance:

1. Original and itemized receipts for public transportation costs, lodging, registration, meals, parking, tolls, etc., must be submitted with the expense account report. In no event will reimbursement for use of private passenger car (rate x miles driven) exceed the cost of the public transportation cost (tourist fare).
2. Reimbursement may be permitted for membership fees to the organization.
3. Prepayment of registration may be requested, in writing, if it exceeds twenty-five dollars. A receipt must be obtained by the employee.
4. If meals are included in registration fees, duplicate meals shall not be reimbursed.
5. Reimbursement for expenses shall not be paid beyond the day before or the day after the conference's start and completion dates, if approved by the Superintendent.
6. When more than one employee is attending the same conference, the payment of mileage, hotel room costs, and travel arrangements will be at the discretion of the superintendent.

9 - HOLIDAY - WORK SCHEDULE

Holidays shall be paid to those full time employees who are regularly scheduled to work on those days. Holiday schedule may be changed as described by the Board's adopted calendar.

| | | |
|-------------------------------|-------------------------|-------------------------|
| <i>New Year's Day</i> | <i>Memorial Day</i> | <i>Thanksgiving Day</i> |
| <i>Martin Luther King Day</i> | <i>Independence Day</i> | <i>Christmas Eve</i> |
| <i>President's Day</i> | <i>Juneteenth</i> | <i>Christmas Day</i> |

Good Friday

Labor Day

New Year's Eve

The office will be closed on the above holidays and the day after Thanksgiving. When a holiday falls on Saturday, the office will be closed on Friday. When a holiday falls on Sunday, the office will be closed on Monday.

10 - JOB DESCRIPTION

The Governing Board recognizes that it is essential for Educational Service Center and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for professional and classified staff positions and thereby promote organizational effectiveness and efficiency. Therefore, the Superintendent shall maintain continuously a comprehensive, coordinated set of job descriptions for professional and classified staff positions.

All other job descriptions shall be defined as guidelines of the Superintendent and will be originated and maintained in accordance with the provisions specified in the bylaws of the Board (See Bylaw 0131) and each shall contain the following provision:

"The employee shall remain free of any alcohol or non-prescribed controlled substance abuse in the workplace throughout his/her employment in the Center."

Employees will be evaluated, at least in part, against their job descriptions.

During the hiring process, the current job description for the position for which the individual(s) interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the position.

Upon employment by the Board, the staff member shall receive a copy of the current job description for the position for which s/he has been employed. The employee's immediate supervisor shall review this job description with the staff member as part of the employment orientation process, and the employee will provide a signature in acceptance of the job description.

From time-to-time, the Board further recognizes that the Superintendent may find it necessary to revise job descriptions.

During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

11- JURY DUTY

Employees summoned to serve as a jury person will be afforded reasonable time to execute their civic duty. However, jury assignments that would involve an extended absence, causing a hardship in the program to which the individual is assigned, may be appealed by the Administration. The Educational Service Center of Lorain County will consider the individual as an active employee while serving in this capacity and will pay an amount equal to the difference between the per diem paid by the Government and the individual's regular rate of pay. All fringe benefits, which the individual participated in prior to jury duty, will be continued.

It is the employee's responsibility to notify the appropriate administrative officer in advance of the summons date.

A written notification of jury duty shall be submitted to the Treasurer's Office.

To simplify the payroll process, the employee may deposit with the Educational Service Center of Lorain County the reimbursement check provided by the appropriate governmental agency.

12 - LEAVES

Various kinds of leaves have been provided to allow employees opportunities to fulfill their obligations as citizens, to take advantage of professional improvement opportunities, and to meet needs of personal situations requiring absence from their work. These leaves are made available under the presumption that legitimate needs and opportunities will be encountered and their smooth justifiable disposition is advantageous to both the efficient operation of the office and the employee's effectiveness.

12.1 Unauthorized Absence

Deductions for unauthorized absence will be calculated based upon the total days in the employee's contract.

12.2 Sick Leave

Each full-time employee earns fifteen (15) days of sick leave per contract year. The days are acquired at the rate of 1 ¼ days per month (ORC 3319) and unused days may be accumulated to a total of 240 days. Permanent part-time employees will accrue sick leave on a pro-rated basis.

As a new employee, unless days are transferred from another public school system or public agency, an individual is automatically credited with five (5) days for use in case of illness until he/she has actually worked the four months needed to acquire them. If it becomes necessary to use these initial five days prior to their having been earned, the individual does not acquire any additional days until the fifth month.

Days earned and accumulated in another Ohio school system or public agency may be transferred to the Educational Service Center of Lorain County when an individual is employed. Days transferred may not exceed the maximum number permitted by the individual's previous school system or agency of employment and may not be in excess of the maximum number permitted by the Educational Service

Center of Lorain County. It is the employee's responsibility to see that official notice of transfer is forwarded to the Educational Service Center of Lorain County from the last previous employer.

Sick leave days are accumulated for each month of the contract year on a pro-rata basis if the employee is not employed at 100% of time. Days are also earned while an individual is absent on paid leave.

Absence due to personal illness, injury, exposure to contagious disease, which might be communicated to others, pregnancy, and to illness, injury or death in the employee's immediate family, are acceptable as sick leave days. "Immediate family" defined for this purpose shall be spouse, mother, father, guardian, sibling, child, mother- or father-in-law, adoptive parent or child, and grandchild and grandparent.

When a death of a non-immediate family member (sister- or brother-in-law, niece, nephew, aunt or uncle) occurs, an employee may be granted, with a previous day's notice to the appropriate administrator, one day as "funeral leave" charged as a sick leave day.

In event of illness:

If the individual is assigned to a district or special program, notification to the responsible person in the district or special program will conform to the notification time established by the district. In addition, individuals must notify the Educational Service Center of their absence no later than 9:00a.m.

Employees assigned to the Educational Service Center must inform their contact person no later than 8:30 a.m. It is each individual's responsibility to make sure that all persons involved in appointments canceled because of illness are properly notified. (Professional staff must not place their secretaries in a position of having to respond to a broken appointment. It is the employee's responsibility to notify or insure sufficient time for the employee's secretary, upon your specific request, to notify individuals affected by a canceled appointment.) Failure to comply with this request could result in disciplinary action.

Calls are to be made directly to the appropriate contact person within your department. The department contact person should notify the Treasurer's Office of the employee's absence.

When an employee is confined to a hospital or previous notification of a prolonged confinement has been given, periodic confirmation will suffice.

Failure to notify all required contacts may result in having the day's absence charged as "leave without pay".

Upon return to work, you are required to post in the KIOSK within three (3) working days a reason for the absence.

12.3 Personal Leave

The superintendent may grant a request for personal leave provided that he/she receives reasonable notice, the request is submitted in KIOSK, and provided the request is not to gain other employment, to extend a vacation, or reasons the superintendent deems inappropriate. The superintendent may require proof of the need to use personal leave as a condition for approval. Examples of appropriate personal leave is business related to weddings, graduation ceremonies, unforeseen emergencies, school event for a child, closing on a house, once in a lifetime events, etc.

12.4 Catastrophic Leave

The Board recognizes that there are times when catastrophic leaves are necessary. Catastrophic leave shall be defined as a long, major physical illness or mental illness for personal or family illness that exhausts that staff members accumulated sick leave, personal leave and comp. time. The Superintendent may approve or deny the use of catastrophic leave.

1. When a catastrophic leave becomes imminent, the individual shall contact the Superintendent in writing and request they be allowed to take unpaid leave.
2. No employee may use catastrophic leave to postpone applying for disability retirement under the appropriate retirement system.
3. Any time there is a question on the continuation of utilization of catastrophic leave, the Superintendent shall be provided an update from the employee and physician.

12.5 Leave for Professional Meeting

Much of the professional's in-service training is acquired through conventions, seminars and other meetings sponsored by professional organizations, educational organizations, universities and other groups dedicated to the improvement of services and education of children. It is the Educational Service Center of Lorain County's intention to make available to the staff the opportunity to participate and profit from these programs, within the bounds of maintaining the operation and services of the office. Staff members need to evaluate the benefits of each of the programs against the disruption of services one's attendance may precipitate. Value judgments and judicious selection need to be exercised by the concerned. It should be sufficiently understood that all release time has some effect on the efficient operation of the Educational Service Center of Lorain County. All release time involves expenditures in the form of salaries that must be justified. No approvals for release time will be granted where the individual's or Educational Service Center of Lorain County's fulfillment of responsibilities will be jeopardized.

Conventions and Conferences

Approval to attend a convention or a conference may be granted with full, partial or no reimbursement. Budgets for expenses are allocated with the guidelines established by the Superintendent.

12.6 General Leaves of Absence

Ohio Law (3319.13) provides for an employee to obtain a "leave of absence" for up to one year. In some extenuating circumstances, the Governing Board may consider and grant an extension for an additional year. The guidelines and procedures for the various types of "Leaves of Absence" are:

General:

A leave of 30 days to one year without pay may be approved for such things as assuming an elected office in civil government, temporary inability to function by reason of mental or physical problems, teacher or professional exchange programs or service in the Peace Corps.

Written application requesting the leave and stating specific reason for request, dates and duration of leave, and re-entry date must be submitted 60 days in advance of date the leave is to commence. Thirty days prior to expiration of the leave or by April 1st, whichever is earlier, the Individual must submit a written affirmation of intent to honor the return date. Failure to comply will be sufficient cause to institute proceedings to terminate or not renew the individual's contract.

While on leave of absence the employee is entitled to purchase benefits afforded current staff members.

Upon return, the individual's status for placement on salary schedules, assignment and seniority will be that which he/she held prior to the leave. Specific assignment upon return will be consistent with the one the individual had previous to the leave, but may not be the same one.

12.7 Military Leave

Provisions are made for several types of military leave:

Regular Military Service is covered by ORC 3319.14 and carries the same conditions as a general leave of absence except for placement on the salary schedule and seniority, which is credited to the individual. The notification of "intent to return" is also waived; however, the individual must return within 90 days of discharge or rights of return are forfeited.

Emergency Military Leave is covered by (ORC 5923.05). In the event that an individual is required by decree of Federal or State authority to serve emergency military service due to civil or natural calamity, a paid leave of up to thirty- one (31) days will be granted. While serving in this capacity beyond 31 days in a calendar year, the Educational Service Center of Lorain County will consider the individual as an active employee and pay an amount equal to the difference between the per diem paid by the government and the individual's regular rate of pay. Fringe benefits, which the individual participated in prior to the leave, will be continued, except some benefits may be limited while on active military leave.

It is the employee's responsibility to notify the appropriate administrative office of the emergency order as soon as possible.

12.8 Professional Improvement Leave

An employee who has five years of employment with the Educational Service Center of Lorain County may be entitled to an unpaid leave for professional improvement. The leave may be granted for one or two semesters. The individual must submit a written proposal indicating the details of the program to be pursued, the institution to be attended, and the goals to be achieved. It is assumed that the program is consistent with the individual's area of competency and will be beneficial to the system as well as the individual.

1. Requests must be presented 60 days in advance indicating dates and duration.
2. Thirty days prior to expiration of the leave or April 1st, whichever is earlier, the individual must provide an affirmation of intent to return on the agreed date.

3. While on leave of absence, the employee is entitled to purchase benefits afforded current staff members.
4. Upon return, the individual's status for placement on salary schedules, assignment and seniority will be that which he/she held prior to the leave. Specific assignment upon return will be consistent with the one the individual held previous to the leave, but may not be the same one.

12.9 Maternity/Paternity Leave

Maternity/Paternity leave shall be granted, without pay or benefits, to an employee of the Governing Board for up to twelve consecutive months or until the termination of the employee's limited contract, whichever occurs first. Employees shall submit a written notice of pregnancy to the Superintendent advising the Superintendent of the anticipated date of the birth of the child and, further, advising the Superintendent of the specific dates that the employee shall commence and end maternity/paternity leave. The date set for the commencement of maternity/paternity leave shall in all cases be the latest date of service, but if a medical emergency arises prior to the specified date, the employee may initiate an earlier date. The employee shall submit the notice as soon as possible and at least 90 days before the anticipated leave.

If, prior to the date set for the initiation of maternity leave, the Superintendent believes that the employee is medically unable to perform adequately as a result of the pregnancy, the Superintendent may require the employee to submit a certification from her physician attesting to her ability to continue working. The employee may return to service after the termination of pregnancy upon providing the Superintendent with a medical certificate from her physician stating that she is able to resume her duties. The Superintendent and the Governing Board have discharged their responsibility under this policy by offering the position left by the employee at the end of the maternity/paternity leave, or by offering the first similar vacancy that occurs after the individual has been declared eligible for service.

The term of the employee's contract shall not be extended by maternity/paternity leave and in the event that an employee's limited contract expires while on maternity/paternity leave, the position will not be available unless the employee is granted a new contract by the Governing Board.

12.10 Family Medical Leave Act

An employee who has worked for the Board for at least 12 months and for at least 1,250 hours over the twelve months prior to the leave request is eligible for up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it for the following reasons:

1. the birth and first-year care of a child;
2. the adoption or foster placement of a child; within one (1) year of the child's placement;
3. the serious illness of an employee's spouse, parent or child and
4. The employee's own serious health condition that keeps the employee from performing the essential functions of this job.

The Board shall require the staff member to “substitute” (i.e. run concurrently) any of his/her earned or accrued paid leave (e.g. sick, personal, vacation) for unpaid FMLA leave. If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave, the additional weeks of leave will be unpaid.

Spouses employed by the District

If a husband and wife eligible for leave are employed by the district, their combined amount of leave for birth, adoption, foster care placement and parental illness will be limited to 12 weeks. However, this same limitation does not apply for leave for personal illness or illness of a spouse or child. An employee may not take FMLA leave to care for a parent-in-law.

Intermittent and Reduced Leave

Intermittent leave is leave taken in separate blocks of time due to a single illness or injury. Reduced leave is a leave schedule that reduces employee's usual number of hours per work week or hours per work day.

Intermittent or reduced leave is available for the employee's own serious health condition or to care for a seriously ill spouse, child or parent. The Superintendent may allow a staff member to take FMLA leave intermittently for the birth or adoption/placement of a child.

The employee who wishes to use intermittent or reduced leave must have the prior approval of the Superintendent. Although the district and employee may agree to an intermittent or reduced leave plan, the employee who uses family leave is not automatically entitled to use such leave on an intermittent basis or on a reduced leave schedule.

The board may provide such leave for medical leave, but the Board may require the employee to take leave in a block for the entire period during which the leave would extend or the district may transfer the employee to a position which is equivalent, but more suitable for intermittent periods of leave. The employee must furnish the district with the expected dates of the planned medical treatment and the duration of the treatment. The Superintendent must authorize such leave in writing, or offer the employee an equivalent alternative job for intermittent or reduced leaves, or require the employee to take leave in a block period so as not to disrupt the board's operations.

Benefits

The board will maintain the employee's health coverage under the board's group health insurance plan during the period of FMLA leave. The employee should make arrangements with the district to pay the employee's share of all applicable health insurance coverage prior to the beginning of the FMLA leave.

The employee will not lose any other employment benefit accrued prior to the date on which leave began but is not entitled to accrue seniority or employment benefits during the leave period. Employment benefits could include group life insurance, sick leave, annual leave, educational benefits and pensions.

Notice

When the FMLA leave is foreseeable, the employee must notify the board of his request for leave at least 30 days prior to the date when the leave is to begin. If the leave is not foreseeable, the employee must give notice as early as is practical. When the employee requests medical leave, the employee must make reasonable attempts to schedule treatment so as not to disrupt the board's operations. The board may deny the leave if the employee does not meet the notice requirements.

Certification

The board may require the employee to provide certification from a health care provider containing specific information required under the law if he requests a medical leave. If there is a question concerning the validity of such certification a second, and, if necessary, a third opinion can be required both at the expense of the board.

Upon the employee's return to work, the district will require that the employee present a fitness statement from the employee's health care provider certifying that the employee is able to return to work.

Restoration

When the employee returns from the leave, the board will restore the employee to the same or an equivalent position with equivalent benefits, pay, terms and conditions of employment in accordance with Board policy.

Under certain circumstances, the board may deny restoration to a key employee. The board will comply with the notice requirements of the FMLA in denying restoration. A key employee is one who is among the highest paid 10% of the employees and whose absence would cause the board to experience a substantial and grievous economic injury.

Instructional employees

Special leave rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a small group, or an individual setting.

Limitations apply to instructional employees who take intermittent or reduced leave. If the leave requested is:

1. to care for a family member, or
2. for the employees own serious health condition, and
3. is foreseeable based on planned medical treatment, and
4. the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend, then the board may require the employee to choose either to:
 - a. take the leave for a period or periods of a particular duration, not greater than the planned treatment or
 - b. transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position.

Limitations also apply to instructional employees who take leave near the end of a semester. When an instructional employee begins leave more than five weeks before the end of a semester, the board may require the employee to continue taking leave until the end of the semester if:

1. the leave will last at least three weeks and
2. the employee would return to work during the three-week period before the end of the semester.

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the semester, the district may require the employee to continue taking leave until the end of the semester if:

1. the leave will last more than two weeks, and
2. the employee would return to work during the two-week period before the end of the semester.

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a semester and the leave will last more than five working days, the board may require the employee to continue taking leave until the end of the semester.

Failure to return

The board is entitled to recover health care premiums paid during the leave if the employee fails to return from leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

12.11 Calamity Days

The Educational Service Center of Lorain County, along with its affiliated offices, will remain open during day of inclement weather. All staff should make proper arrangements to adjust their routines to arrive at work at their normal starting times. It is understood that on occasion, normal arrival is not possible and therefore the following guidelines have been established:

1. One-quarter (1/4) day personal leave will be deducted from an employee who has not arrived within two hours of their scheduled starting time.
2. One-half (1/2) day personal leave will be deducted from an employee who has not arrived within four hours of their scheduled starting time.
3. One (1) day personal leave will be deducted from an employee who has not arrived within six hours of their scheduled starting time.
4. Any staff member not having personal leave time available to be deducted will have vacation time deducted based on the above schedule.
5. Any staff member not having personal leave or vacation leave available to be deducted will have their pay deducted based on the above schedule.

13 - MEDICAL EXAMINATIONS

13.1 Orders for Examination

The Board may request an employee or applicant to undergo a physical or psychological examination, if behavior or job performance is in question.

1. The examination is paid for by the Board.
2. The physician will be selected by the employee from a list of three chosen by the Board.
3. A statement of the results, signed by the physician, must be submitted to the Board.

13.2 Report of Accident/Injury

Should any employee be involved in an accident at work and/or should any injury occur to the employee at work, it is the responsibility of the employee to complete the "REPORT OF ACCIDENT/INJURY" form in duplicate. Should an employee witness an accident, he/she may be asked to complete pertinent items on the form. While injuries and/or accidents might seem minor, it is imperative that employees describe the circumstances while they are fresh in their mind. Should the employee be unable to complete the form at the time of the accident and/or injury, he/she should complete it as soon as practical.

13.3 Returning to Work After Illness or Injury

In order to safeguard employees from returning to work too early after an illness or injury, we will implement the following guidelines:

After any employee has been absent for five (5) or more consecutive days, a doctor needs to certify their ability to return to work. These certification notices should be turned into your immediate supervisor prior to returning to work to determine if any restrictions can be accommodated. The supervisor will file them with the Treasurer's Office.

14- FINGERPRINTING

All staff employed by the Educational Service Center of Lorain County as part of their employment shall be required to undergo a criminal record check as required by O.R.C. This process requires the individual to be fingerprinted, which can be completed at the office of the Educational Service Center of Lorain County. A criminal record check must be obtained at the expense of the applicant or current employee and timely submitted to the District.

15 - MEETING ROOMS

In order to accommodate group meetings with the least inconvenience, it is requested that room/date reservations be scheduled in the room reservation calendar located on the ESC website. When a scheduled meeting is canceled, the person in charge of the meeting should, as soon as possible, cancel the meeting room requested in order to allow others to take advantage of the available room.

It is the responsibility of the employee organizing the meeting to:

1. Set the room in the configuration desired, or notifies the custodian in advance
2. Make arrangements for coffee, tea, water, etc.

3. Clean the room immediately after the conclusion of the meeting. (Floor, tables chairs, whiteboards, etc.)
4. Place the furniture back to the original configuration.

16 - OFFICE HOURS

The Educational Service Center of Lorain County is regularly open from 7:30 a.m. until 4:00 p.m. weekdays.

Hours are 7:30 a.m. – 3:30 p.m. for Summer (June 1 – August 15), Holiday weeks (Winter/Spring) and the day preceding a holiday.

Employees assigned to school districts shall observe the hours adopted by the district during weekdays when school is in session.

Cooperative operations office hours may vary due to the nature of their operation. The Superintendent should be consulted concerning any modification of hours.

The responsibilities of leadership and example behoove the certificated staff to be on duty not only during the regular workday, but to include such additional time as is necessary to perform the duties and responsibilities of the position.

16.1 Office Closing

During inclement weather, the office shall be deemed to be open. If conditions warrant closing of the office, an announcement will be made via the phone chain. Local school closings would not constitute a reason for the Educational Service Center to be closed.

17 - PARKING

Parking is open to all Educational Service Center of Lorain County employees. Parking is on a first come basis. Handicapped areas should be observed. Parking in front or in the back of the building is permitted only for the purpose of loading and unloading equipment and supplies, etc.

18 - PERSONNEL RECORDS

18.1 Right to Review

Each employee will have the right, upon written request, to review the contents of his/her personnel file. Exceptions to this shall include medical, psychiatric or psychological information determined by a physician, psychiatrist or psychologist to be likely to have an adverse affect upon the employee. Requests for review will be made to the Treasurer and scheduled for a time convenient for the parties involved.

18.2 Derogatory Material

Non-confidential material derogatory to an employee's conduct, service, character, or personality will be placed in his/her personnel file only after the employee has had an opportunity to review the material.

The employee will acknowledge that he/she has had the opportunity to review the material by affixing his/her signature to the copy to be filed. Such signing in now way indicates agreement with the contents. The employee is permitted to attach his/her comments related to the derogatory material.

19- PERFORMANCE/CONSULTANT CONTRACT

When an individual/firm is to be utilized as a consultant or in a performance-type of arrangement, a "Performance/Consultant Contract" must be approved by the Educational Service Center of Lorain County.

The following steps must be approved:

1. If approved by the Superintendent (or designee), he will recommend to the Governing Board.*
2. If the Governing Board approves, contracts will be prepared and mailed to person/firm for completion.
3. Requisition completed and submitted in accordance with the Purchasing Procedures. See section 20 (1-4)

Following completion of activity, an invoice must be submitted with requisitioner approval for Treasurer to make payment. No payments will be made without correct approval, invoice and completed contract.

* Requests for expenditures of this type should be submitted in writing directly to the Superintendent in sufficient time for Board approval.

The Educational Service Center of Lorain County will not assume any responsibility for payments to firms/individuals unless the above procedure is followed.

20 - PURCHASING PROCEDURES

The intent of this purchasing procedure is to provide an economical and functional system for purchasing supplies, equipment, services, etc. to promote an efficient office operation.

The Superintendent is granted authority to authorize Purchase Orders up to the appropriation level as approved by the Governing Board and in accordance with the Ohio Revised Code 133.02, 133.03, et al. All purchase orders must be approved by the Superintendent except in cases of emergency. In case of emergency, the Treasurer is granted the authority to authorize purchase orders.

It shall be the philosophy of the Board that on major purchases, etc., whenever feasible, more than one quotation will be solicited.

The following purchasing procedure shall be followed (currently an electronic process using the SCView system):

1. Requisition completed in full by requisitioner.
2. Requisition submitted for approval to Supervisor, or Director, if applicable.

3. Requisition submitted for approval to Superintendent
4. Requisition forwarded to Treasurer's office for encumbrance of funds. Only if sufficient unencumbered funds are available will Purchase Order be processed.
5. Completed Purchase Order will be signed by the Treasurer and counter-signed by Superintendent. This process could take up to two weeks so please plan accordingly.
6. The purchase order will be emailed to the requisitioner.
7. Order may not be placed until a Purchase Order with an assigned number is received.
8. Upon receipt of all items and verification of condition, requisitioner will approve the invoice, with the system in use; currently SCView. The Treasurer will process the invoice for payment.

The Educational Service Center of Lorain County assumes no responsibility for anything ordered or purchased without adhering to the above procedures

21 – RENTALS

Due to limited facilities at times, it may be necessary to rent facilities for certain functions. To initiate approval for expenditure of funds for this purpose, follow the procedures under Section 20 - Purchasing Procedures.

22 - EQUIPMENT INVENTORY CONTROL POLICY

The Treasurer's office will be responsible for maintaining an adequate inventory of all equipment in accordance with the following procedures:

Any equipment with a value of \$5,000 or more (or deemed taggable by the Treasurer) or that has a life of over five (5) years, is to be given an inventory number, tagged and recorded on the New Equipment Inventory listing located on the State software program. This tag should be easily visible and not removed. If inventoried items become broken or unusable, the Treasurer must be notified before the item is disposed of.

The Board shall require that staff personnel assigned by the Superintendent take a physical count of all equipment items at least once a year. This will normally be done in May.

The transfer of equipment between Divisions must have prior approval by the Superintendent, and have the current inventory sheets attached in order to be considered for approval. The notation of transfer will be made on all copies and the pink copy will be forwarded to the Division Director.

If items are stolen or known to be lost prior to the actual annual physical inventory, the date will be promptly recorded on the pink slip and forwarded to the Superintendent. If stolen, a police report should be attached. The annual physical inventory accounting results shall be properly documented on the Inventory Control Forms in accordance with the instructions. In the event district owned equipment

is damaged a meeting will be held with the employee's direct supervisor to determine if the employee is responsible for replacement of said equipment.

23 - RETIREMENT

When an employee approaches eligibility for retirement, it is recommended that counsel be sought from the State Teachers or School Employees Retirement System to assist in the most advantageous date. Plans should be made far enough in advance to insure that the individual can receive all possible benefits. It is imperative that these steps be taken prior to submitting a date to the Board, as Ohio Law prohibits adjustments or continuation of benefits after the established date.

Notification of one's intent to retire should be given to the employee's director or appropriate administrative supervisor as soon as possible to allow time to arrange for the individual's replacement. A formal letter requesting retirement must be submitted to the Governing Board at least one week prior to the meeting of the Board at which the request is to be considered. Approval by the Board must be obtained in advance of the expected date of retirement.

Provisions have been established by the Ohio legislature to provide an employee with severance pay at the time of retirement, based upon a percentage of the individual's accumulated unused sick leave. In accordance with this legislation, the Educational Service Center of Lorain County has adopted policy to provide this benefit.

23.1 Employment of Retired Staff

Employees contemplating retirement and reemployment shall provide a minimum of three months notification to the Superintendent. Reemployment is not guaranteed and is at the sole discretion of the Superintendent. There are specific rules relative to reemployment in the same position or moving to a different position. Please refer to the Board Policy.

24 - SALARY SCHEDULE

All salaried employees are to be paid their annual salaries in twenty-four equal installments on the 5th and 20th of the month (except when payday falls on a scheduled holiday, Saturday or Sunday, the checks will be issued on the preceding Friday). Salary schedules for all personnel are on file in the office of the Superintendent and available for inspection upon request.

24.1 Federal & Special Project Personnel

Employees covered by federal and specially funded projects may be contracted and paid according to an entirely separate salary schedule, as defined in the project, at the discretion of the Superintendent and Governing Board. All other personnel policies shall apply for federal project personnel.

24.2 Previous Experience

Previous experience is evaluated by the Superintendent with job responsibilities and competition for the job considered. The Board makes all final decisions granting credit and will notify the employee of its decision.

Education preparation, beyond that required by the job description, will be evaluated by the Superintendent and a recommendation handed to the Board. Such preparation may be converted to experience credit.

24.3 Annual Salary Notices

Issuance

A written contract/supplemental contract/salary notice will be issued annually to all professional personnel notifying them of position, additional responsibilities and salary on or before June 30.

Signature of Agreement

Each employee will sign his/her contract/supplemental contract indicating agreement with listed preparation and experience credit and salary computation. It is the employee's responsibility to understand the calculations and call to the attention of the Treasurer any discrepancies. Explanations may be obtained at the Educational Service Center upon request.

24.4 Contractual Periods

Generally, contractual periods will vary by program due to sources of funding:

Educational Service Center: August 1 thru July 31 (12 month certified staff)

Educational Service Center: July 1 thru June 30 (12 month classified staff)

Educational Service Center: 185 days varied start/end date (teachers) Lake

Erie Regional Council of Governments: July 1 thru June 30

24.5 Longevity

10 years with the ESCLC - \$360

15 years with the ESCLC- \$480

20 years with the ESCLC - \$600

25 years with the ESCLC- \$900

Employees whose employment anniversary date falls on or after July 1st and on or before December 31st will be credited with longevity for years completed on July 1st of that calendar year.

Employees whose employment anniversary date falls on or after January 1st and on or before June 30th will be credited with longevity for years completed on July 1 of that calendar year. Longevity pay shall be based on continuous years of employment.

Longevity is for regular staff and is calculated based on the percentage of time an employee works and will be reduced for leave without pay. Reemployed retirees are not eligible for longevity. For staff who work their entire contract, longevity will be paid the following August.

24.6 Salary Schedule Adjustment

It is the responsibility of each teacher or staff member who has completed course work which would qualify them for a higher salary bracket to file their request, along with satisfactory evidence of completion of such additional course work, to the Superintendent's Secretary no later than the fifteenth day of September of each year. Adjustments will be made only once a year, immediately following the

September 15th deadline. If submitted after the deadline, the adjustment will not occur until the following year. Payment will be spread out over employee's remaining pays. To qualify for movement along the salary bracket, coursework must be taken after the date of the issuance of the degree. Employees whose employment start date falls on or after January 1st will not be eligible for step advancement for the following year.

24.7 Overtime/Compensatory Time

Overtime and compensatory time, when permitted or required, is calculated in the following manner for those employees not exempt from overtime or compensatory time. The rate of 1.5 times the hourly rate is calculated for each hour beyond 40 hours actually worked during the week. The work week begins on Sunday and ends on Saturday. Hours worked to attain 40 hours are paid at one (1) times the hourly rate. Sick leave hours, personal leave hours, vacation leave hours, etc. are made up at 1 times the hourly rate to attain 40 hours actually worked prior to calculating overtime or compensatory time at 1.5 times the hourly rate.

During summer hours, the weeks of winter and spring break, and the weeks in which Christmas Eve and New Year's Eve fall, the following overtime and compensatory time procedures apply:

In the weeks above, work hours are reduced from the normal 37.5 to 35. Overtime and compensatory time does not apply to any hours worked between 35 and 37.5. The employee may report the hours worked from 35 to 37.5 in order to track those hours and permit compensation beyond the required 37.5 hours.

Guidelines

Classified Employees:

1. All comp time must be pre-approved in writing by a supervisor. An email or written note detailing the number of hours needed beyond the workday and the work to be accomplished shall be stated in the request.
2. Comp time should be limited in its use.
3. Comp time must be used within the school year it was earned (no carryover).

Salaried Employees:

1. Comp time can only be accumulated for necessary activities that occur on the weekend or holidays. Additional responsibilities after the normal work day are an expectation of a salaried employee and cannot be accrued as comp time.
2. All comp time must be pre-approved in writing by the Supervisor. An email or written note detailing the number of hours needed beyond the normal work week and the work to be accomplished shall be stated in the request.
3. Comp time must be used within the school year it was earned (no carryover)

24.8 Remote Work Policy

Providing staff members the flexibility of working remotely may be necessary at times when it becomes more efficient for organization. Telecommuting is not an entitlement, is not a benefit, and in no way

changes the terms and conditions of employment with the ESC of Lorain County. This policy is applied when a supervisor has granted permission. To provide clarity, this policy will outline expectations and provide guidance should the need arise for staff to work from home.

Eligibility

Staff will be permitted to work remotely when circumstances warrant as determined by their supervisor. Central office staff may be eligible for remote work as determined by the superintendent.

Availability

Those individuals approved for remote work will do so within the following timeframe: 7:30 a.m. to 4:00 p.m. or 8:00 a.m. to 4:30 p.m. unless otherwise approved ahead of time by the superintendent.

Responsiveness

There is an expectation that remote work takes place during the identified workday as outlined above. Communication via email, personal phone or other means may take place. It is expected that staff working during this time respond in a timely manner to requests for information and be productive employees. Lack of responsiveness or abuse of this arrangement on the part of the employee may result in termination of remote work responsibilities, and disciplinary action including termination.

Productivity Measurement

Employee productivity will be measured on time spent on tasks and projects, response to emails, response, to parents/vendors, and overall efficiency in project and task completion.

Equipment Required

The ESC will provide a technology device for those who require remote work. This technology device will be able to access the Internet for continuation of required work. Caution should be used in accessing the Internet from public places and in accessing information and content from networks outside of the school's service. Utilizing the Internet from public WIFI is discouraged as critical and sensitive student information and/or payment information may be compromised. Technology support will continue to be available. The district tech department will not provide support for personal equipment and the employee uses such equipment at their own risk.

Remote work will cease when determined by the superintendent or his/her designee.

25 - VACATION

25.1 Certificated Employee Vacation

Certificated personnel employed on a twelve-month contract earn 1.67 days per month (20 days per year). A twelve-month Certified employee will be granted 25 vacation days when they have acquired 20 years of STRS Purchased Service Credits (as recorded on the employee's STRS retirement statement) and 5 continuous years of employment by the Educational Service Center of Lorain County. A 12-month certified employee will be granted 30 vacation days per year when they have acquired 30 years of STRS credits and five continuous years of employment with the Educational Service Center of Lorain County.

25.2 Classified Employees Vacation

Classified personnel whose employment anniversary date falls on or after July 1st and on or before December 31st will be credited with vacation for years completed on July 1 of that calendar year.

Classified personnel whose employment anniversary date falls on or after January 1st and on or before June 30th will be credited with vacation for years completed on July 1 of that calendar year.

| Years Completed | Days |
|-----------------|------|
| 1 | 10 |
| 2 | 10 |
| 3 | 10 |
| 4 | 10 |
| 5 | 10 |
| 6 | 11 |
| 7 | 12 |
| 8 | 13 |
| 9 | 14 |
| 10-15 | 15 |
| 16-19 | 20 |
| 20+ | 25* |
| 30+ | 30* |

*Must have five continuous years of employment at the ESCLC.

Persons employed on a contract of less than 11 months will not accrue vacation time, nor receive credit for vacation for any contract of less than 11 months.

Employees are required to work six (6) months prior to requesting vacation.

Any modifications of the above must be approved by the Superintendent.

Years of service at another Ohio Public Employer counts towards years completed.

25.3 General Vacation Information

Accrued vacation is to be taken on those days when schools of the local and/or participating districts are not in session. Requests for exceptions are to be submitted in writing to the appropriate supervisor

Within an employee's contract year, vacation time may be used, so long as such use is in compliance with the above and so long as the amount of vacation time used is not in excess of the amount of actual vacation time accrued.

Vacations should be taken within one year of the time earned. However, employees may accrue up to one year's vacation in addition to the current year. Payment in lieu, conversion to sick days, or to carry days forward of vacation is at the discretion of the Superintendent. Vacations will be granted only at times of the year when they will not interfere with the normal operation of the District.

Unused vacation time may be carried over from one year to another to a maximum of forty days. Days accumulated in excess of forty on December 31st of any year will be forfeited by the employee. (On July 31st of 2024 and after this language will change to read "days will be forfeited on July 31st of any year")

Vacation requests must be submitted through the KIOSK and approved by appropriate personnel.

Individuals will not be allowed to take vacation until after the initial six months of employment. Any exception to this six month waiting period must be approved by the Superintendent. After an individual's initial six months of employment, accumulated vacation days may be used at any time by mutual consent of the employee and the administration, except when conflicting with a previously announced office meeting, with an application of intent tendered five (5) days prior to date requested. Follow notification procedures given under Section 16 (Office Hours). The vacation request must be entered into the KIOSK and submitted to the appropriate supervisor within three (3) working days after your return.

26 - PERFORMANCE APPRAISALS *Personnel*

Housed in Educational Service Center:

Personnel housed in the Educational Service Center will undergo annual appraisal in accordance with procedures established by the Superintendent.

Personnel in Cooperative Programs:

Personnel in cooperative, federal, fiscal agency projects or local districts will undergo annual appraisal in accordance with procedures established by the Superintendent.

27 - PROFESSIONAL DRESS AND APPEARANCE

All Educational Service Center of Lorain County staff and affiliates shall maintain a professional appearance that reflects a sense of pride in themselves and the ESC.

28 - DRUG-FREE WORKPLACE ACT

No employee shall unlawfully manufacture, distribute, dispense, possess or use any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcohol or any other controlled substance as defined in Federal and State law, in the workplace.

"Workplace" is the site for the performance of any work done in connection with the District. The workplace includes any school building, school property, school-owned vehicles or school- approved vehicle used to transport students to and from school or school activities (at other sites off school

property) or any school-sponsored or school-related activity, event or function, such as a field trip or event in which students are under the jurisdiction of the school authorities.

As a condition of employment, each employee shall notify his supervisor, in writing, of his conviction of any criminal drug statute for a violation occurring in the workplace as defined above, not later than five days after such conviction.

Employees will be given a copy of the policy and will be notified that compliance with the standards of conduct is mandatory. Employees who violate the policy shall be subject to disciplinary proceedings in accordance with prescribed school district administrative regulations, local, State and federal laws and/or the negotiated agreement, up to and including termination. Any employee in violation of this policy may be required to participate in a drug-abuse assistance or rehabilitation program approved by the Board.

Employees may request a list of local drug and alcohol counseling, rehabilitation and re-entry programs and services, which are available in the community.

Refer to Policy 3122.01 for policy details.

29- SMOKING ON SCHOOL PREMISES BY STAFF MEMBERS

The Governing Board is committed to providing students, staff, and visitors with a tobacco-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including e cigarettes, cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and other lighted smoking devices for burning tobacco or any other plant.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any enclosed facility owned or leased or contracted for by the Board.

Such prohibition also applies to school grounds, and/or any school-related event, except at designated times and in designated areas as defined in statute and by Ohio's Smoke-Free Workplace Program.

The Superintendent shall require the posting of signs as required by R.C. 3794.06, and as specified by the Ohio Department of Health.

30- STAFF CONFLICT OF INTEREST

Employees of the Educational Service Center of Lorain County will not engage in, nor have a financial interest in, any activity which conflicts with their duties and responsibilities in the school system.

Employees will not engage in work of any type in which information concerning customer, client or employer originates from any information available to them through school districts.

Employees will not sell textbooks, instructional supplies, equipment, computer software, reference books or any other District products. Employees will not sell any products or services to the Districts, unless approved by the Governing Board. They will not furnish the names of students or parents to anyone selling these materials.

In order that there will be no conflict of interest in the supervision and evaluation of employees, at no time may any administrator responsible for the supervision and/or evaluation of an employee be directly related to that employee.

Employees may not be engaged in the sale of products to the schools, even if the proceeds of such sales are intended for charitable or civic purposes; no staff member will collect any money or distribute any fund-raising literature without the express approval of the Superintendent.

31 -OHIO ETHICS LAW AND RELATED STATUTES

See Appendix for the Ohio Ethics Law and Related Statutes

7530.01 – STAFF USE OF CELLULAR TELEPHONES

The Governing Board may provide cellular telephones to employees who by the nature of their job have a routine and continuing business need for the use of same for official Board business. Cellular telephones are provided as a tool to conduct Board business and to enhance business efficiencies. Cellular telephones are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct Board business (i.e., because cellular telephone accounts are billed on a time-used basis, Board-owned cellular telephones and services should not be used when a less costly alternative method of communication is safe, convenient and readily available). In addition the Superintendent/Treasurer may approve an employee purchase of a cellular telephone and contract and be eligible for reimbursement for business related expenses.

The Superintendent or his/her designee is expected to see that:

- A. the need for each Board-owned cellular telephone and cellular telephone service account is clearly justified for Board business purposes;
- B. alternative solutions for work production and communication have been considered;
- C. employees provided with cellular telephone service accounts understand the purpose and limitations of usage;
- D. cellular telephone service account invoices outlining the details of usage are received and reviewed for conformance with this policy;
- E. employees reimburse the Board for non-business use if required by this policy;
- F. use of a cellular telephone service account is terminated when no longer justified by business requirements, the employee leaves the Board’s employment, and/or when the employee has by actions demonstrated a disregard for the limitation of this policy.

Cellular telephone service accounts are expected to be set at the minimum level that fulfills the business need for the position in question. The cellular telephone contract that is selected for an employee should be the one that provides a combination of services including number of minutes, coverage, and local call zone most nearly matching the employee’s recurring business needs. If the cellular telephone contract is based on minutes used, a minimal plan shall be utilized. In other words, the smallest plan available to accommodate the particular business need shall be utilized.

The Board shall approve the Superintendent's recommendation regarding the level of cellular telephone service appropriate for each staff member listed above. The Superintendent or his/her designee shall take the steps necessary to secure the most economical and responsible service available.

Thereafter, an annual review of the plans available may be made to determine if the Center's cellular telephone plan is the most economical and responsible available. Additionally, at least once annually, the Superintendent or his/her designee may review the employee's actual usage (i.e., level of service) with the employee and, if warranted, select a different equipment usage account which more nearly matches the employee's recurring business needs. Any change in provider and/or necessary adjustments to individual staff members' plans may be recommended for Board approval.

Possessing a Board-owned cellular telephone is a privilege and all employees are expected to use them appropriately and responsibly. Employees are responsible for managing the cost effectiveness of cellular telephone use by utilizing assigned landlines as available and appropriate. Employees should know that calls outside the immediate area might result in roaming charges, in addition to long distance and regular charges, and that the Board is charged for both outgoing and incoming cellular telephone calls.

Employee safety is a priority of the Board, and responsible use of cellular telephones includes safe use. Using a cellular telephone while operating a vehicle is strongly discouraged. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

Cellular telephone calls are not secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Employees must safeguard any Board-owned cellular telephone in their possession. Reasonable precautions should be made to prevent equipment loss, damage, theft and vandalism. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within the time period requested (e.g., twenty-four (24) hours) might be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactorily terms and may be subject to legal action for recovery of the loss.

The Board reserves the right to audit all Board-owned cellular telephones and their use, which will include but not be limited to, a review of the monthly billing by the Assistant Superintendent for Business. Board cellular telephones and cellular service account statements, invoices and payment documents are public records and, as such, may be subject to disclosure and review.

Each Board-owned cellular telephone will receive a monthly detailed activity statement for all charges. The employee issued the cellular telephone must review the monthly statement for billing accuracy.

Use of Board-Owned Cellular Telephones for Personal Calls

The Board recognizes that it may be necessary for an employee to use a Board-owned cell phone for personal business. Employees are advised not to take advantage of this provision and that abuse of a Board-owned cell phone for personal business may result in disciplinary action.

Use of a Personal Cellular Telephone While at Work

Personal calls during work hours can interfere with employee productivity and be distracting to others, regardless of whether on a cellular or regular telephone. Employees are expected to use discretion in using personal cellular telephones while at work. Employees are asked to make personal calls during breaks and lunch period and to see that friends and family members are aware of the Board's policy. Violation of this policy may constitute just cause for disciplinary action up to and including termination.

7530.02 – STAFF USE OF PERSONAL COMMUNICATION DEVICES

Use of personal communication devices ("PCDs") (as defined in Bylaw 0100) has become pervasive in the workplace. For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPad-like devices), electronic readers ("e-readers"; e.g., Kindle-like devices), cell phones smartphones (e.g., iPhones, Android devices, Windows Mobile devices, etc.), and/or other web-enabled devices of any type. Whether the PCD is Board-owned and assigned to a specific employee, or personally-owned by the employee (regardless of whether the Board pays the employee an allowance for his/her use of the device, the Board reimburses the employee on a per use basis for their business-related use of his/her PCD, or the employee receives no remuneration for his/her use of a personally-owned PCD), the employee is responsible for using the device in a safe and appropriate manner.

Safe and Appropriate Use of Personal Communication Devices, Including Cell

Phones/Smartphones

Using a cell phone or other PCD while operating a vehicle is strongly discouraged. Employees should plan their work accordingly so that calls are placed, text messages/instant messages/e-mails read and/or sent, GPS-navigation destination set/modified, and/or the Internet browsed either prior to traveling or while on rest breaks. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving).

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their PCDs.

Cellular and wireless communications, including calls, text messages, instant messages, and e-mails sent from PCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, cellular/wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records if the content of the message concerns Educational Service Center business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 – Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with Center requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for informing the Superintendent or his/her designee of all public records, student records and ESI subject to a Litigation Hold that is maintained on the employee's

Board-owned PCD. The Center's IT department/staff will then transfer the records/ESI to an alternative storage device.

If the employee also utilized a personally-owned PCD for work-related communications, and the device contains public records, students records and/or ESI subject to a Litigation Hold, the employee must transfer the records/ESI to the Center's custody (e.g., server, alternative storage device) prior to the conclusion of his/her employment. The Center's IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the Center's custody, the employee is required to delete the records/ESI from his/her personally-owned PCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the Center's custody and deleted from his/her personally-owned PCD before the Board will issue any final compensation that is owed to the employee.

If a PCD is lost, stolen, hacked or otherwise subjected to unauthorized access, the employee must immediately notify the Superintendent so a determination can be made as to whether any public records, students records and/or ESI subject to a Litigation Hold has been compromised and/or lost. The Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was encrypted.

The Board prohibits employees from maintaining the following types of records and/or information on their PCDs:

- A. student personally identifiable information
- B. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)
- C. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)

It is suggested that employees lock and password protect their PCDs when not in use.

Employees are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

During work hours personal communications made or received, regardless of whether on a PCD or a regular telephone or network computer, can interfere with employee productivity and distract others. Employees are expected to use discretion in using PCDs while at work for personal business. Employees are asked to limit personal communications to breaks and lunch periods, and to inform friends and family members of the Board's policy in this regard.

Potential Disciplinary Action

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws may also result in disciplinary action up to and including termination.

7540 – TECHNOLOGY

The Governing Board is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of Educational Service Center operations.

Students' use of Center Information & Technology Resources (see definitions in Bylaw 0100) is a privilege, not a right. Students and their parents must sign and submit a *Student Technology Acceptable Use and Safety* form annually. (See also, Policy 7540.03)

This policy, along with the Student and Staff Technology Acceptable Use and Safety policies and the Student Code of Conduct, further govern students' and staff members' use of their personal communication devices (see Policy 5136 and Policy 7530.02). Users have no right or expectation of privacy when using Center Information & Technology Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using Center Information & Technology Resources).

Further safeguards shall be established so that the Board's expenditure of public funds to acquire, operate, and maintain Center Information & Technology Resources achieves the desired benefits and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media, which is defined in Bylaw 0100, to interact with others online; communicating with other individuals in chat rooms or using other messenger apps, or through blogs, audios (e.g., podcasts), and videos; and recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they experience cyberbullying.

Students must comply with Policy 5136, Policy 5722, Policy 7540.03, and Policy 7544 when using Center Information & Technology Resources to access and/or use Center-approved social media.

Similarly, staff must comply with Policy 7540.04, and Policy 7530.02 when using Center Information & Technology Resources to access and/or use Center-approved social media platforms/sites.

The Board prohibits students from using Center Information & Technology Resources to access and/or use social media for other than instructional purposes.

Staff may use Center-approved social media platforms/sites in accordance with Policy 7540.02, may use web content, apps, and services for one-way communication with the Center's constituents. Authorized staff may use Center Information & Technology Resources to access and use Center-approved social media platforms/sites to increase awareness of Center programs and activities, as well as to promote achievements of staff and students, provided the Superintendent approves, in advance, such access and use. Use of Center-approved social media platforms/sites for business-related purposes is subject to Ohio's public records laws and, as set forth in Policy 7544, staff members are responsible for archiving their social media and complying with the Center's record retention schedule. See Policy 8310 - Public Records and AG 8310A - Public Records.

Staff must comply with Policy 7540.04, and Policy 7530.02 when using Center Information & Technology Resources.

7540.01 - TECHNOLOGY PRIVACY

The Governing Board recognizes its staff members' right to privacy in their personal lives. This policy serves to inform staff members of the Board's position with respect to staff member privacy in the educational and workplace setting and to protect the Board's interests.

All Educational Service Center Information & Technology Resources (as defined in Bylaw 0100) are considered the Board's property (whether physical objects or digital assets, including those accessible online) and intended to be used for business purposes. The Board retains the right to access and review all Information & Technology Resources (as defined in Bylaw 0100) including, but not limited to, electronic and voice mail, computer files, databases, and any other electronic transmissions contained in or used in conjunction with the Board's computer system/network, telephone system, electronic mail system, and voice mail system. Staff members shall be notified that they have no expectation that any personal information/data maintained, stored, or transmitted on or through such systems is confidential or private, regardless of whether the Board owns said systems or acquires them as a service.

Review of such information may be done by the Board with or without the staff member's knowledge.

The use of passwords and/or other means of securing such information (e.g., use of multifactor authentication (MFA) tools or techniques) does not guarantee confidentiality and the Board retains the right to access information in spite of the information being protected by a password and/or other means of verifying the user's identity (e.g., MFA or biometric data). A staff member's refusal to permit or otherwise facilitate such access may be grounds for discipline, up to and including discharge.

Center Information & Technology Resources are to be used primarily for business and educational purposes.

Personal messages/emails, images, audios, and videos sent via Center Information & Technology Resources should be limited in accordance with the Superintendent's guidelines. Staff members are encouraged to keep their personal records and personal business separate and distinct from Center Information & Technology Resources. Because Center Information & Technology Resources are to be used primarily for business and educational purposes, staff members are prohibited from sending offensive, discriminatory, or harassing messages/emails, images, audios, or videos.

Center Information & Technology Resources must be used properly. Review of Center Information & Technology Resources will only be done in the ordinary course of business and will be motivated by a legitimate business reason. If a staff member's personal information is discovered, the contents of such discovery will not be reviewed by the Board, except to the extent necessary to determine if the files/messages/emails/voice mails constitute a public record or if the Board's interests have been compromised. Any personal information/data discovered will be limited to those who have a specific need to know that information.

The administrators and supervisory staff members authorized by the Superintendent shall have the authority to search and access electronic/digital information/data maintained, stored, and/or transmitted on or through Center Information & Technology Resources.

All Center Information & Technology Resources are considered the property of and/or under the jurisdiction of the Board. Staff members shall not copy, delete, or remove any information/data contained on Center Information & Technology Resources without the express permission of the Superintendent or communicate any such information to unauthorized individuals. In addition, staff members may not download, copy, or install software onto any Center Information & Technology

Resources and may not bring or access software from outside sources for use on Center Information & Technology Resources without the prior approval of the Superintendent. Such pre-approval shall include a review of any security, privacy, copyright infringements, or virus problems associated with such outside software.

7540.02 - WEB ACCESSIBILITY, CONTENT, APPS, AND SERVICES

A. Creating Content for Web Pages/Sites, Apps, and Services

The Governing Board authorizes staff members to create content, apps, and services (see Bylaw 0100 - Definitions) that are hosted by the Board on its servers or Educational Service Center-affiliated servers (i.e., servers the Board pays to use or otherwise sanctions the use of) and/or published on the Internet.

The content, apps, and services must comply with State and Federal law (e.g., copyright laws, Children's Internet Protection Act (CIPA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Americans with Disabilities Act (ADA), and Children's Online Privacy Protection Act (COPPA)) and reflect the professional image/brand of the Center, its employees, and students. Content, apps, and services must be consistent with the Board's Mission Statement, and staff-created content, apps, and services are subject to prior review and approval of the Superintendent before being published on the Internet and/or used with students.

B. Purpose of Content of Center Web Pages/Sites, Apps, and Services

The purpose of content, apps, and services covered by this policy is to educate, inform, and communicate. The following criteria shall be used to guide the development of such content, apps, and services:

1. Educate

Content should be suitable for and usable by students and teachers to support the curriculum and the Board's Objectives as listed in the Board's Strategic Plan.

2. Inform

Content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

3. Communicate

Content may communicate information about the plans, policies, and operations of the Center to members of the public and other persons who may be interested in and/or affected by Center matters.

The information contained on the Board's website(s) should reflect and support the Board's Mission Statement, Educational Philosophy, and School Improvement Process.

When the content includes a photograph or personally identifiable information relating to a student, the Board will abide by the provisions of Policy 8330 - Student Records.

Under no circumstances are Center-created content, apps, and services to be used for commercial purposes, advertising, political lobbying, or to provide financial gains for any individual. Included in this prohibition is the fact no content contained on the Center's website may: (1) include statements or other items that support or oppose a candidate for public office; the investigation, prosecution, or recall of a public official; or passage of a tax levy or bond issue; (2) link to a website of another organization if the other website includes such a message; or (3) communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

Under no circumstances is staff member-created content, apps, and services, including personal web pages/websites, to be used to post student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the Board-specified website, app, or service (e.g., Progressbook/PowerSchool/Infinite Campus) for the purpose of conveying information to students and/or parents.

Staff members are prohibited from requiring students to go to the staff member's personal web pages/websites (including, but not limited to, their Facebook, Instagram, Pinterest pages, YouTube Channel(s), or TikTok sites) to check grades, obtain class assignments and/or class-related materials, and/or to turn in assignments.

If a staff member creates content, apps, and/or services related to the staff member's class, it must be hosted on the Board's server or a Center-affiliated server.

Unless the content, apps, and services contain student personally identifiable information, Board-sponsored websites, apps, and services that are published on the Internet should not be password protected or otherwise contain restricted access features, whereby only employees, student(s), or other limited groups of people can access the site. Community members, parents, employees, staff, students, and other website users will generally be given full access to the Board's website(s), apps, and services.

Web content, apps, and services should reflect an understanding that both internal and external audiences will be viewing the information.

The Superintendent shall prepare administrative guidelines defining the rules and standards applicable to the use of the Board's website and the creation of content, apps, and services by staff.

The Board retains all proprietary rights related to the design of and content for its website(s), apps, and services, absent written agreement to the contrary.

In order for a student's school work (i.e., work that is created in a class, at school, or as part of a school-sponsored extracurricular activity) to be displayed on the Board's website, the student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) must provide written permission and expressly license its display without cost to the Board.

Likewise, prior written permission from a student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) is necessary for a student to be identified by name on the Board's website.

C. **One-Way Communication Using Center Website, Apps and Services**

The Board approves the use of its website/web pages, apps and services to promote school activities and inform stakeholders and the general public about Center news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via Center web pages/sites, apps, and services to be one-way communication, public comments are not solicited or desired, and the website, app, or service is to be considered a nonpublic forum.

If the Center uses an app and/or web service that does not allow the Center to block or deactivate public comments, the Center's use of that app and web service is subject to Policy 7544 - Use of Social Media unless the Center is able to automatically withhold all public comments. If unsolicited public comments can be automatically withheld, the Center will retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Public Records and AG 8310E - Record Retention and Disposal), but it will not review or consider those comments.

7540.04 - STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY

Technology directly affects the ways in which information is accessed, communicated, and transferred in society. Educators are expected to continually adapt their means and methods of instruction and the way they approach student learning to incorporate the latest technologies. The Governing Board provides Educational Service Center ('Center') Information & Technology Resources (as defined by Bylaw 0100) (collectively, "Center Information & Technology Resources") to support the educational and professional needs of its staff and students. The Board provides staff with access to the Internet for educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The Center's computer network and Internet system do not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its stated educational purpose.

The Board regulates the use of Center Information & Technology Resources by principles consistent with applicable local, State, and Federal laws, and the Center's educational mission. This policy and its related administrative guidelines, and any applicable employment contracts and collective bargaining agreements govern staff use of Center Information & Technology Resources and personal communication devices when they are connected to the Center's Information & Technology Resources, including online educational services/apps, regardless of whether such use takes place on or off Center property (see Policy 7530.02).

Staff members are prohibited from using Center Information & Technology Resources to engage in illegal conduct (e.g., libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, etc.) or conduct that violates this Policy and its related administrative guidelines (e.g., making personal attacks and injurious comments, invading a person's privacy, etc.). Nothing herein, however, shall infringe on a staff member's First Amendment rights. Because Center Information & Technology Resources are not unlimited, the Board may institute restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Staff members have no right or expectation to privacy when using Center Information & Technology Resources (including, but not limited to, privacy in the content of their personal files, messages/e-mails, and records of their online activity).

Staff members are expected to use Center Information & Technology Resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource-sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services/apps will be guided by Board Policy 2520 - Selection of Instructional Materials and Equipment.

The Internet is a global information and communication network that brings incredible education and information resources to our students. Through the Internet, students and staff can access relevant information that will enhance their learning and the education process. Further, Center Information & Technology Resources provide students and staff with the opportunity to communicate with people throughout the world. Access to such an incredible quantity and diversity of information and resources brings with it, however, certain unique challenges and responsibilities.

While the Board uses various technologies to limit the use of District Information & Technology Resources to only use/access online services/apps and resources that have been pre-approved for the purpose of instruction, study, and research related to the curriculum, it is impossible to prevent users from accessing and/or coming in contact with online content that has not been pre-approved for use by students of certain ages. It is no longer possible for educators and community members to review and screen all materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them) when significant portions of students' education takes place online or through the use of online educational services/apps.

Pursuant to Federal law, the Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act (CIPA). At the discretion of the Board or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using Center Information & Technology Resources if such disabling will cease to protect against access to materials that are prohibited under CIPA. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be disciplined, up to and including termination.

The Superintendent may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material if access to such sites has been mistakenly, improperly, or inadvertently blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

Directors are responsible for providing training so that staff under their supervision are knowledgeable about this policy and its accompanying guidelines.

Staff members will participate in professional development programs in accordance with the provisions of law and this policy. Training shall include:

- A. the safety and security of students while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online;
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying, and other unlawful or inappropriate activities by students or staff online; and
- D. unauthorized disclosure, use, and dissemination of personally-identifiable information regarding minors.

Staff members shall provide guidance and instruction to their students regarding the appropriate use of Center Information & Technology Resources and online safety and security as specified above.

Additionally, such training shall include, but not be limited to, education concerning appropriate online behavior including interacting with others on social media, including in chat rooms, and cyberbullying awareness and response. Further, staff members shall monitor students' online activities while the students are at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions or use of specific monitoring tools to review browser history and network, server, and computer logs.

The disclosure of personally identifiable information about students online is prohibited.

All staff members who use Center Information & Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines (see Form 7540.04 F1).

In order to keep Center Information & Technology Resources operating in a safe, secure, efficient, effective, and beneficial manner to all users, staff members are required to comply with all Center-established cybersecurity procedures including, but not limited to, the use of multi-factored authentication (MFA), for which they have been trained. Principals are responsible for providing such training on a regular basis and measuring the effectiveness of the training.

Staff will be assigned a Center-provided school email address that they are required to use for all school-related electronic communications, including those to students, parents and other constituents, fellow staff members, and vendors or individuals seeking to do business with the Center.

With prior approval from the Superintendent, staff may direct students who have been issued school-assigned email accounts to use those accounts when signing-up/registering for access to various online educational services/apps that the students will utilize for educational purposes under the teacher's supervision.

Staff members are responsible for good behavior when using Center Information & Technology Resources - i.e., behavior comparable to that expected when they are in physical classrooms and school buildings and at a school-sponsored event. Because communications on the Internet are often public in

nature, general rules for professional behavior and communication apply. The Board does not approve any use of Center Information & Technology Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Staff members may only use Center Information & Technology Resources to access or use social media if it is done for educational or business-related purposes.

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the Center's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's personal communication device. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

Use of Artificial Intelligence/Natural Language Processing Tools

Staff are permitted to use Artificial Intelligence and Natural Language Processing (NLP) tools (collectively, "AI/NLP tools") to accomplish their job responsibilities so long as the use is ethical, responsible, and does not violate any provisions of this policy – e.g., it does not infringe on students' or staff members' privacy rights, violate their duty to maintain confidentiality related to personally identifiable information, etc.).

With respect to students, it is the Board's policy that they are required to rely on their own knowledge, skills, and resources when completing school work. In order to ensure the integrity of the educational process and to promote fair and equal opportunities for all students, except as outlined below, students are prohibited from using AI/NLP tools to complete school work. The use of AI/NLP tools without the express permission/consent of a teacher is considered to undermine the learning and problem-solving skills that are essential to students' academic success and that the staff is tasked to develop in each student. Consequently, students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI/NLP tools, and they are expected to ask their teachers when they have questions and/or need assistance. Students' unauthorized use of AI/NLP tools is considered a form of plagiarism and any student found using such tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct.

Notwithstanding the preceding, students are allowed to use AI/NLP tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI/NLP tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI/NLP tools for the following uses:

- A. Research assistance: AI/NLP tools can be used to help students quickly and efficiently search for and find relevant information for their school projects and assignments.
- B. Data Analysis: AI/NLP tools can be used to help students to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.
- C. Language translation: AI/NLP tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language.

D. Writing assistance: AI/NLP tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.

E. Accessibility: AI/NLP tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts, and AI-powered translation tools can help students with hearing impairments understand spoken language.

As outlined above, under appropriate circumstances, AI/NLP tools can be effectively used as a supplement to and not a replacement for traditional learning methods. Consequently, with prior teacher permission/consent, students can use AI/NLP tools to help them better understand and analyze information and/or access course materials. If a student has any questions about whether they are permitted to use AI/NLP tools for a specific class assignment, they should ask their teacher.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of Center Information & Technology Resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent as the administrator(s) responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of Center Information & Technology Resources.

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parental consent. See Policy 8330. Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality and/or privacy laws related to the disclosure of student or employee personally identifiable information may be disciplined.

Staff members retain rights of communication for collective bargaining purposes and union organizational activities.

7540.05 - EDUCATIONAL SERVICE CENTER-ISSUED STAFF E-MAIL ACCOUNT Staff

The Governing Board is committed to the effective use of electronic mail ("e-mail") by all Educational Service Center staff and Board members in the conduct of their official duties. This policy and any corresponding guidelines are intended to establish a framework for the proper use of e-mail for conducting official business and communicating with colleagues, students, parents, and community members.

When available, the Center's e-mail system must be used by employees for any official Center-mail communications. Furthermore, Center staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the Center's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

Center staff may join list serves or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the Center. If a staff member is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her Building Principal or the Center's IT staff.

Staff members are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a litigation hold (see Policy 8315 – Information Management), and purging all other e-mails

that have been read. If the staff member is concerned that his/her e-mail storage allotment is not sufficient, s/he should contact the Center's IT staff.

Public Records

The Center complies with all Federal and State laws pertaining to electronic mail. Accordingly, e-mails written by or sent to Center staff and Board members may be public records if their content concerns Center business, or education records if their content includes personally identifiable information about a student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. E-mails that are student records must be maintained pursuant to Policy 8330 – Student Records. Finally e-mails may constitute electronically stored information ("ESI") that may be subject to a litigation hold pursuant to Policy 8315 – Information Management.

State and Federal law exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the e-mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request involving ESI.

E-mails written by or sent to Center staff and Board members by means of their private e-mail account may be public records if the content of the e-mails concerns Center business, or education records if their content includes personally identifiable information about a student. Consequently, staff shall comply with a Center request to produce copies of e-mail in their possession that are either public records or education records, or that constitute ESI that is subject to a litigation hold, even if such records reside on a computer owned by an individual staff member, or are accessed through an e-mail account not controlled by the Center.

Retention

Pursuant to State and Federal law, e-mails that are public records or education records, and e-mails that are subject to a litigation hold shall be retained.

The Center maintains archives of all e-mails sent and/or received by users of the Center's e-mail service. Staff members are required to forward copies of any e-mails received in their personal e-mail account(s) not affiliated with the Center server to their Center e-mail account so that these records are also archived for future retrieval, if necessary.

Unauthorized E-mail

The Board does not authorize the use of its Technology Resources, including its computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-

mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Policy 7540.04, staff and Board members using the Center's e-mail system shall acknowledge their review of, and intent to comply with, the Center's policy on acceptable use and safety by signing and submitting Form 7540.04 F1 annually.

33 - FIRE PROCEDURES

In the event of a fire within the building:

Sound the fire alarm (located by all the exits) immediately to evacuate the building.

Notify management so a determination can be made on calling the fire department.

If appropriate, use a fire extinguisher on a small fire. Do not risk your safety if the fire does not extinguish quickly.

Move a safe distance from the building, but do not congregate in parking lot entrance or driving lanes.

Evacuated staff should locate and remain with their department secretary. This will allow for attendance to be taken, if necessary.

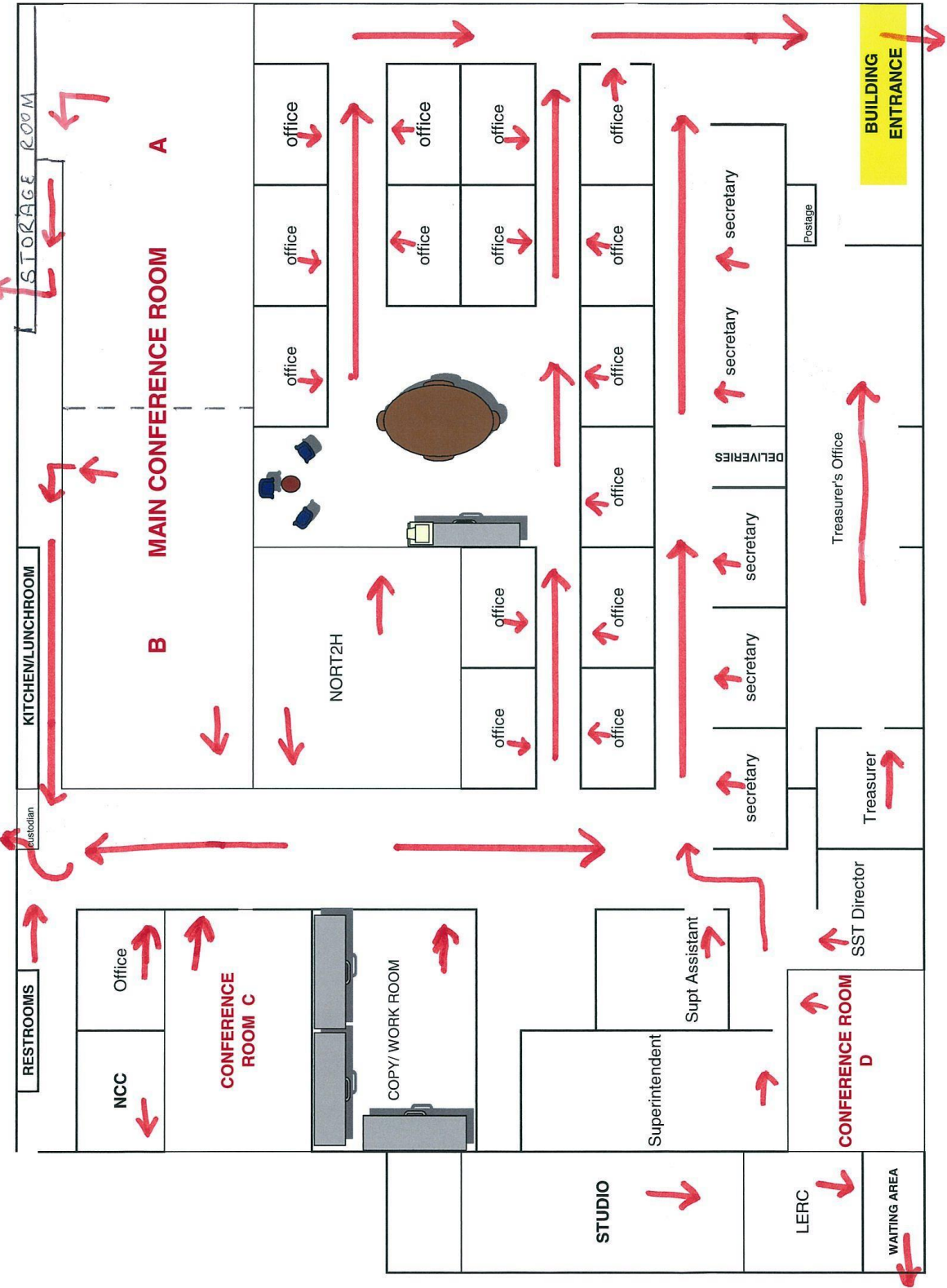
Visitors should remain with the staff person they are visiting to allow for attendance, if necessary.

If after hours, sound the alarm and call the fire department, if an extinguisher does not remedy the situation.

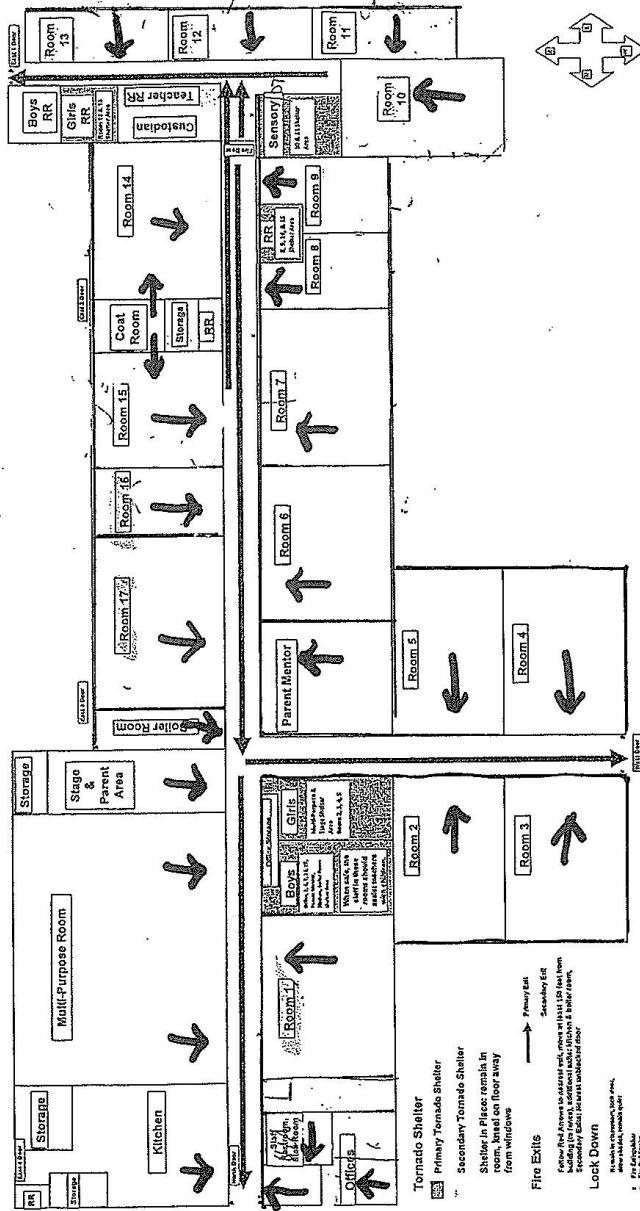
33.1 Fire Exit Plan

All personnel will become familiar with the fire exit plan for their respective building of assignment. Suggested exit routes are as follows:

FIRE EXIT PLAN ESCLC

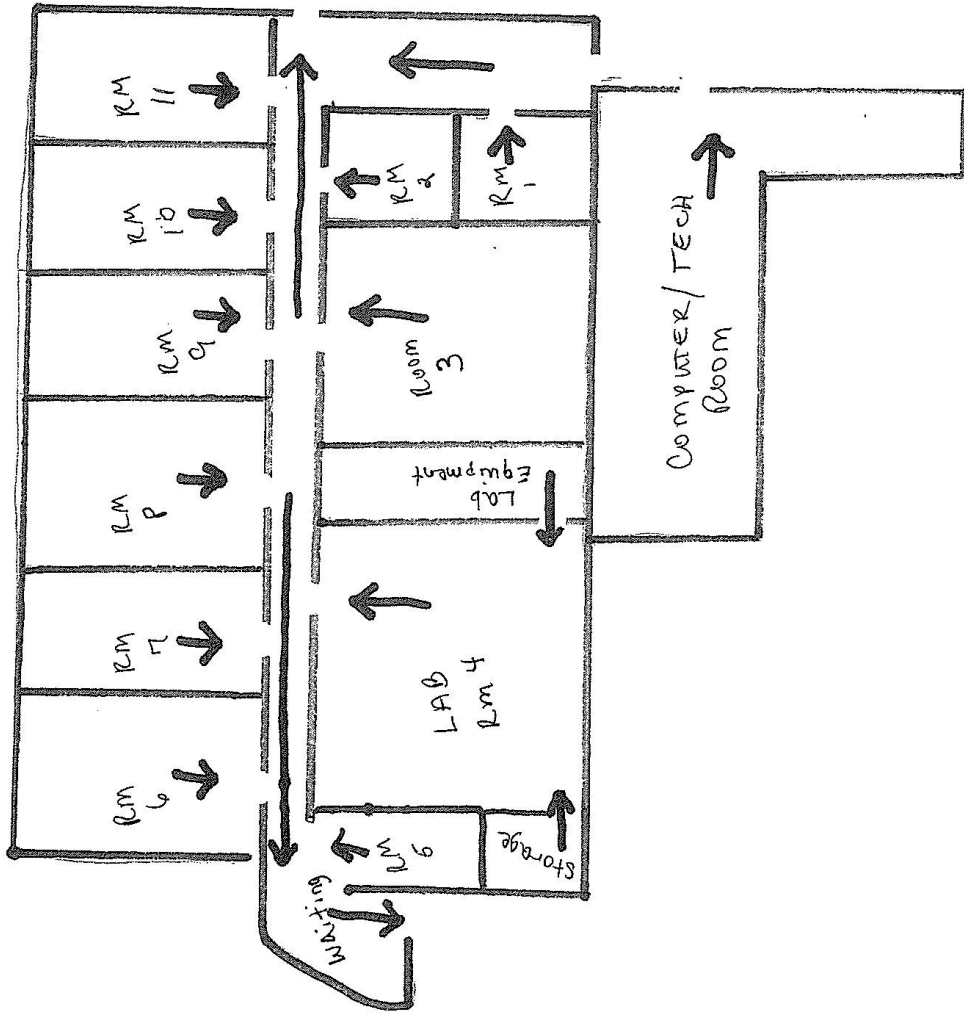


FIRE EXIT PLAN
PRESCHOOL



FIRE EXIT PLAN

N. C. C.



APPENDIX

Ohio Ethics Law effective April 2020 can be found at:

<https://www.ethics.ohio.gov/education/factsheets/ethicslaw.pdf>

Ohio Ethics Law and Related Statutes

The Ohio Ethics Commission



Merom Brachman, Chairman

Megan Kelley, Vice Chairman

Bruce E. Bailey

Mark Vander Laan

Julie Rutter

Elizabeth E. Tracy

Paul M. Nick, Executive Director

April 2020

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THE OHIO ETHICS LAW: CHAPTER 102. OF THE REVISED CODE

Section 102.01 As used in this chapter:

(A) “Compensation” means money, thing of value, or financial benefit. “Compensation” does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.

(B) “Public official or employee” means any person who is elected or appointed to an office or is an employee of any public agency. “Public official or employee” does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention. “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.

(C)(1) "Public agency" means the general assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a county, city, village, or township, the five state retirement systems, or any other governmental entity.

(2) Notwithstanding any contrary provision of division (C) (3)(a) of this section, "public agency" includes a regional council of governments established under Chapter 167. of the Revised Code.

(3) "Public agency" does not include either of the following:

(a) A department, division, institution, board, commission, authority, or other instrumentality of the state or a county, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated;

(b) The nonprofit corporation formed under section 187.01 of the Revised Code.

(D) “Immediate family” means a spouse residing in the person’s household and any dependent child.

(E) “Income” includes gross income as defined and used in the “Internal Revenue Code of 1986,” 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.

(F) Except as otherwise provided in division (A) of section 102.08 of the Revised Code, “appropriate ethics commission” means:

(1) For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, and candidates for the office of member of the general assembly, and public members appointed to the Ohio constitutional modernization commission under section 103.63 of the Revised Code, the joint legislative ethics committee;

(2) For matters relating to judicial officers and employees, and candidates for judicial office, the board of commissioners on grievances and discipline of the supreme court;

(3) For matters relating to all other persons, the Ohio ethics commission.

(G) “Anything of value” has the same meaning as provided in section 1.03 of the Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Revised Code.

(H) “Honorarium” means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. “Honorarium” does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official’s or employee’s office or position of employment.

(I) “Employer” means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.

(J) “Executive agency decision,” “executive agency lobbyist,” and “executive agency lobbying activity” have the same meanings as in section 121.60 of the Revised Code.

(K) “Legislation,” “legislative agent,” “financial transaction,” and “actively advocate” have the same meanings as in section 101.70 of the Revised Code.

(L) “Expenditure” has the same meaning as in section 101.70 of the Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Revised Code when used in relation to activities of an executive agency lobbyist.

Sec. 102.02.

(A)(1) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed pursuant to section 105.41 of the Revised Code; all members of the Ohio casino control commission, the executive director of the commission, all professional employees of the commission, and all technical employees of the commission who perform an internal audit function; the individuals set forth in division (B)(2) of section 187.03 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement board who is a state retirement system investment officer licensed pursuant to section 1707.163 of the Revised Code; the members of the Ohio retirement study council appointed pursuant to division (C) of section 171.01 of the Revised Code; employees of the Ohio retirement study council, other than employees who perform purely administrative or clerical functions; the administrator of workers' compensation and each member of the bureau of workers' compensation board of directors; the bureau of workers' compensation director of investments; the chief investment officer of the bureau of workers' compensation; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; all members appointed to the Ohio livestock care standards board under section 904.02 of the Revised Code; all entrepreneurs in residence assigned by the LeanOhio office in the department of administrative services under section 125.65 of the Revised Code and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

(2) The disclosure statement shall include all of the following:

(a) The name of the person filing the statement and each member of the person's immediate family and all names under which the person or members of the person's immediate family do business;

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source

of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(b)(i) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(ii) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b)(ii) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons licensed under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b)(ii) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(iii) Except as otherwise provided in division (A)(2)(b)(iii) of this section, division (A)(2)(b)(i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(c) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(2)(c) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

(d) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation;

(e) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(2)(e) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all statechartered banks and all bank subsidiary corporations subject to regulation under section Am. 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

(f) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(2)(c) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(2)(f) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons licensed under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

(g) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathersin-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

(h) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in the person's own name or by any other person for the person's use or benefit and that is incurred in connection with the person's official duties, except for expenses for travel to meetings or conventions of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues;

(i) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or

agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year; (j) If the disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

(3) A person may file a statement required by this section in person, by mail, or by electronic means.

(4) A person who is required to file a statement under this section shall file that statement according to the following deadlines, as applicable:

(a) Except as otherwise provided in divisions (A)(4)(b), (c), and (d) of this section, the person shall file the statement not later than the fifteenth day of May of each year.

(b) A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on.

(c) A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office.

(d) A person who is appointed or employed after the fifteenth day of May, other than a person described in division (A)(4)(c) of this section, shall file an annual statement within ninety days after appointment or employment.

(5) No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

(6) The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

(7) A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement not less than thirty days before the applicable filing deadline unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment. Disclosure statements filed under this division with the Ohio ethics

commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by the individuals set forth in division (B)(2) of section 187.03 of the Revised Code shall be kept confidential. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

(C) No person shall knowingly fail to file, on or before the applicable filing deadline established under this section, a statement that is required by this section.

(D) No person shall knowingly file a false statement that is required to be filed under this section. (E)(1) Except as provided in divisions (E)(2) and (3) of this section, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of sixty dollars.

(2) The statement required by division (A) of this section shall be accompanied by the following filing fee to be paid by the person who is elected or appointed to, or is a candidate for, any of the following offices:

For state office, except member of the state board of education \$95

For office of member of general assembly \$40

For county office \$60 For city office \$35

For office of member of the state board of education \$35

For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board \$30

For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center \$30

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.

(G)(1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs, or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

(3) The joint legislative ethics committee shall deposit all receipts it receives from the payment of financial disclosure statement filing fees under divisions (E) and (F) of this section into the joint legislative ethics committee investigative and financial disclosure fund.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

Sec. 102.021

(A)(1) For the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, except as provided in division (B) or (D) of this section, each former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code shall file, on or before the deadlines specified in division (D) of this section, with the joint legislative ethics committee a statement that shall include the information described in divisions (A)(2), (3), (4), and (5) of this section, as applicable. The statement shall be filed on a form and in the manner specified by the joint legislative ethics committee. This division does not apply to a state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code, who leaves service or public employment, and who takes another position as a state elected officer or staff member who files or is required to file a disclosure statement under that section.

No person shall fail to file, on or before the deadlines specified in division (D) of this section, a statement that is required by this division.

(2) The statement referred to in division (A)(1) of this section shall describe the source of all income received, in the former state elected officer's or staff member's own name or by any other person for the person's use or benefit, and briefly describe the nature of the services for which the income was received if the source of the income was any of the following:

(a) An executive agency lobbyist or a legislative agent;

(b) The employer of an executive agency lobbyist or legislative agent, except that this division does not apply if the employer is any state agency or political subdivision of the state;

(c) Any entity, association, or business that, at any time during the two immediately preceding calendar years, was awarded one or more contracts by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more, or bid on one or more contracts to be awarded by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more.

(3) If the former state elected officer or staff member received no income as described in division (A)(2) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(4) If the former state elected officer or staff member directly or indirectly made, either separately or in combination with another, any expenditure or gift for transportation, lodging, or food or beverages to, at the request of, for the benefit of, or on behalf of any public officer or employee, and if the former state elected officer or staff member would be required to report the expenditure or gift in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made, the statement referred to in division (A)(1) of this section shall include all information relative to that gift or expenditure that would be required in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made.

(5) If the former state elected officer or staff member made no expenditure or gift as described in division (A)(4) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(B) If, at any time during the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, a former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code becomes a legislative agent or an executive agency lobbyist, the former state elected officer or staff member shall comply with all registration and filing requirements set forth in sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, and, the former state elected officer or staff member also shall file a statement under division (A)(1) of this section except that the statement filed under division (A)(1) of this section does not need to include information regarding any income source, expenditure, or gift to the extent that that information was included in any registration or statement filed under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code.

(C) Except as otherwise provided in this division, division (A)(2) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences

as privileged communications except under specified circumstances. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a

confidentiality requirement as described in this division to disclose in the brief description of the nature of services required by division (A)(2) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(D)(1) Each state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall file an initial statement under division (A)(1) of this section not later than the day on which the former state elected officer or staff member leaves public service or public employment. The initial statement shall specify whether the person will, or will not, receive any income from a source described in division (A)(2)(a), (b), or (c) of this section.

If a person files an initial statement under this division that states that the person will receive income from a source described in division (A)(2)(a), (b), or (c) of this section, the person is required to file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, except as otherwise provided in this division, the person is not required to file statements under division (A)(2), (4), or (5) of this section or to file subsequent statements under division (A)(3) of this section. If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, and, subsequent to the filing of that initial statement, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division, and the person thereafter shall file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

(2) After the filing of the initial statement under division (D)(1) of this section, each person required to file a statement under division (A)(2), (3), (4), or (5) of this section shall file it on or before the last calendar day of January, May, and September. The statements described in divisions (A)(2), (3), and (5) of this section shall relate to the sources of income the person received in the immediately preceding filing period from each source of income in each of the categories listed in division (A)(2) of this section. The statement described in division (A)(4) of this section shall include any information required to be reported regarding expenditures and gifts of the type described in division (A)(4) of this section occurring since the filing of the immediately preceding statement.

If, pursuant to this division, a person files a statement under division (A)(2) of this section, the person is required to file statements under division (A)(4) of this section, and subsequent statements under division (A)(2), (3), or (5) of this section, at the times specified in this division. In addition, if, subsequent to the filing of the statement under division (A)(2) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section that was not listed on the statement filed under division (A)(2) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source.

If, pursuant to this division, a person files a statement under division (A)(3) of this section, except as otherwise provided in this division, the person thereafter is not required to file statements under division (A)(2), (4), or (5) of this section, or to file subsequent statements under division (A)(3) of this section. If, subsequent to the filing of the statement under division (A)(3) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source, and the

person thereafter shall file statements under division (A)(4) of this section, and subsequent statements under division (A)(2) or (3) of this section, at the times specified in this division.

(3) No fee shall be required for filing a statement under this section, except that the joint legislative ethics committee may charge late fees in the same manner as specified in division (G) of section 101.72 of the Revised Code.

(E) Any state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall provide a forwarding address to the officer's or staff member's last employer, and the employer shall provide the person's name and address to the joint legislative ethics committee. The former elected state officer or staff member shall provide updated forwarding addresses as necessary to the joint legislative ethics committee during the twentyfour month period during which division (A)(1) of this section applies. The public agency or appointing authority that was the last employer of a person required to file a statement under division (A)(2) of this section shall furnish to the person a copy of the form needed to complete the initial statement required under division (D)(1) of this section.

(F) During the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, no person required to file a statement under this section shall receive from a source described in division (A)(2)(a), (b), or (c) of this section, and no source described in division (A)(2)(a), (b), or (c) of this section shall pay to that person, any compensation that is contingent in any way upon the introduction, modification, passage, or defeat of any legislation or the outcome of any executive agency decision.

(G) As used in this section "state elected officer or staff member" means any elected officer of this state, any staff, as defined in section 101.70 of the Revised Code, or any staff, as defined in section 121.60 of the Revised Code.

Sec. 102.022

Each person who is an officer or employee of a political subdivision, who receives compensation of less than sixteen thousand dollars a year for holding an office or position of employment with that political subdivision, and who is required to file a statement under section 102.02 of the Revised Code; each member of the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code; and each individual set forth in division (B)(2) of section 187.03 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code, shall include in that statement, in place of the information required by divisions (A)(2)(b), (g), (h), and (i) of that section, the following information:

(A) Exclusive of reasonable expenses, identification of every source of income over five hundred dollars received during the preceding calendar year, in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code or patients of persons certified under section 4731.14 of the Revised Code. This division shall not be construed to require a person filing the statement who derives income from a

business or profession to disclose the individual items of income that constitute the gross income of the business or profession.

(B) The source of each gift of over five hundred dollars received by the person in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, received from parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor.

Section 102.03

(A)(1) No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the public official or employee personally participated as a public official or employee through decision,

approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(2) For twenty-four months after the conclusion of service, no former commissioner or attorney examiner of the public utilities commission shall represent a public utility, as defined in section 4905.02 of the Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency.

(3) For twenty-four months after the conclusion of employment or service, no former public official or employee who personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the public official or employee personally participated as a public official or employee.

(4) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A)(4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A)(4) of this section "person" does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes,

resolutions, or constitutional amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

(6) Nothing contained in division (A) of this section shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the public official or employee was employed or on which the public official or employee served.

(7) Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.

(8) Division (A) of this section does not prohibit a nonelected public official or employee of a state agency, as defined in section 1.60 of the Revised Code, from becoming a public official or employee of another state agency. Division (A) of this section does not prohibit such an official or employee from representing or acting in a representative capacity for the official's or employee's new state agency on any matter in which the public official or employee personally participated as a public official or employee at the official's or employee's former state agency. However, no public official or employee of a state agency shall, during public employment or for twelve months thereafter, represent or act in a representative capacity for the official's or employee's new state agency on any audit or investigation pertaining to the official's or employee's new state agency in which the public official or employee personally participated at the official's or employee's former state agency through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(9) Division (A) of this section does not prohibit a nonelected public official or employee of a political subdivision from becoming a public official or employee of a different department, division, agency, office, or unit of the same political subdivision. Division (A) of this section does not prohibit such an official or employee from representing or acting in a representative capacity for the official's or employee's new department, division, agency, office, or unit on any matter in which the public official or employee personally participated as a public official or employee at the official's or employee's former department, division, agency, office, or unit of the same political subdivision. As used in this division, "political subdivision" means 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.

(10) No present or former Ohio casino control commission official shall, during public service or for two years thereafter, represent a client, be employed or compensated by a person regulated by the commission, or act in a representative capacity for any person on any matter before or concerning the commission.

No present or former commission employee shall, during public employment or for two years thereafter, represent a client or act in a representative capacity on any matter in which the employee personally participated as a commission employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(B) No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or ratemaking proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or ratemaking proceeding that directly affects the license or rates of any person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons licensed under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other public official or employee who seeks elective office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(H)(1) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept, and no person shall give to that public official or employee, an honorarium. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which any state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. Except

as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c) (3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use the public official's or employee's official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections

504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

As used in this division, "chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(L) No present public official or employee with a casino gaming regulatory function shall indirectly invest, by way of an entity the public official or employee has an ownership interest or control in, or directly invest in a casino operator, management company, holding company, casino facility, or gaming-related vendor.

No present public official or employee with a casino gaming regulatory function shall directly or indirectly have a financial interest in, have an ownership interest in, be the creditor or hold a debt instrument issued by, or have an interest in a contractual or service relationship with a casino operator, management company, holding company, casino facility, or gaming-related vendor. This section does not prohibit or limit permitted passive investing by the public official or employee.

As used in this division, "passive investing" means investment by the public official or employee by means of a mutual fund in which the public official or employee has no control of the investments or investment decisions. "Casino operator," "holding company," "management company," "casino facility," and "gamingrelated vendor" have the same meanings as in section 3772.01 of the Revised Code.

(M) A member of the Ohio casino control commission, the executive director of the commission, or an employee of the commission shall not:

(1) Accept anything of value, including but not limited to a gift, gratuity, emolument, or employment from a casino operator, management company, or other person subject to the jurisdiction of the commission, or from an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission;

(2) Solicit, suggest, request, or recommend, directly or indirectly, to a casino operator, management company, or other person subject to the jurisdiction of the commission, or to an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission, the appointment of a person to an office, place, position, or employment;

(3) Participate in casino gaming or any other amusement or activity at a casino facility in this state or at an affiliate gaming facility of a licensed casino operator, wherever located.

In addition to the penalty provided in section 102.99 of the Revised Code, whoever violates division (M)(1), (2), or (3) of this section forfeits the individual's office or employment.

Sec. 102.031

(A) As used in this section:

(1) "Business associate" means a person with whom a member of the general assembly is conducting or undertaking a financial transaction.

(2) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.

(3) "Employee" does not include a member of the general assembly whose nonlegislative position of employment does not involve the performance of or the authority to perform administrative or supervisory

functions; or whose nonlegislative position of employment, if the member is a public employee, does not involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or execution of other public trusts.

(B) No member of the general assembly shall vote on any legislation that the member knows is then being actively advocated if the member is one of the following with respect to a legislative agent or employer that is then actively advocating on that legislation:

- (1) An employee;
- (2) A business associate;
- (3) A person, other than an employee, who is hired under contract to perform certain services, and that position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

(C) No member of the general assembly shall knowingly accept any of the following from a legislative agent or a person required to file a statement described in division (A)(2) of section 102.021 of the Revised Code:

- (1) The payment of any expenses for travel or lodging except as otherwise authorized by division (H) of section 102.03 of the Revised Code;
- (2) More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member at a meeting at which the member participates in a panel, seminar, or speaking engagement, at a meeting or convention of a national organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or at a dinner, party, or function to which all members of the general assembly or all members of either house of the general assembly are invited;
- (3) A gift of any amount in the form of cash or the equivalent of cash, or a gift of any other thing of value whose value exceeds seventy-five dollars. As used in division (C)(3) of this section, "gift" does not include any contribution or any gifts of meals and other food and beverages or the payment of expenses incurred for travel to destinations either inside or outside this state that is received by a member of the general assembly and that is incurred in connection with the member's official duties.

(D) It is not a violation of division (C)(2) of this section if, within sixty days after receiving notice from a legislative agent that the legislative agent has provided a member of the general assembly with more than seventy-five dollars aggregated in a calendar year as payment for meals and other food and beverages, the member of the general assembly returns to that legislative agent the amount received that exceeds seventy-five dollars.

(E) The joint legislative ethics committee may impose a fine of not more than one thousand dollars upon a member of the general assembly who violates division (B) of this section. **Section 102.04**

(A) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(B) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall sell or agree to sell, except through competitive bidding, any goods or services to the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(C) Except as provided in division (D) of this section, no person who is elected or appointed to an office of or employed by a county, township, municipal corporation, or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.

(D) A public official who is appointed to a nonelective office or a public employee shall be exempted from division (A), (B), or (C) of this section if both of the following apply:

(1) The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;

(2) Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the public official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such public official or employee in any matter involving any public official or employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending or to which the goods or services were to be sold. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

(E) No public official or employee who files a statement or is required to file a statement under division (D) of this section shall knowingly fail to disqualify himself from any participation as a public official or employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending or of a public agency that purchased or agreed to purchase goods or services.

(F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

Section 102.05

There is hereby created the Ohio ethics commission consisting of six members, three of whom shall be members of each of the two major political parties, to be appointed by the governor with the advice and consent of the senate. Within thirty days of the effective date of this section, the governor shall make initial appointments to the commission. Of the initial appointments made to the commission, one shall be for a term ending one year after the

effective date of this section, and the other appointments shall be for terms ending two, three, four, five, and six years, respectively, after the effective date of this section. Thereafter, terms of office shall be for six years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term.

No person shall be appointed to the commission or shall continue to serve as a member of the commission if the person is subject to section 102.02 of the Revised Code other than by reason of his appointment to the commission or if the person is a legislative agent registered under sections 101.70 to 101.79 of the Revised Code or an executive agency lobbyist registered under sections 121.60 to 121.69 of the Revised Code. Each member shall be paid seventy-five dollars for each meeting held in the discharge of his official duties, except that no member shall be paid more than eighteen hundred dollars in any fiscal year. Each member shall be reimbursed for expenses actually and necessarily incurred in the performance of his official duties.

The commission shall meet within two weeks after all members have been appointed, at a time and place determined by the governor. At its first meeting, the commission shall elect a chairman and other officers that are necessary and shall adopt rules for its procedures. After the first meeting, the commission shall meet at the call of the chairman or upon the written request of a majority of the members. A majority of the members of the commission constitutes a quorum. The commission shall not take any action without the concurrence of a majority of the members of the commission.

The commission may appoint and fix the compensation of an executive director and other technical, professional, and clerical employees that are necessary to carry out the duties of the commission.

The commission may appoint hearing examiners to conduct hearings pursuant to section 102.06 of the Revised Code. The hearing examiners have the same powers and authority in conducting the hearings as is granted to the commission. Within thirty days after the hearing, the hearing examiner shall submit to the commission a written report of his findings of fact and conclusions of law and a recommendation of the action to be taken by the commission. The recommendation of the hearing examiner may be approved, modified, or disapproved by the commission, and no recommendation shall become the findings of the commission until so ordered by the commission. The findings of the commission shall have the same effect as if the hearing had been conducted by the commission. Hearing examiners appointed pursuant to this section shall possess the qualifications the commission requires. Nothing contained in this section shall preclude the commission from appointing a member of the commission to serve as a hearing examiner.

Section 102.06

(A) The appropriate ethics commission shall receive and may initiate complaints against persons subject to this chapter concerning conduct alleged to be in violation of this chapter or section 2921.42 or 2921.43 of the Revised Code. All complaints except those by the commission shall be by affidavit made on personal knowledge, subject to the penalties of perjury. Complaints by the commission shall be by affidavit, based upon reasonable cause to believe that a violation has occurred.

(B) The appropriate ethics commission shall investigate complaints, may investigate charges presented to it, and may request further information, including the specific amount of income from a source, from any person filing with the commission a statement required by section 102.02 or 102.021 of the Revised Code, if the information sought is directly relevant to a complaint or charges received by the commission pursuant to this section. This information is confidential, except that the commission, in its discretion, may share information gathered in the course of any investigation with, or disclose the information to, the inspector general, any

appropriate prosecuting authority, any law enforcement agency, or any other appropriate ethics commission. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, or is a member of the bureau of workers' compensation board of directors, the appropriate ethics commission, in its discretion, also may share information gathered in the course of an investigation with, or disclose the information to, the attorney general and the auditor of state. The person so requested shall furnish the information to the commission, unless within fifteen days from the date of the request the person files an action for declaratory judgment challenging the legitimacy of the request in the court of common pleas of the county of the person's residence, the person's place of employment, or Franklin county. The requested information need not be furnished to the commission during the pendency of the judicial proceedings. Proceedings of the commission in connection with the declaratory judgment action shall be kept confidential except as otherwise provided by this section. Before the commission proceeds to take any formal action against a person who is the subject of an investigation based on charges presented to the commission, a complaint shall be filed against the person. If the commission finds that a complaint is not frivolous, and there is reasonable cause to believe that the facts alleged in a complaint constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a hearing. If the commission does not so find, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of its finding. The person against whom the complaint is directed shall be given reasonable notice by certified mail of the date, time, and place of the hearing and a statement of the charges and the law directly involved and shall be given the opportunity to be represented by counsel, to have counsel appointed for the person if the person is unable to afford counsel without undue hardship, to examine the evidence against the person, to produce evidence and to call and subpoena witnesses in the person's defense, to confront the person's accusers, and to cross-examine witnesses. The commission shall have a stenographic record made of the hearing. The hearing shall be closed to the public.

(C)(1)(a) If, upon the basis of the hearing, the appropriate ethics commission finds by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall report its findings to the appropriate prosecuting authority for proceedings in prosecution of the violation and to the appointing or employing authority of the accused. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, the commission also shall report its findings to the Ohio retirement study council.

(b) If the Ohio ethics commission reports its findings to the appropriate prosecuting authority under division (C)(1)(a) of this section and the prosecuting authority has not initiated any official action on those findings within ninety days after receiving the commission's report of them, the commission may publicly comment that no official action has been taken on its findings, except that the commission shall make no comment in violation of the Rules of Criminal Procedure or about any indictment that has been sealed pursuant to any law or those rules. The commission shall make no comment regarding the merits of its findings. As used in division (C)(1)(b) of this section, "official action" means prosecution, closure after investigation, or grand jury action resulting in a true bill of indictment or no true bill of indictment.

(2) If the appropriate ethics commission does not find by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code or if the commission has not scheduled a hearing within ninety days after the complaint is filed or has not finally disposed of the complaint within six months after it has been heard, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused

person, the commission shall make a public report of the finding, but in this case all evidence and the record of the hearing shall remain confidential unless the accused person also requests that the evidence and record be made public. Upon request by the accused person, the commission shall make the evidence and the record available for public inspection.

(D) The appropriate ethics commission, or a member of the commission, may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The commission shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of these subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The commission or the accused person may take the depositions of witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

(E) At least once each year, the Ohio ethics commission shall report on its activities of the immediately preceding year to the majority and minority leaders of the senate and house of representatives of the general assembly. The report shall indicate the total number of complaints received, initiated, and investigated by the commission, the total number of complaints for which formal hearings were held, and the total number of complaints for which formal prosecution was recommended or requested by the commission. The report also shall indicate the nature of the inappropriate conduct alleged in each complaint and the governmental entity with which any employee or official that is the subject of a complaint was employed at the time of the alleged inappropriate conduct.

(F) All papers, records, affidavits, and documents upon any complaint, inquiry, or investigation relating to the proceedings of the appropriate ethics commission shall be sealed and are private and confidential, except as otherwise provided in this section and section 102.07 of the Revised Code.

(G)(1) When a complaint or charge is before it, the Ohio ethics commission or the appropriate prosecuting authority, in consultation with the person filing the complaint or charge, the accused, and any other person the commission or prosecuting authority considers necessary, may compromise or settle the complaint or charge with the agreement of the accused. The compromise or settlement may include mediation, restitution, rescission of affected contracts, forfeiture of any benefits resulting from a violation or potential violation of law, resignation of a public official or employee, or any other relief that is agreed upon between the commission or prosecuting authority and the accused.

(2) Any settlement agreement entered into under division (G)(1) of this section shall be in writing and be accompanied by a statement of the findings of the commission or prosecuting authority and the reasons for entering into the agreement. The commission or prosecuting authority shall retain the agreement and statement in the commission's or prosecuting authority's office and, in the commission's or prosecuting authority's discretion, may make the agreement, the statement, and any supporting information public, unless the agreement provides otherwise.

(3) If a settlement agreement is breached by the accused, the commission or prosecuting authority, in the commission's or prosecuting authority's discretion, may rescind the agreement and reinstitute any investigation, hearing, or prosecution of the accused. No information obtained from the accused in reaching the settlement that is not otherwise discoverable from the accused shall be used in any proceeding before the commission or by the appropriate prosecuting authority in prosecuting the violation. Notwithstanding any other section of the Revised

Code, if a settlement agreement is breached, any statute of limitations for a violation of this chapter or section 2921.42 or 2921.43 of the Revised Code is tolled from the date the complaint or charge is filed until the date the settlement agreement is breached.

Section 102.07

No member, employee, or agent of the Ohio ethics commission, board of commissioners on grievances and discipline of the supreme court, or joint legislative ethics committee shall divulge any information or any books, papers, or documents presented to the commission, joint legislative ethics committee, or board of commissioners on grievances and discipline without the consent, in writing, of the appropriate ethics commission, unless such books, papers, or documents were presented at a public hearing, except as provided in section 102.06 of the Revised Code.

No person shall divulge information that appears on a disclosure statement and is required to be kept confidential under division (B) of section 102.02 of the Revised Code.

Section 102.08*

* See also following version of this section and explanation after that version.

(A)(1) Subject to division (A)(2) of this section, the board of commissioners on grievances and discipline of the supreme court and the house and senate legislative ethics committees may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and shall render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the appropriate ethics commission renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. Except as otherwise provided in division (A)(2) of this section, the appropriate ethics commission shall include in every advisory opinion it renders a statement as to whether the set of circumstances described in the opinion constitutes a violation of section 2921.42 or 2921.43 of the Revised Code. The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. As used in division (A) of this section, “appropriate ethics commission” does not include the Ohio ethics commission.

(2) The board of commissioners on grievances and discipline of the supreme court shall issue advisory opinions only in a manner consistent with Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.

(B) The Ohio ethics commission may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and may render advice with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the Ohio ethics commission renders a written formal or staff advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions,

civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 285, effective 03-02-94.]

Section 102.08*

* See also preceding version of this section and explanation below.

(A) The Ohio ethics commission, the board of commissioners on grievances and discipline of the supreme court, and the joint legislative ethics committee may recommend legislation relating to ethics, conflicts of interest, and financial disclosure, and render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission.

(B) When the Ohio ethics commission or the board of commissioners on grievances and discipline of the supreme court renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code.

(C) When the joint legislative ethics committee renders an advisory opinion that has been publicly sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on the facts and circumstances covered by the opinion, if the opinion states that there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. When the joint legislative ethics committee renders an advisory opinion that has been publicly sought, the advisory opinion is a public record available under section 149.43 of the Revised Code.

(D) When the joint legislative ethics committee renders a written opinion that has been privately sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the written opinion does not have the legal effect of an advisory opinion issued under division (C) of this section. When the joint legislative ethics committee renders a written opinion that has been privately sought, the written opinion is not a public record available under section 149.43 of the Revised Code. The proceedings of the legislative ethics committee relating to a written opinion that has been privately sought shall be closed to the public and records relating to these proceedings are not public records available under section 149.43 of the Revised Code.

The person to whom a written opinion is issued under this division may request the committee to issue the written opinion as an advisory opinion. Upon receiving such a request and with the approval of a majority of the members of the committee, the committee may issue the written opinion as an advisory opinion. If the committee

issues the written opinion as an advisory opinion, the advisory opinion has the same legal effect as an advisory opinion issued under division (C) of this section and is a public record available under section 149.43 of the Revised Code.

(E) The joint legislative ethics committee shall issue an advisory opinion under division (C) of this section or a written opinion under division (D) of this section, whether it is publicly or privately sought, only at a meeting of the committee and only with the approval of a majority of the members of the committee.

(F) The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 492, effective 05-12-94.]

* R.C. 102.08 was amended by Am. Sub. H.B. 285 (eff. 03-02-94) and Am. Sub. H.B. 492 (eff. 05-12-94).

Harmonization pursuant to R.C. 1.52 is in question. Both versions are presented here. **Section**

102.09

(A) The secretary of state and the county board of elections shall furnish, to each candidate for elective office who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission, within fifteen days of the name of the candidate, and of the subsequent withdrawal, disqualification, or death of the candidate. The candidate shall acknowledge receipt of the financial disclosure form in writing.

(B) The secretary of state and the county board of elections shall furnish to each person who is appointed to fill a vacancy for an unexpired term in an elective office, and who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission within fifteen days of being notified by the appointing authority, of the name and position of the public official and the date of appointment. The person shall acknowledge receipt of the financial disclosure form in writing.

(C) The public agency or appointing authority that employs, appoints, or promotes any public official or employee who, as a result of such employment, appointment, or promotion, is required to file a financial disclosure statement by section 102.02 of the Revised Code, shall, within fifteen days of the employment,

appointment, or promotion, furnish the public official or employee with a financial disclosure form, and shall notify the appropriate ethics commission of the name and position of the public official or employee and the date of employment, appointment, or promotion. The public official or employee shall acknowledge receipt of the financial disclosure form in writing.

(D) Within fifteen days after any public official or employee begins the performance of official duties, the public agency with which the official or employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The official or employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

Section 102.99

(A) Whoever violates division (C) of section 102.02 or division (C) of section 102.031 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (D) of section 102.02 or section 102.021, 102.03, 102.04, or 102.07 of the Revised Code is guilty of a misdemeanor of the first degree.

CHAPTER 2921.

Section 2921.01 As used in sections 2921.01 to 2921.45 of the Revised Code:

(A) “Public official” means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers. “Public official” does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code.

(B) “Public servant” means any of the following:

- (1) Any public official;
- (2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;
- (3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person’s name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.

“Public servant” does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code.

(C) “Party official” means any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which the person directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.

(D) “Official proceeding” means any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding. (E) “Detention” means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or

another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of

the department of rehabilitation and correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state into this state by a private person or entity, pursuant to a contract entered into under division (E) of section 311.29 of the Revised Code or division (B) of section 5149.03 of the Revised Code. For a person confined in a county jail who participates in a county jail industry program pursuant to section 5147.30 of the Revised Code, "detention" includes time spent at an assigned work site and going to and from the work site.

(F) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

(G) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.

(H) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(I) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

Sec. 2921.42.

(A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest;

(2) Authorize, or employ the authority or influence of the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the public official, a member of the public official's family, or any of the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission, or board of which the public official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected;

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family, or any of a public official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

(G) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of the township trustee's business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year;

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of the township trustee's family, or the township trustee's business associate.

(H) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(I) As used in this section:

(1) "Public contract" means any of the following:

- (a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;
- (b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

Sec. 2921.421

(A) As used in this section:

(1) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(2) "Political subdivision" means a county, a municipal corporation, or a township that adopts a limited home rule government under Chapter 504. of the Revised Code.

(B) A prosecuting attorney may appoint assistants and employees, except a member of the family of the prosecuting attorney, in accordance with division (B) of section 309.06 of the Revised Code, a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation may appoint assistants and employees, except a member of the family of the chief legal officer or official designated as prosecutor, in accordance with section 733.621 of the Revised Code, and a township law director appointed under section 504.15 of the Revised Code may appoint assistants and employees, except a member of the family of the township law director, in accordance with section 504.151 of the Revised Code, if all of the following apply:

(1) The services to be furnished by the appointee or employee are necessary services for the political subdivision or are authorized by the legislative authority, governing board, or other contracting authority of the political subdivision.

(2) The treatment accorded the political subdivision is either preferential to or the same as that accorded other clients or customers of the appointee or employee in similar transactions, or the legislative authority, governing board, or other contracting authority of the political subdivision, in its sole discretion, determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision.

(3) The appointment or employment is made after prior written disclosure to the legislative authority, governing board, or other contracting authority of the political subdivision of the business relationship between the prosecuting attorney, the chief legal officer or official designated as prosecutor in a municipal corporation, or the township law director and the appointee or employee thereof. In the case of a municipal corporation, the disclosure may be made or evidenced in an ordinance, resolution, or other document that does either or both of the following:

- (a) Authorizes the furnishing of services as required under division (B)(1) of this section;
- (b) Determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision as required under division (B)(2) of this section.

(4) The prosecuting attorney, the elected chief legal officer, or the township law director does not receive any distributive share or other portion, in whole or in part, of the earnings of the business associate, partner, or employee paid by the political subdivision to the business associate, partner, or employee for services rendered for the political subdivision.

(C) It is not a violation of this section or of section 102.03 or 2921.42 of the Revised Code for the legislative authority, the governing board, or other contracting authority of a political subdivision to engage the services of any firm that practices the profession of law upon the terms approved by the legislative authority, the governing board, or the contracting authority, or to designate any partner, officer, or employee of that firm as a nonelected public official or employee of the political subdivision, whether the public office or position of employment is created by statute, charter, ordinance, resolution, or other legislative or administrative action.

Section 2921.43

(A) No public servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a public servant, either of the following:

(1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Revised Code or other provisions of law, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;

(2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties. (B) No public servant for the public servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(C) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(D) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(E) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

(F) Divisions (A), (B), and (C) of this section do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, from accepting voluntary contributions.

FOR MORE INFORMATION, OR ADDITIONAL MATERIALS ON THE OHIO ETHICS LAW, PLEASE CONTACT:

OHIO ETHICS COMMISSION

William Green Building

30 West Spring St., L3

Columbus, Ohio 43215-2256

Phone: (614) 466-7090 Fax:

(614) 466-8368

www.ethics.ohio.gov

Salary Schedule 2022-2023

| | | | | | | | | | LERC |
|--|---------------|-------------|----------|-----------|-----------|-----------|-----------|---------------|-------------|
| | | | | | | | | | Insurance |
| | Aide | Aide | Aide | Secretary | | Executive | Treasurer | Computer Tech | & Wellness |
| | Extended Care | Educational | Pathways | Level 1 | Custodian | Secretary | Assistant | Project Coord | Coordinator |
| Column | I | II | III | IV | V | VI | VII | VIII | IX |
| STEP | | | | | | | | | |
| 0 | \$9.91 | \$11.44 | \$14.53 | \$13.26 | \$14.84 | \$15.64 | \$16.16 | \$17.20 | \$19.52 |
| 1 | \$10.21 | \$11.78 | \$14.96 | \$13.66 | \$15.29 | \$16.11 | \$16.65 | \$17.72 | \$20.11 |
| 2 | \$10.51 | \$12.13 | \$15.41 | \$14.07 | \$15.74 | \$16.59 | \$17.15 | \$18.25 | \$20.71 |
| 3 | \$10.80 | \$12.47 | \$15.88 | \$14.49 | \$16.22 | \$17.09 | \$17.66 | \$18.80 | \$21.33 |
| 4 | \$11.10 | \$12.81 | \$16.35 | \$14.92 | \$16.70 | \$17.60 | \$18.19 | \$19.36 | \$21.97 |
| 5 | \$11.40 | \$13.16 | \$16.84 | \$15.37 | \$17.20 | \$18.13 | \$18.74 | \$19.94 | \$22.63 |
| 6 | \$11.70 | \$13.50 | \$17.35 | \$15.83 | \$17.72 | \$18.68 | \$19.30 | \$20.54 | \$23.31 |
| 7 | \$11.99 | \$13.84 | \$17.87 | \$16.31 | \$18.25 | \$19.24 | \$19.88 | \$21.16 | \$24.01 |
| 8 | \$12.29 | \$14.19 | \$18.40 | \$16.80 | \$18.80 | \$19.81 | \$20.47 | \$21.79 | \$24.73 |
| 9 | \$12.59 | \$14.53 | \$18.96 | \$17.30 | \$19.36 | \$20.41 | \$21.09 | \$22.44 | \$25.47 |
| 10 | \$12.88 | \$14.87 | \$19.53 | \$17.82 | \$19.94 | \$21.02 | \$21.72 | \$23.12 | \$26.23 |
| 11 | \$13.18 | \$15.22 | \$20.01 | \$18.27 | \$20.44 | \$21.55 | \$22.26 | \$23.70 | \$26.89 |
| 12 | \$13.48 | \$15.56 | \$20.51 | \$18.72 | \$20.95 | \$22.09 | \$22.82 | \$24.29 | \$27.56 |
| 13 | \$13.78 | \$15.90 | \$21.03 | \$19.19 | \$21.48 | \$22.64 | \$23.39 | \$24.90 | \$28.25 |
| 14 | \$14.07 | \$16.24 | \$21.55 | \$19.67 | \$22.02 | \$23.20 | \$23.97 | \$25.52 | \$28.96 |
| 15 | \$14.37 | \$16.59 | \$22.09 | \$20.16 | \$22.57 | \$23.78 | \$24.57 | \$26.16 | \$29.68 |
| 16 | \$14.67 | \$16.93 | \$22.64 | \$20.67 | \$23.13 | \$24.38 | \$25.19 | \$26.81 | \$30.42 |
| 17 | \$14.97 | \$17.27 | \$23.21 | \$21.18 | \$23.71 | \$24.99 | \$25.82 | \$27.48 | \$31.18 |
| 18 | \$15.26 | \$17.62 | \$23.79 | \$21.71 | \$24.30 | \$25.61 | \$26.46 | \$28.17 | \$31.96 |
| 19 | \$15.56 | \$17.96 | \$24.38 | \$22.26 | \$24.91 | \$26.25 | \$27.13 | \$28.87 | \$32.76 |
| 20 | \$15.86 | \$18.30 | \$24.99 | \$22.81 | \$25.53 | \$26.91 | \$27.80 | \$29.59 | \$33.58 |
| <u>LONGEVITY</u> | | | | | | | | | |
| 10 YEARS WITH EDUCATIONAL SERVICE CENTER - \$360 | | | | | | | | | |
| 15 YEARS WITH EDUCATIONAL SERVICE CENTER - \$480 | | | | | | | | | |
| 20 YEARS WITH EDUCATIONAL SERVICE CENTER - \$600 | | | | | | | | | |
| 25 YEARS WITH EDUCATIONAL SERVICE CENTER - \$900 | | | | | | | | | |
| FY23 1 step and 2% base increase | | | | | | | | | |
| Extended Care Substitute Aide Rate -- \$11/per hour | | | | | | | | | |
| 185 Days -- First pay September 20, 2022 -- last pay September 5, 2023 | | | | | | | | | |
| 211 Days -- First pay September 5, 2022-- last pay August 20, 2023 | | | | | | | | | |
| 260 Days -- First pay August 20, 2022 -- last pay August 5, 2023 | | | | | | | | | |

| TEACHERS AND SPEECH/LANGUAGE PATHOLOGISTS/PSYCHOLOGISTS OCCUPATIONAL THERAPISTS/PHYSICAL THERAPISTS/SOCIAL WORKERS | | | | | | Audiologist | | SST Consultant | | |
|---|----------|----------|----------|----------|----------|--|------------------------|--|----------------------|-------------------------------|
| 185 DAYS (8 Hour days) | | | | | | Gifted Supervisor | Education Consultant | Special Ed & Teacher/Learning Director | Speech/PK Supervisor | Wellness & Success Coord/Supv |
| Column | I BA | II BA+15 | III MA | IV MA+15 | V MA+30 | Psychologist-Vermilion | Transition Coordinator | Literacy Supervisor | | |
| STEP | VI | VII | VIII | IX | X | 185 Days | 211 Days | 185 Days | 211 Days | 260 Days |
| 0 | \$37,516 | \$39,016 | \$40,581 | \$42,201 | \$43,890 | \$42,205 | \$48,137 | \$45,078 | \$51,410 | \$63,352 |
| 1 | \$38,641 | \$40,187 | \$41,798 | \$43,467 | \$45,206 | \$43,471 | \$49,581 | \$46,430 | \$52,952 | \$65,253 |
| 2 | \$39,800 | \$41,392 | \$43,052 | \$44,771 | \$46,562 | \$44,775 | \$51,068 | \$47,823 | \$54,541 | \$67,210 |
| 3 | \$40,994 | \$42,634 | \$44,344 | \$46,114 | \$47,959 | \$46,118 | \$52,600 | \$49,258 | \$56,177 | \$69,227 |
| 4 | \$42,224 | \$43,913 | \$45,674 | \$47,498 | \$49,398 | \$47,502 | \$54,178 | \$50,736 | \$57,862 | \$71,303 |
| 5 | \$43,491 | \$45,230 | \$47,044 | \$48,923 | \$50,880 | \$48,927 | \$55,804 | \$52,258 | \$59,598 | \$73,443 |
| 6 | \$44,796 | \$46,587 | \$48,455 | \$50,391 | \$52,406 | \$50,394 | \$57,478 | \$53,825 | \$61,386 | \$75,646 |
| 7 | \$46,139 | \$47,985 | \$49,909 | \$51,902 | \$53,979 | \$51,906 | \$59,202 | \$55,440 | \$63,228 | \$77,915 |
| 8 | \$47,524 | \$49,425 | \$51,406 | \$53,459 | \$55,598 | \$53,463 | \$60,978 | \$57,103 | \$65,125 | \$80,253 |
| 9 | \$48,949 | \$50,907 | \$52,949 | \$55,063 | \$57,266 | \$55,067 | \$62,808 | \$58,816 | \$67,078 | \$82,660 |
| 10 | \$50,418 | \$52,435 | \$54,537 | \$56,715 | \$58,984 | \$56,719 | \$64,692 | \$60,581 | \$69,091 | \$85,140 |
| 11 | \$51,678 | \$53,745 | \$55,900 | \$58,133 | \$60,458 | \$58,137 | \$66,309 | \$62,095 | \$70,818 | \$87,269 |
| 12 | \$52,970 | \$55,089 | \$57,298 | \$59,586 | \$61,970 | \$59,591 | \$67,967 | \$63,648 | \$72,589 | \$89,450 |
| 13 | \$54,294 | \$56,466 | \$58,730 | \$61,076 | \$63,519 | \$61,081 | \$69,666 | \$65,239 | \$74,403 | \$91,687 |
| 14 | \$55,652 | \$57,878 | \$60,199 | \$62,603 | \$65,107 | \$62,608 | \$71,408 | \$66,870 | \$76,263 | \$93,979 |
| 15 | \$57,043 | \$59,325 | \$61,704 | \$64,168 | \$66,735 | \$64,173 | \$73,193 | \$68,542 | \$78,170 | \$96,328 |
| 16 | \$58,469 | \$60,808 | \$63,246 | \$65,772 | \$68,403 | \$65,777 | \$75,023 | \$70,255 | \$80,124 | \$98,736 |
| 17 | \$59,931 | \$62,328 | \$64,827 | \$67,416 | \$70,113 | \$67,422 | \$76,898 | \$72,012 | \$82,127 | \$101,205 |
| 18 | \$61,429 | \$63,886 | \$66,448 | \$69,102 | \$71,866 | \$69,107 | \$78,821 | \$73,812 | \$84,180 | \$103,735 |
| 19 | \$62,965 | \$65,484 | \$68,109 | \$70,829 | \$73,663 | \$70,835 | \$80,791 | \$75,657 | \$86,285 | \$106,328 |
| 20 | \$64,539 | \$67,121 | \$69,812 | \$72,600 | \$75,504 | \$72,606 | \$82,811 | \$77,549 | \$88,442 | \$108,986 |
| Add \$1,000 for PhD - prorated Tutor Rate \$30/hr Substitute Teacher \$140/day | | | | | | LONGEVITY | | | | |
| Steps do not necessarily equal years of experience | | | | | | 10 YEARS WITH EDUCATIONAL SERVICE CENTER - \$360 | | | | |
| 185 Days -- First pay September 20, 2022 -- last pay September 5, 2023 | | | | | | 15 YEARS WITH EDUCATIONAL SERVICE CENTER - \$480 | | | | |
| 211 Days -- First pay September 5, 2022-- last pay August 20, 2023 | | | | | | 20 YEARS WITH EDUCATIONAL SERVICE CENTER - \$600 | | | | |
| 260 Days -- First pay August 20, 2022 -- last pay August 5, 2023 | | | | | | 25 YEARS WITH EDUCATIONAL SERVICE CENTER - \$900 | | | | |

Revised May 2022