

Policy Handbook Index

*Dates in this chart, and on each policy, reflect last date approved by the Commission.

Series 100 – General Administrative Policies	Policy	Date
Policies Scope and Disclaimer	101	5/2017
Ethical Conduct, Nepotism & Training	102	5/2017
Equal Employment Opportunity/Anti-Discrimination and Anti-Harassment	103	11/2020
Workplace Violence Prevention	104	11/2020
Reasonable Accommodations for Disabilities	105	5/2017
Weapon and Alcohol-, Drug-, and Tobacco-Free Workplace	106	11/2020
Facility Safety and Security	107	5/2017
Active Aggressor Response Policy	108	5/2017
Series 200 – Operations, Employee Leave and Conduct		
Hours of Operation and Employee Work Schedules	201	11/2017
Political Activity	202	5/2017
Employee Leave	203	11/2017
Family and Medical Leave Act (FMLA)	204	5/2017
Holidays	205	5/2017
Personal Appearance	206	5/2017
Hiring	207	5/2017
Performance Evaluations	208	5/2017
Discipline	209	5/2017
Workers' Compensation and Transitional Work Program	210	5/2017
Fiscal Operations Policy	211	11/2017
Series 300 - Agency Owned Equipment		
Use of Agency Owned Property and Technology	301	5/2017
IT Security Education	302	5/2017
Vehicle Usage	303	11/2020
Series 400 - Records Management		
Records Management	401	5/2017
Series 500 - Programs		
Video NOC	501	11/2018
Engineering & Broadcast Operations	502	5/2017

BROADCAST EDUCATIONAL MEDIA COMMISSION

I. Series 100 – Educational Broadcasting

Policy # 101 – Policies Scope and Disclaimer

Effective Date: 5/2017

1. POLICY

- A. In accordance with section 3353.02 of the Revised Code, the Broadcast Educational Media Commission (“BEMC”) was created as an independent agency to advance education and accelerate the learning of the citizens of this state through public educational broadcasting services. The commission shall provide leadership and support in extending the knowledge of the citizens of this state by promoting access to and use of educational broadcasting services, including educational television and radio and radio reading services and classroom instruction delivery via video conferencing. The commission also shall administer programs to provide financial and other assistance to educational television and radio and radio reading services. The commission is a body corporate and politic, an agency of the state performing essential governmental functions of the state.

2. APPLICABILITY

- A. The policies included in this Policy and Procedure manual apply to all members and employees of the Broadcast Educational Media Commission, except however, when otherwise specified or where any terms or policies herein conflict with those in the governing collective bargaining agreement for those employees in a position that is collectively bargained. To the extent provisions of an applicable collective bargaining agreement conflict with the provisions of this policy, the collective bargaining agreement controls.
- B. The policies and procedures contained herein are meant to replace any and all previous existing BEMC Policies and Procedures as of the date thereon.

3. DISCLAIMER

- A. NOTHING IN THESE POLICIES, IN ANY WAY, CREATES AN EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT BETWEEN ANY EMPLOYEE AND BEMC; EXCEPT AS OTHERWISE REQUIRED BY ANY APPLICABLE COLLECTIVE BARGAINING AGREEMENT.**

AT ANY TIME AND WITHOUT PRIOR NOTICE, BEMC CAN MODIFY OR ELIMINATE ANY OR ALL OF THESE POLICIES AND RELATED FORMS AND PROCEDURES.

BROADCAST EDUCATIONAL MEDIA COMMISSION

II. Series 100 – Educational Broadcasting

Policy # 102 – Ethical Conduct, Nepotism & Training

Effective Date: 5/2017

1. POLICY

- A. It is the policy of the Broadcast Educational Media Commission (“BEMC”) to carry out its mission in accordance with the strictest ethical guidelines and to ensure that BEMC Commissioners and employees conduct themselves in a manner that fosters public confidence in the integrity of the BEMC, its processes, and its accomplishments.

2. General Standards of Ethical Conduct

- A. Members and employees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety. Moreover, BEMC members and employees must at all times, abide by the protections to the public embodied in Ohio’s ethics laws, as found in Chapters 102 and 2921 of the Ohio Revised Code (R.C.), and as interpreted by the Ohio Ethics Commission and Ohio courts. BEMC provides a copy of these laws to all new Commission members and employees, and receipt acknowledged, as required in R.C. 102.09(D). All are encouraged to periodically review the ethics laws as provided and also available online at <http://www.ethics.ohio.gov>.
- B. The following list is an example of the ethical restraints upon the conduct of all members and employees but is not meant to be an exhaustive list. No member or employee shall:
- i. Solicit or accept anything of value from anyone doing or seeking to do business with the BEMC or from any other “improper source” as defined by the Ohio Ethics Commission;
 - ii. Solicit or accept employment from anyone doing business with the Broadcast Educational Media Commission, unless the member or employee completely withdraws from Broadcast Educational Media Commission activity regarding the party offering employment, and BEMC approves the withdrawal;
 - iii. Use his or her public position to obtain benefits for the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship;
 - iv. Be paid or accept any form of compensation for personal services rendered on a matter before, or sell goods or services to, BEMC;
 - v. Be paid or accept any form of compensation for personal services rendered on a matter before, or sell (except by competitive bid) goods or services to, *any* state agency other than the Broadcast Educational Media Commission, unless the member or employee first discloses the services or sales *and* withdraws from matters before BEMC that directly affect officials and employees of the other state agency, as directed in R.C. 102.04;
 - vi. Hold or benefit from a contract with, authorized by, or approved by, the Broadcast Educational Media Commission (the Ethics Law does except limited stockholdings, and some contracts objectively shown as the lowest cost services, where *all* criteria under R.C. 2921.42 are met);
 - vii. Vote, authorize, recommend, or in any other way use his or her position to secure approval of a BEMC contract (including employment or personal services) in which the official or employee, a

family member, or anyone with whom the official or employee has a business or employment relationship, has an interest;

- viii. Solicit or accept honoraria (see R.C. 102.01(H)) and 102.03(H));
- ix. During public service, and for one year after leaving public service, represent any person, in any fashion, before *any* public agency, with respect to a matter in which the official or employee personally participated while serving with BEMC;
- x. Use or disclose confidential information protected by law, unless appropriately authorized; or
- xi. Use, or authorize the use of, his or her title, the name “Broadcast Educational Media Commission,” or BEMC’s acronym (“BEMC”), or BEMC’s logo in a manner that suggests impropriety, favoritism, or bias by the BEMC, official or employee.

3. Financial Disclosure

- A. Every BEMC Commissioner or employee required to file a financial disclosure statement must file a complete and accurate statement with the Ethics Commission by the annual deadline as set by the Ethics Commission. Any member or employee appointed or employed after February 15 and required to file a financial disclosure statement must file a statement within ninety (90) days of appointment or employment.

4. Assistance

- A. The Ohio Ethics Commission (“OEC”) is available to provide individuals with advice and assistance regarding the application of the Ethics Laws and related statutes to them personally. The OEC can be contacted at (614) 466-7090. The Commission’s web site address is: <http://www.ethics.ohio.gov>.

5. Penalties

- A. Failure of any BEMC Commissioner or employee to abide by this Ethics policy, or to comply with the Ethics Law and related statutes, will result in discipline, which may include dismissal, in addition to potential civil or criminal sanctions under the law.

6. Nepotism

- A. BEMC Commissioners or employees are required by law to completely remove themselves from participating in any way in the hiring process if a family member is competing for a public job. A Commissioner or employee may not, in any way, use his or her position to influence anyone to hire a family member.

In other words, not only can the Commissioner or employee not directly hire a family member into a public job; he or she also cannot recommend or otherwise use his or her connection to or position with the hiring authority to assist in obtaining a job for a family member. A Commissioner or employee would also be prohibited from contacting other public officials or employees to request them to hire a relative.

If a Commissioner or employee’s family member is lawfully hired by a public entity, without the Commissioner or employee’s participation in the hire, the Ohio Ethics Laws continue to limit the actions of the Commissioner or employee. The Commissioner or employee cannot be the family member’s direct supervisor or participate in any decisions on matters that affect a family member’s employment, such as raises, promotions, and performance evaluations.

7. Training

- A. State employees are currently required per Executive Order 2019-11D to participate in some form of annual Ethics training. Each year BEMC Commissioners and staff will be required to complete online Ethics training provided by the Ohio Ethics Commission. Completion of the ethics training will be recorded in the employee personnel file.

BROADCAST EDUCATIONAL MEDIA COMMISSION

III. Series 100 – Educational Broadcasting

Policy # 103 – Equal Employment Opportunity/Anti-Discrimination, and Anti-Harassment

Effective Date: 11/2020

1. POLICY

- A. The Broadcast Educational Media Commission fully complies with all applicable city, state, and federal laws, rules regulations, and guidelines as they relate to non-discrimination in employment. BEMC strictly prohibits and will not tolerate discrimination and harassment against an applicant or employee on the basis of race, color, sex (including pregnancy and sexual harassment), national origin, ancestry, disability, religion, age (40 years and older), military status (past, present, or future), veteran’s status, sexual orientation, status as a parent during pregnancy and immediately after the birth of a child, status of a nursing mother, status as a parent of a young child, status as a foster parent, and/or genetic information, as those terms are defined in applicable Ohio law, federal law, and any effective Executive Order. BEMC provides equal employment opportunity and nondiscrimination in the areas of hiring, promotion, demotion, transfer, recruitment, discipline, layoff, termination, rate of compensation, and training opportunities. In addition, retaliation against an individual because he or she has raised a complaint of employment discrimination or participated in an investigation of such a complaint is also prohibited.

2. Definitions

- A. **“Antisemitism”** - A certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities. (Executive Order 2022-06D)
- B. **“Disparate Treatment”** — Treating employees differently regarding the terms and conditions of employment, including hiring, firing, transfer, and/or receipt of benefits based upon membership in a protected class.
- C. **“Harassment”** — May consist of unwelcome conduct, either verbal or physical, which is based upon a person’s protected status.
- D. **“Hostile Work Environment”** — Any unwelcome verbal or non-verbal conduct relating to an individual or group’s protected class, meaning on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability, that creates an intimidating, hostile, or offensive working environment.
- E. **“Sexual Harassment”** — May include unwelcome sexual advances, requests for sexual favors or other physical, verbal or visual conduct based upon sex when:
- i. Submission to such conduct is made, either explicitly or implicitly, term or condition of an individual’s employment (commonly referred to as “quid pro quo” or “something for something” harassment);
 - ii. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision and/or retaliation; or
 - iii. The conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

Harassment does not include behavior or occasional compliments of a socially acceptable nature, or that which the reasonable person would not find offensive.

3. Reporting/Filing a Complaint

- A. Any employee who feels he or she has been a victim of discrimination or harassment in violation of this policy, is encouraged, but is not required, to advise the alleged offender that the action is not welcome and must stop. If this is not feasible, or not effective, the employee should follow the complaint procedures set forth in Procedure #103-1. Notwithstanding, and only in the event that the perceived discriminatory or harassing conduct is that of the Executive Director, then the conduct shall be reported directly to the Commission Chairman who shall handle further investigation in accordance with BEMC policy.

4. Violation Penalties

- A. Violation of this policy by an employee may lead to disciplinary action up to and including immediate termination, even for the first offense.

BROADCAST EDUCATIONAL MEDIA COMMISSION

IV. Series 100 – Educational Broadcasting

Policy # 104 – Workplace Violence Prevention

Effective Date: 11/2020

1. POLICY

- A. Broadcast Educational Media Commission is committed to providing its employees a work environment that is safe, secure and free of harassment, threats, intimidation and violence, including domestic violence. BEMC is committed to working with employees to prevent abuse, harassment, and discrimination that may result from domestic violence. BEMC recognizes workplace violence is a growing problem that should be addressed by all employers and adopts a “zero tolerance” policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect BEMC employees, contract and temporary workers, or which occur by anyone else on BEMC property and premises will not be tolerated.

2. Definitions

- A. **“Domestic Violence”** includes a pattern of violent and coercive behaviors used by one intimate partner against another to control and maintain power over that person. Intimate partners include family or household members, romantic partners that are not legal family or household members, spouses, former spouses, persons living together as spouses, persons who have a child in common (regardless of whether they have been married or have lived together at any time), and adult persons related by blood or marriage. Domestic violence may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and economic control, and may occur among people of all backgrounds in these relationships. For purposes of this policy, where reference is made to domestic violence, dating violence should be given the same consideration. Dating violence is defined as the physical, sexual, psychological, or emotional aggression within a dating relationship, including stalking. It can occur in person or electronically and might occur between a current or former dating partner.
- B. **“Threats or Acts of Violence”** includes conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the conditions of BEMC employment, or to create a hostile, abusive, or intimidating work environment for one or more BEMC employees.
- C. **“Workplace Violence”** includes:
- i. All threats or acts of violence occurring on state property, regardless of the relationship between the state and the individual involved in the incident.
 - ii. All threats or acts of violence not occurring on state property, but involving someone who is acting in the capacity of a representative of BEMC.
 - iii. All threats or acts of violence not occurring on state property, but involving an employee of BEMC if the threats or acts of violence affect the legitimate interests of the state.
 - iv. Any threats or acts of violence resulting in the conviction of an employee or agent of BEMC, or of an individual performing services on the agency's behalf, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests of the state.
- D. **“Zero Tolerance”** means that violations of this policy will not be tolerated and shall result in severe disciplinary action, up to and including termination, even for the first offense.

3. Application of Prohibition

- A. This prohibition against threats and acts of violence applies to all persons involved in agency operations, including, but not limited to, BEMC personnel, contract and temporary workers, and anyone else on state property. Violations of this policy by any individual will be subject to disciplinary action, up to and including

termination, and legal action.

- B. **Prohibited Conduct** – The following constitute specific examples of prohibited conduct and/or may be considered threats or acts of violence. ***This list is not intended to be all inclusive:***
- i. Hitting or shoving an individual;
 - ii. Threatening to harm an individual or his/her family, friends, associates, or their property;
 - iii. The intentional destruction or threat of destruction of personal property of others or property owned, operated, or controlled by the state or BEMC;
 - iv. Making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications;
 - v. The willful, malicious and repeated following of another person, also known as "stalking," and making of a credible threat with intent to place the other person in reasonable fear for his or her safety;
 - vi. Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule that would affect the business interests of the BEMC;
 - vii. Making a suggestion or otherwise intimating that an act to injure persons or property is "appropriate," without regard to the location where such suggestion or intimation occurs;
 - viii. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on state property as defined in sections 2923.11 to 2923.24 of the Ohio Revised Code.
 - ix. Conduct that includes repeated verbal abuse and intimidation, profanity, or unwanted comments or overtures (including but not limited to sexual comments or overtures) directed at subordinates, supervisors, co-workers, or customers, while not overtly physical or violent, may be prohibited under this policy. For more direction on this topic, please consult BEMC's [Policy # 103](#) – "Equal Employment Opportunity/Anti-Discrimination, and Anti-Harassment".

4. Reporting and Confidentiality

Each employee of BEMC is required to report incidents of threats or acts of physical violence of which he or she is aware. Any employee who feels he or she has been a victim workplace harassment in violation of this policy, is encouraged, but is not required, to advise the alleged offender that the action is not welcome and must stop. If this is not feasible, or not effective, the employee should follow the complaint procedures set forth in [Procedure #103-1](#). Notwithstanding, and only in the event that the perceived discriminatory or harassing conduct is that of the Executive Director, then the conduct shall be reported directly to the Commission Chairman who shall handle further investigation in accordance with BEMC policy.

Domestic violence incidents that occur while on BEMC property, while conducting State business, or during BEMC-sponsored social events shall also be reported as soon as safely possible to appropriate law enforcement personnel. Every effort shall be made to consult with, or at least notify those that are directly impacted as victims of domestic violence before law enforcement is contacted.

Subject to any applicable public records laws, employees or other persons will be informed only on a need-to-know basis to the extent reasonably necessary for BEMC to fulfill its operational needs; to protect the safety of the employee or others; to properly investigate the complaint; and/or to comply with any

applicable law. Whenever practical, advance notice will be given to the reporting employee and the victim or survivor if BEMC needs to inform others about a domestic violence situation.

5. Violation Penalties

- A. Violation of this policy by any BEMC employee may lead to disciplinary action up to and including termination, even for the first offense, in accordance with applicable law, rule or collective bargaining agreement provision. Additionally, violations of the policy by anyone may result in civil or criminal penalties, as deemed appropriate by BEMC.

6. Training

- A. BEMC recognizes that it is important for managers and supervisors to receive training on this policy as well as the risk factors associated with domestic violence and the impact of domestic violence on the workplace.
- B. DAS shall provide opportunities for employees to be trained in the risk factors associated with workplace violence, and proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace. New managers should refer to [Procedure #207-1](#).

BROADCAST EDUCATIONAL MEDIA COMMISSION

V. Series 100 – Educational Broadcasting

Policy # 105 – Reasonable Accommodations for Disabilities

Effective Date: 5/2017

1. POLICY

- A. It is the policy of BEMC to provide equal access in the employment process, programs, activities or services provided by the Commission and to fully comply with the Americans with Disabilities Act of 1990 and any applicable Ohio laws.

A qualified individual with a disability is one who, with or without a reasonable accommodation, can perform the essential functions of the position that the individual desires or holds. An employee may request a modification or adjustment to his or her job, the workflow, or the work environment that enables the individual to perform the essential functions of his or her job. Such request will be given due consideration as required by law.

- B. Employees requesting accommodations should refer to [Procedure 105-1](#); and an employee who wishes to file a complaint that this policy has not been properly executed should refer to [Procedure 103-1](#).

BROADCAST EDUCATIONAL MEDIA COMMISSION

VI. Series 100 – Educational Broadcasting

Policy # 106 – Weapon and Alcohol-Free, Drug-Free, and Tobacco-Free Workplace

Effective Date: 11/2020

1. POLICY

- A. Pursuant to Federal and State requirements BEMC has adopted an alcohol-free, drug-free, and tobacco-free work place policy. BEMC is committed to providing a safe and healthy working environment for its employees, and promoting and protecting the general health and well-being of all employees. Any employee violating this policy will be subject to discipline, up to and including termination.

2. Definitions

- A. For purposes of this policy, **“drugs”** are generically defined as alcohol, illegal drugs, intoxicants, and controlled substances (for which the employee does not have a valid prescription).
- B. **“Tobacco products”** are generically defined to include all-tobacco derivatives or products containing tobacco, including but not limited to: cigarettes, electronic cigarettes, cigars, pipes, oral tobacco, nasal tobacco, vapes, vaporizers, vape pens, hookah pens, e-pipes, or any smoking-related product not specifically defined above. This policy also prohibits the use of any product or device intended to imitate tobacco products, contain tobacco flavoring, or deliver nicotine other than for the purpose of tobacco cessation.
- C. The term **“controlled substance”** means any drug listed in 21 U.S.C. Section 812 of the Code of Federal Regulations. Generally, these drugs are ones which have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and “Crack.” Controlled substance also includes “legal drugs” or prescription drugs not properly prescribed for the user by a licensed physician.

3. Prohibited Activity

- A. This policy strictly prohibits the following unacceptable behaviors:
 - i. Smoking, the use of tobacco products, or the use of any smoking or e-smoking device in or on BEMC premises, including in all enclosed structures, which are owned, leased and/or operated by this agency, parking lots and vehicles.
 - a. **Exception:** Use of a smoking cessation product, approved by the U.S. Food and Drug Administration, for purposes of cessation and not otherwise inconsistent with this policy, is permitted in or on BEMC premises, including vehicles.
 - ii. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol, illegal drugs, intoxicants, or controlled substances at any time, whether on BEMC premises or not;
 - iii. Inappropriate use of prescription drugs or medication at work;
 - iv. Unauthorized use of alcohol by BEMC employees on BEMC premises or in BEMC vehicles on or off duty; and

- v. Working under the influence of alcohol or while unlawfully using controlled substances. Employees who are under the influence of alcohol or drugs are in violation of the Drug-Free Workplace Act and this policy. Anyone who is under the influence of drugs or alcohol while on-the-clock —no matter the location of where the work is being performed—will be immediately disciplined, which may include termination.
- vi. Possession of a weapon on BEMC premises or in BEMC vehicles on or off duty, as defined by R.C. 2923.11 to R.C. 2923.24.
 - a. Notwithstanding, pursuant to and consistent with Ohio law, firearms transported in lawfully parked employee-owned vehicles by holders of concealed carry permits may not be removed from the vehicle. Firearms kept in lawfully parked vehicles while the licensee is not present must be locked within the trunk, glove box or other enclosed compartment or container within the vehicle.

4. Enforcement

- A. Any employee who, in any way, uses, gives, or transfers to another person a controlled substance, tobacco product, or alcohol, or who sells or manufactures a controlled substance, tobacco product, or alcohol, while at his or her place of employment or at any place where BEMC conducts business, will be subject to discipline, up to and including termination, even for the first offense.

BROADCAST EDUCATIONAL MEDIA COMMISSION

VII. Series 100 – Educational Broadcasting

Policy # 107 – Facility Safety and Security

Effective Date: 5/2017

1. POLICY:

- A. The purpose of this policy is to provide for the security and safety of the people and facilities of the Broadcast Educational Media Commission (BEMC).
- B. All employees are required to be aware of, understand, and follow the procedures detailed in [Procedure 107-1](#) for the purposes of maintaining the safety and security of the facility. Any employee who fails to follow the procedures outlined therein may be subject to discipline, up to, and including termination, even for the first offense.

2. Provisions

- A. For all provisions and procedures see [Procedure 107-1](#).

BROADCAST EDUCATIONAL MEDIA COMMISSION

VIII. Series 100 – Educational Broadcasting

Policy # 108 – Active Aggressor Response Policy

Effective Date: 5/2017

1. POLICY:

- A. The purpose of this policy is to provide BEMC employees with clear, concise instructions on how to respond to an active aggressor or active threat within the agency.

2. Provisions

- A. BEMC recognizes that the safety of its employees, contractors, and visitors in the agency is paramount. BEMC will provide this policy to all current employees when it is published and when subsequent changes are made to it. New employees will receive this policy in accordance with normal new hire training. BEMC employees will receive training as per State of Ohio Administrative Policy HR-42 “Response to Active Aggressor.”
- B. This policy applies to all BEMC employees and contractors working in any BEMC facilities.
- C. Employees with questions about this policy should direct them **to BEMC’s Executive Director or designee.**
- D. For response procedures see [Procedure 108-1](#).

BROADCAST EDUCATIONAL MEDIA COMMISSION

IX. Series 200 – Employees

Policy # 201 – Hours of Operations and Employee Work Schedules

Effective Date: 11/2017

1. POLICY

- A. To set forth minimum requirements for Broadcast Educational Media Commission (BEMC) time and attendance policies, including, but not limited to, establishment of typical workday time-frames, timekeeping, and meal breaks.

2. Business Hours

- A. Regular BEMC business hours are Monday through Friday 8:00am to 5:00pm. The broadcast operations of BEMC are 24-hours a day, seven days a week (referenced herein as “24x7”).
- B. Supervisors must ensure that, during regular business hours, and for broadcast operations, their department is adequately staffed to perform all the business and administrative functions for both the internal and external customers of BEMC.

3. Standard Work Week

- A. The standard work week for all full-time employees is eight (8) hours per day Monday through Friday during business hours.
- B. During a pay period (two-week interval) a full-time employee is required to work eighty (80) hours with the scheduling of those hours as determined by these policies, the employee’s supervisor, and (if applicable) the Executive Director.
- C. The schedules of all employees shall be established and approved by their supervisor, subject to the terms of the applicable collective bargaining agreement.
- D. The assigned supervisor will determine the standard work week for part-time and intermittent employees.
- E. Supervisors are responsible for ensuring that their department maintains sufficient coverage during regular BEMC business hours.

4. Compressed Work Week, Flexible Scheduling, and Teleworking

- A. To provide flexibility and promote recognition of work-life balance, at times BEMC employees may work Compressed Work Week schedule, a Flexible Schedule or work by telecommuting.
- B. **Definitions** - As used herein, the following definitions apply:
 - i. “Compressed Work Week” means employees work full-time, forty-hours in less than the traditional five-day workweek by increasing daily hours worked in a single day. Examples:

- An employee works a 4-day week for 10-hours per day (*e.g.*, Monday-Thursday, 8am-6pm)
 - Over a two-week span, an employee takes every other Friday off, by working 9-hours a day Monday-Thursday, 8-hours on Friday of the first week and is off on the Friday of the second week
- ii. “Flexible schedule” means a work schedule other than a traditional five-day workweek with consistent start and end times. Flexible schedules may include a compressed workweek or use of flextime within a two-week pay period.
 - iii. “Teleworking” means a flexible work arrangement where an employee is permitted to work remotely from a designated alternative work location; *e.g.*, from the employee’s home or other location not at the BEMC facility.
- C. **Compressed Work Week or Flexible Schedule** - Full-time employees assigned to five-day (5) operations may work a Compressed Work Week or Flexible schedule provided the scheduling does not have a negative impact on the business operations of BEMC, which determination is solely at the discretion of BEMC, and when such schedule is pre-approved by the employee’s supervisor and Executive Director or his designee.
- i. When multiple scheduling requests conflict, supervisors will resolve the conflict by assigning the schedule on a “first come, first serve” basis, and will attempt to allow multiple flexible schedule or compressed work weeks when operations allow.
 - ii. If denied a request for a flexible schedule or compressed work week by his/her supervisor, the employee may submit a request for reconsideration to the supervisor.
 - iii. If the reconsideration request is denied, then the employee may submit the request to the next level supervisor who, in consultation with the Executive Director, or designee, will render a final decision.
- D. **Teleworking** - Employees have the ability to telework when applicable, when it does not negatively impact the operations of BEMC, and is pre-approved in writing by the employee’s supervisor. Employees will be required to adequately detail and report their time spent in a teleworking environment through their timesheet.
- i. Only full-time employees who work a regular five-day schedule during a standard work day are eligible to telework.
 - ii. Teleworking is only an option for BEMC employees whose position allows for work to be done remotely.
 - iii. All teleworking options are to be discussed and agreed to by the employee’s supervisor.
 - iv. If any special equipment is required to complete work in a telework environment (computer, phone, etc.), those arrangements need to be made with his/her supervisor prior to teleworking and must have the approval of the supervisor and Executive Director, or designee.
 - v. An employee’s payroll and local tax withholding will be in accordance with the applicable State and local tax laws.
 - vi. Employees remain subject to all applicable BEMC policies and procedures when teleworking—including all policies regarding behavior and conduct.
 - vii. Any violations of BEMC’s policies during teleworking will result in loss of future telework privileges and may warrant further disciplinary action, up to and including termination.

5. 24x7 Broadcast Operations

- A. The work week for employees assigned to the 24x7 Broadcast Operations department shall be based on operational needs as determined by BEMC.
- B. At the discretion of BEMC's Executive Director, employees in the 24X7 Broadcast Operations department may be assigned to a straight eight-hour (8) per day schedule with no designated lunch break.

6. Stand-By Duty

- A. Certain BEMC operations require employees be staffed on Stand-By duty during non-regular business hours in the event of an operations issues.
- B. Stand-By duty means the employee is required for the extent of the scheduled duty time to be available for possible call to work or to perform work remotely if such is possible, during the non-regular business hours.
- C. Stand-By duty is separate and distinct from, and in addition to, an employee's regular duties and standard work week.
- D. Assignment of Stand-By duty is at the **sole discretion** of the Executive Director, or management designee. Any employee may be removed from Stand-By duty rotation at the discretion of the Executive Director, or management designee without prior notice to the employee.

E. Compensation for Stand-By Duty Assignment

- i. An employee assigned to be on Stand-By status pay shall receive twenty-five percent (25%) of his/her base rate of pay for each hour he/she is in Stand-By status.
- ii. Stand-By time will not be included in the calculation of hours worked for the purposes of overtime.

F. Compensation for Performance while on Stand-By Duty

- i. Office-Based Performance: If an employee on Stand-By duty assignment, or any other employee who is called-in to BEMC's office/facility during non-regularly scheduled work hours to perform duties, then that employee is entitled to claim one (1) hour, or actual time worked, whichever is greater for the services performed.
- ii. Telework Performance: If an employee on Stand-By duty assignment is called upon to perform duties that can be accomplished via teleworking then that employee is entitled to claim actual time of services performed.

- G. When an employee is on scheduled Stand-By duty the employee must comport with all policies of BEMC and should be able to report to work as on any other regularly scheduled work day.

7. Meal Breaks

- A. All employees shall be afforded time during the day to take no less than 30 minutes or more than one-hour lunch break. Supervisors are responsible for ensuring schedule lunch breaks do not conflict so as to negatively impact operations of BEMC during regular business hours.

Employees shall not normally be required to work during their meal periods. Those employees who by nature of their work are required by their supervisor to remain in a duty status during their meal period may, with the approval of their supervisor, either shorten their workday by the length of the meal period or else have their meal

period counted as time worked and be paid straight time or overtime rate, whichever is applicable.

BROADCAST EDUCATIONAL MEDIA COMMISSION

X. Series 200 – Employees

Policy # 202 – Political Activity

Effective Date: 5/2017

1. POLICY

- A. The Broadcast Educational Media Commission's (BEMC) employees are encouraged to fully and freely exercise their constitutional right to vote and express their opinions about political candidates and issues to the extent permitted by law. This policy sets forth general guidelines for employees of BEMC to follow with respect to participation in political activities.
- B. "Political activity" and "politics" encompass activities relating to campaigns and elections (including primary, general, and special elections) and involving either candidate (partisan or nonpartisan, including judicial) or ballot issues.
- C. This policy applies to all BEMC employees. Whether and to what extent a BEMC employee may participate in political activity varies widely and depends upon the employee's classification. Generally, unclassified employees may participate in political activity with few restrictions on their participation. An employee may verify his/her classification status by contacting the HR designee.
- D. All BEMC employees are strictly prohibited from using State time, BEMC facilities or resources for political purposes. Employees who wish to participate in political activity during normal business hours must utilize leave without pay, vacation leave, or personal leave. No compensatory leave or any other types of leave, except those listed above, may be used to participate in political activity.
- E. All BEMC employees are prohibited from soliciting other state employees for any political contributions.
- F. All unclassified exempt employees of BEMC are prohibited from running for an elected statewide office or an elected office with any political subdivision of the State during his/her employment with the BEMC. If an unclassified exempt employee makes a decision to run for an elected office, whether statewide or within a political subdivision of the State, he/she must resign from BEMC employment or take leave without pay at the time of filing in a partisan election or upon acceptance of funds in furtherance of his/her campaign, whichever occurs first. The determination of whether an unclassified exempt employee may take a leave of absence is within the sole discretion of the Executive Director.

2. Provisions:

- A. **Prohibitions** – BEMC employees are prohibited from the following, although this list is not intended to be all inclusive:
 - i. Participating in any political activity on state time or using BEMC resources, facilities, or equipment.
 - ii. Knowingly soliciting political financial contributions from any state employee.

- B. **Permissible Activities** – BEMC employees are permitted to attend or participate in unpaid political activity on non-state time or during regular business hours, but unclassified employees must use some type of approved leave.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XI. Series 200 – Employees

Policy # 203 – Employee Leave

Effective Date: 11/2017

1. POLICY

- A. This policy details Broadcast Educational Media Commission’s (BEMC) guidelines regarding the accrual and proper use of employee leave benefits. None of these provisions are intended to contradict provisions contained in any applicable collective bargaining agreement. Unless specified within specific provisions, this policy is applicable to all BEMC employees.
- B. For proper procedures to make a leave request, employees should consult [Procedure 203-1](#).

2. VACATION LEAVE

A. Eligibility and Accrual

- i. Vacation leave is not available for use until it appears on the employee’s earning statement and the compensation described in the earning statement is available to the employee.
- ii. Vacation leave is earned regularly each biweekly pay period in which an employee is in an active pay status.
- iii. For purposes of determining vacation accrual, “years of service” will be determined in accordance with the standard specified in section 9.44 of the Ohio Revised Code regarding receiving credit for prior service with the state or a political subdivision of the state.
- iv. Vacation may be accumulated from one year to another, but in no event may vacation leave credit be accumulated in excess of what can be earned in a three (3) year period. An employee will not accrue vacation leave when his/her balance exceeds that which is accrued in a three (3) year time period. When crediting of leave is resumed, it will be for leave earned in the current pay period but not to exceed the maximum entitlement.

B. Use of Leave

- i. Vacation leave will be applied and paid at the employee’s current regular hour-for-hour rate of pay.
- ii. Use of vacation leave must be taken at a time mutually convenient to both the employee and the supervisor and requires pre-approval by a supervisor.
- iii. Vacation leave may be used in one-tenth intervals.
- iv. Newly accrued vacation leave is not available for use until it appears on the employee’s earnings statement and on the date the funds are made available.

- v. If an employee leaves state service, he/she will be compensated for any earned but unused vacation leave. No payment will be made to employees who have not completed their applicable probationary period.

C. Leave Denial Conversion

- i. A BEMC employee may be paid for up to eighty (80) hours of vacation leave each fiscal year if the employee requested and was denied the use of vacation leave during that fiscal year. An employee cannot receive payment for more than eighty (80) hours of denied vacation leave in a single fiscal year. An employee is only eligible to receive payment for vacation leave when the employee's vacation leave credit is at, or will reach in the immediately following pay period, the maximum of the accrual for three years and the employee has been denied the use of vacation leave. An employee is not entitled to receive payment for vacation leave denied in any pay period in which the employee's vacation leave credit is not at, or will not reach in the immediately following pay period, the maximum of accrual for three years. Any vacation leave for which an employee receives payment shall be deducted from the employee's vacation leave balance.

D. Conversion of Vacation Leave at Year-End:

- i. Beginning in December 2019 eligible employees may convert vacation leave to cash. To be eligible, an employee must have at least 100 hours of unused accrued vacation leave available for use on the last day of the first pay period of November in the year that the employee chooses to make the conversion. Payment will be made in the first paycheck in December at a rate of 100% of the employee's regular rate of pay.

3. PERSONAL LEAVE

A. Eligibility and Accrual

- i. **Bargaining Unit Employees** - Full-time, permanent employees are automatically credited with eight (8) hours in each of the pay periods that include the first day of January, April, July and October for a total possible accrual of 32 hours per year. Full-time, permanent employees who are hired after the start of a calendar quarter will be credited with personal leave on a prorated basis for that quarter. Part-time and established term permanent employees will be credited with personal leave on a prorated basis. Prorated hours will be based upon a formula of .015 hours per hour of non-overtime work.
- ii. **Non-Bargaining Unit Employees** - Full-time employees are credited with 32 hours each year in the pay period that included December 1. Employees hired after the pay period that includes December 1 will receive his/her yearly allotment on a prorated basis.

Employees not credited with his/her annual personal leave balance due to being in an inactive pay status (e.g., disability leave) during the pay period which includes December 1 shall be credited with personal leave in a prorated amount based upon his/her return to work

B. Use of Personal Leave

- i. All requests for personal leave shall be made in writing and shall comply with all of the following:
 - a. Personal leave must be approved by supervisor in advance;
 - b. Personal leave may be charged in an initial minimum of two (2) hour increments;
 - c. Personal leave will be paid at the current regular rate of pay; and

- d. Newly accrued personal leave is not available for use until it appears on the employee's earnings statement and on the date the funds are made available.

C. Approval of Personal leave requests

- i. **Bargaining unit employees** - Personal leave shall be granted if an employee makes the request 48 hours prior to the leave date. In an emergency the request shall be made as soon as possible and the supervisor will respond promptly. Leave shall not be unreasonably denied.
- ii. **Non-Bargaining unit employees** - Personal leave request shall be made in advance of the leave date to the requesting employees' supervisor and shall not be unreasonably denied.

D. Conversion of Personal Leave at Year-End

- i. Conversion of personal leave occurs in November each year with the payout in the first payment of December. Non-bargaining unit employees have the following options which they may select with regard to unused personal leave balances:
 - a. Carry forward the balance, but not to exceed a total of 40 hours. Personal leave in excess of 40 hours will automatically be paid out.
 - b. Receive a cash benefit for all or any part of the personal leave balance. The cash benefit conversion shall equal one hour at the employee's base rate of pay for every hour of unused credit that is converted, up to a maximum of 40 hours.
 - c. Convert personal leave to new sick leave.

E. Conversion of Personal Leave at Separation

- i. **Bargaining Unit Employees** - A bargaining unit employee who is separated from state service shall be entitled to convert the unused earned amount of personal leave. This payoff shall be at the employee's regular rate of pay. Upon the death of a permanent employee, unused earned personal leave shall be converted to cash and credited to his/her estate.
- ii. **Non-Bargaining Unit Employees** - An employee, upon separation from service for any reason is entitled to a cash benefit conversion for all accumulated personal leave. The cash benefit conversion shall equal one hour at the employee's base rate of pay for every one hour of unused personal leave converted. At the time of separation from service, the personal leave balance will be adjusted to reflect a reduction of 1.2 hours for each pay period remaining until the next base period (period which includes December 1). If such reductions at the time of separation results in a negative personal leave balance, such negative amount shall be deducted from other pay due the employee.

4. SICK LEAVE

- A.** The purpose of this provision is to establish a consistent method of authorizing employee sick leave, eliminate inappropriate use of sick leave, and outline the discipline and corrective action for inappropriate use.
- B.** Sick leave for short-term absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and to illness or injury in the employee's immediate family. In addition, sick leave may be used for pre-arranged medical appointments.
- C.** Accrual: Full-time Employees shall accrue eighty (80) hours of sick leave per calendar year. Sick leave is credited each bi-weekly pay period at the rate of three and one-tenth (3.1) hours for each completed eighty (80) hours of

service, excluding overtime hours worked. If an employee takes leave without pay during a pay period, the amount of sick leave that the employee accrues is prorated, based on the number of paid hours during the pay period.

- D. Newly accrued sick leave is not available for use until it appears on the employee's earnings statement and on the date the funds are made available.
- E. After an employee has used all of his/her accrued sick leave, the use of vacation leave, personal leave or compensatory time in lieu of sick leave will be subject to the Executive Director or his Designee's approval and whether or not to approve such leave will be within the sole discretion of the Executive Director or his Designee.
- F. **Sick Leave Proper Use** - With the approval of the employee's supervisor, sick leave may be used by the employee for the following reasons:
 - i. Illness, injury, or pregnancy-related condition of the employee;
 - ii. Illness, injury, or death in the employee's immediate family;
 - iii. Exposure of an employee to a contagious disease that could be communicated to the health of other employees;
 - iv. Examination of the employee, including medical, psychological, dental, or optical examination by an appropriate practitioner;
 - v. Illness, injury, or pregnancy-related condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member; or
 - vi. Examination of a member of the employee's immediate family, including medical, psychological, dental, or optical examination by an appropriate practitioner, where the employee's presence is reasonably necessary.

G. Notification of Use

- i. **Absences of two (2) days or less:** An employee who is unable to report for work and who is not on a previously approved day of leave shall be responsible for personally notifying his/her immediate supervisor that he/she will be unable to report for work. Employees should refer to Procedure 203-1 for sick leave notification procedures.
- ii. Should an employee become ill **during the working day**, he/she should attempt to notify his/her immediate supervisor of the illness before using sick leave and leaving the work site.
- iii. **Absences of three (3) or more days:** If an employee is unable to work for three or more days, a physician's statement specifying employee's ability to work and the probable date of recovery may be required.
- iv. When **hospitalization or institutionalization** is required, the employee shall be responsible for personally notifying his/her immediate supervisor or HR Designee upon admission to and discharge from such hospital or institution unless emergency conditions prevent such notification. Unless extreme circumstances warrant differently, this notification should be made within twenty-four (24) hours of admission and discharge. BEMC may require that the employee submit additional documentation showing that the employee is fit to return to work.

H. Evidence of Use:

- i. If professional medical attention is required for the employee or for a member of the employee's

immediate family, a certificate from a physician stating the nature of the condition may be required by BEMC to justify the use of sick leave. **Falsification of either the leave form or a physician's certificate may be grounds for disciplinary action which may include termination.**

- ii. Examples of when a physician's statement might be required include the following circumstances:
 - a. In cases of serious illness or injury, when the absence may be for an extended period (80 work hours or more), a physician's statement shall state the duration (or probable duration if definite duration cannot be determined) and nature of the illness and should be submitted as soon as practicable. If the employee's condition requires that the absence extend beyond the period shown on the certification, additional certification will be required. If the employee's condition improves so that he or she is able to return to work in advance of the date originally certified by the physician, an additional certification that the employee is able to return to work may be required.
 - b. In cases where the request for sick leave is questionable, the employer may request a statement from a physician who has examined the employee or the member of the employee's family, which must be submitted within a reasonable period of time. Such physician's statement must be signed by the health care provider or his or her designee and must include the date(s) the employee or his/her family member was under the health care provider's care and if applicable, the date on which such care was terminated.

I. Return to Work:

- i. **Exempt employees** are not credited with any sick leave upon his/her return to work from approved leave of absence, workers' compensation or disability leave.
- ii. **Bargaining unit employees** are credited with those sick hours, which they normally would have accrued upon his/her approved return to work in accordance with the terms of the applicable collective bargaining agreement.

J. Prohibitions for Sick Leave: If an employee engages in any of the following prohibited actions regarding use of Sick Leave, the employee may be disciplined even for the first offense, up to and including termination.

- i. **Unauthorized** use of Sick Leave which occurs when:
 - 1. Failure to notify supervisor of medical leave;
 - 2. Failure to submit a leave request;
 - 3. Failure to provide physician's verification when required; or
 - 4. Fraudulent physician verification.
- ii. **Misuse** of Sick Leave is prohibited and occurs when an employee uses sick leave other than as provided for by statute, contract, or this policy.
- iii. **Pattern abuse of Sick Leave**, which is defined as consistent periods of sick leave usage. If a supervisor reasonably suspects a pattern of abuse of sick leave, he/she shall report the suspicions to the HR Designee for further investigation. Examples of pattern abuse include, but are not limited to, the following:
 - 1. Before and/or after holidays;

2. Before and/or after weekends;
3. After pay days;
4. Any one specific day;
5. Absence following overtime worked;
6. Half days;
7. Continued pattern of maintaining zero or near zero leave balances; or
8. Excessive absenteeism - use of more sick leave than granted.

K. Year-End Conversion of Sick Leave

- i. In November, with payout in the first payment in December of each year, full-time permanent and part-time permanent employees who are in active pay status have the following options which they may select with regard to the unused balance of his/her new sick leave:
 - a. Carry forward the balance of new sick leave; or
 - b. Receive a cash benefit for all or any part of unused new sick leave up to a maximum of 80 hours on the following schedule:

47.9 hours or less accrued	55%
48 to 55.9 hours accrued	60%
56 to 63.9 hours accrued	65%
64 to 71.9 hours accrued	70%
72 to 79.9 hours accrued	75%
80 hours accrued and unused	80%

5. OVERTIME

A. Overtime Exempt Employees - Compensatory Time

- i. This provision only applies to BEMC employees who are overtime exempt.
- ii. Overtime exempt employees may earn compensatory time for work hours in excess of eighty (80) hours in a pay period for work that is necessary to the operation of BEMC. No compensatory time will be granted for office work which could have been completed during a standard workweek or pay period. The employee's supervisor must approve the compensatory time accrual.
- iii. No compensatory time may accrue during an employee's lunch period, except under those limited circumstances where the employee's job responsibilities have prevented him/her from taking a lunch break and the employee's supervisor has approved.
- iv. Overtime exempt employees may be permitted to earn compensatory time for work completed outside of the BEMC's facilities, but only where there is a verifiable work product and only after the employee has been authorized to accrue compensatory time in this manner by the employee's supervisor based upon operational need.

- v. Compensatory time accrues on an hour-for-hour basis and may be accrued in no less than one-tenth hour and used in no less than fifteen (15) minute increments.
- vi. The maximum amount of compensatory time, which an overtime exempt employee may accrue is 240 hours. Any compensatory time accrued must generally be used within 365 days after accrual.
- vii. Use of compensatory time requires prior approval by a supervisor and must be taken at a mutually convenient time based upon operational need.
- viii. Cash payment for accrued compensatory time is not permitted.
- ix. Employees may not convert compensatory time to any other form of leave.
- x. Compensatory time may not be donated to another employee.
- xi. All compensatory time accrued balances will be forfeited upon separation of employment with BEMC and is not transferable to another state department or agency. Similarly, time accrued in another state department or agency is not transferable to BEMC.

B. Overtime Eligible Employees

- i. This provision applies only to employees who are non-bargaining unit, overtime eligible.
- ii. Overtime eligible employees are prohibited from working more than forty (40) hours in a calendar week without prior written approval from their supervisor due to operational needs.
- iii. Overtime eligible employees are entitled to receive overtime compensation, in the form of Overtime Payment or compensatory time, for any time worked in excess of forty (40) hours in a calendar week.
- iv. Employees with the option must make the designation in the payroll system of whether to receive either Overtime Pay or Compensatory Time. All requests and approvals will be completed in the payroll system.
- v. Overtime Pay and Compensatory Time will be at a rate of one-and-one half times (1.5x) the employee's regular rate of pay.
- vi. Overtime eligible employees may accrue up to a maximum of 240 compensatory hours. All compensatory hours must be taken within 365 days (approximately 26 pay periods or 12 months) after accrual and at a mutually agreeable time with supervisor pre-approval.
- vii. Overtime eligible employees will be paid consistent with this policy for all overtime worked. Failure to obtain prior supervisor approval for overtime worked will result in disciplinary action.

6. LEAVE WITHOUT PAY

- A. This policy provision applies to all BEMC employees. To the extent that any provisions of this policy conflict with provisions in an employee's applicable collective bargaining agreement the provisions of the collective bargaining agreement shall apply.
- B. BEMC may, in its discretion, grant an employee's request for a leave of absence without pay. Such leave is subject to the operational needs of BEMC and at the discretion of the Executive Director, or designee, in consultation with the employee's supervisor.

- C. Requests for leave without pay must be made in writing and submitted to the employee's supervisor and the Executive Director, or designee, and shall state the reasons for taking a leave of absence without pay and the dates for which such leave is being requested.
- D. An employee who is granted a leave of absence without pay must first exhaust his/her accrued vacation leave, personal leave, and compensatory time. An employee may use his/her accumulated sick leave only for the period of time certified by a licensed practitioner that the employee is unable to work as a result of a disabling illness, injury, or condition for which the employee is not currently on disability leave.
- E. If it is found that a leave is not actually being used for the purpose for which it was granted, BEMC may cancel the leave and direct the employee to report to work. An employee who fails to return to work within three (3) working days of the completion or a cancellation of a leave of absence without pay without explanation to the BEMC may be removed from his/her position. An employee who fails to return to service from a leave of absence without pay and is subsequently removed or voluntarily resigns from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

7. DONATED LEAVE

- A. Generally, BEMC employees may donate sick, personal, or vacation leave to a fellow BEMC employee who is otherwise eligible to accrue and use sick leave.
- B. An employee may donate leave if the donating employee:
 - i. Voluntarily elects to donate leave and does so with the understanding that donated leave will not be returned;
 - ii. Donates a minimum of eight hours; and
 - iii. Retains a combined leave balance of at least eighty (80) hours
- C. An employee may receive donated leave up to the number of hours the employee is scheduled to work each pay period, if the employee meets all of the following:
 - i. The employee or member of the employee's immediate family has a serious health condition;
 - ii. The employee has a zero balance of sick leave (new sick and old sick), vacation leave, personal leave and compensatory leave;
 - iii. The employee has not been approved to receive other state paid benefits; and
 - iv. The employee applied for any paid leave, Workers' Compensation, or benefits program (e.g. Disability Benefits) for which the employee is eligible.
- D. Process for administering the leave donation program is as follows:
 - i. The leave donation program shall be administered on a pay period by pay period basis and shall occur on a strictly voluntary basis.
 - ii. Employees who wish to donate leave shall certify to the HR Representative:
 - 1. The name of the employee for whom the donated leave is intended,
 - 2. The type of leave and number of hours to be donated,

3. That he/she will maintain a minimum combined leave balance of at least eighty (80) hours, and
 4. That the leave is donated voluntarily, and he/she understands it will not be returned.
- iii. If multiple offers to donate leave to a qualifying employee for any pay period are received, the HR Representative will process the requests in the order in which they are received.
 - iv. Employees using donated leave shall be considered in active pay status and shall accrue leave and any other benefits to which they would otherwise be entitled. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received.
 - v. Banking of donated leave is not permissible. An eligible employee shall receive no more than 800 hours of donated leave from all sources combined in any calendar year period.
 - vi. Donated leave shall not count toward the probationary period of an employee who receives donated leave during his or her probationary period.
 - vii. Donated leave shall be considered sick leave, but shall never be converted into a cash benefit.
 - viii. Supervisors shall ensure that no employees are forced or coerced to donate leave. Supervisors shall respect an employee's right of privacy. However, supervisors may, with permission of the employee who is in need of leave or a member of the employee's immediate family, inform other employees of their co-worker's critical need for leave. Supervisors shall not directly solicit leave donations from employees.

8. Adoption/Childbirth LEAVE

- A. All permanent exempt employees, and permanent bargaining unit employees pursuant to applicable collective bargaining agreements, who work an average of thirty or more hours per week are eligible for Adoption/Childbirth leave. For bargaining unit employees, consult applicable collective bargaining agreements for any differences from this policy.

B. Effective Date and Triggering Event

- i. Eligibility for taking Adoption/Childbirth leave shall begin on the date of the Birth of an employee's Child(ren) or on the day on which custody is taken by the employee for Adoption placement. In the case of a Birth, the employee must be the parent (as listed on the birth certificate, or in the case of a stillbirth, the death certificate). In the case of an Adoption, the employee must be the Legal Guardian of, and reside in the same household with, the newly adopted Child to be eligible. If an employee Adopts multiple Children within twelve (12) weeks of each other or in the event of the Birth of multiple Children (e.g., twins or triplets), the event shall be considered a single qualifying event, and will not serve to increase the length of leave for the employee or the amount of Adoption expenses received in lieu of receiving paid leave.
- ii. The average regular hours worked (including holidays and use of paid leave) over the preceding three-month period shall be used to determine eligibility and benefits under this section for part-time employees, provided that such benefits shall not exceed forty (40) hours per week. If the employee has not worked a three-month period, the average number of hours for which the employee has been scheduled per week since the day of hire will be used to determine eligibility and benefits.
- iii. This policy applies only to Births and Adoptions occurring on or after July 1, 2023. Any event occurring before that date is eligible for the benefit that was in effect at the time of the Birth or Adoption.

C. Request for Leave

- i. Employees who are eligible should request Adoption/Childbirth leave in writing within two (2) working days following the Birth or Adoption of the Child if the employee is seeking to use the leave immediately following the Birth or Adoption.
- ii. In the event the employee requests to use such leave at a later date, within one year of becoming eligible, the employee should provide at least two weeks' notice to BEMC of the timeframe for using the leave.
- iii. Such request for leave in either instance should be made in accordance with BEMC policy and procedures.

D. Leave and Benefit Amount

- i. Eligible State employees are entitled to a maximum of twelve (12) consecutive weeks of continuous leave within one (1) year of Birth or Adoption. The twelve (12) weeks of leave shall be paid at 70% of the employee's regular rate of pay. Payment shall be made through the regular payroll process. Employees may supplement the 70% wages as described below:
 1. Employees may use sick leave, vacation leave, personal leave, and/or compensatory time to supplement the 70% wages for the twelve (12) weeks or any portion thereof. Employees may supplement their wages up to a combined total of 100% of their regular bi-weekly rate of pay, as explained in more detail in subsection c below.
 2. Agencies may allow employees to work a reduced schedule during any portion of the twelve-week period, subject to the needs of BEMC. Employees who are permitted to work a reduced schedule during such period shall establish a schedule that is acceptable to BEMC.
 3. Employees who choose to work or supplement their pay with accrued leave during the twelve (12) weeks of leave, as described above, shall have their pay for the hours worked or supplemented with leave calculated so that working or supplementing thirty percent (30%) of their normally scheduled work hours during the pay period shall result in a bi-weekly amount equal to a combined total of 100% of their regular bi-weekly pay. Employees who work more than thirty percent (30%) of their regularly scheduled hours shall forfeit paid Adoption/Childbirth leave on an hour for hour basis for all excess hours.
- ii. An employee who is Adopting a Child(ren) may elect to take five thousand (\$5,000) for Adoption expenses in lieu of the leave benefit. Payment may be requested as soon as the court has awarded permanent custody of the Child(ren) to the employee.

E. **Other Leaves and Benefits:** For the duration of the Adoption/Childbirth leave period, employees are eligible to receive all employer-paid benefits and accrue all forms of leave they are eligible for at the employee's regular accrual rates as if they were in active pay status and regardless of whether they are receiving payment at 70% or supplementing to 100% of their regular rate of pay.

F. **Insurance Coverage:** Agencies are required to continue paying the employer's portion of the employee's health insurance premiums during an approved Adoption/Childbirth leave, and the employee's health insurance premium will continue to be deducted.

G. Holidays

- i. Employees shall not be eligible to receive Holiday Pay while on Adoption/Childbirth leave. Holidays shall be counted as one day of Adoption/Childbirth leave and shall be paid as Adoption/Childbirth leave, not Holiday Pay.
- ii. Employees who work during a holiday shall be entitled to pay as provided pursuant to the appropriate collective bargaining agreement, law, or Administrative Rule.

H. **Overtime:** No portion of Adoption/Childbirth leave is to be included in calculating hours worked for the purposes of overtime.

I. **Interaction with the Family Medical Leave Act:** Employees using Adoption/Childbirth leave who meet the

eligibility requirements of the Family Medical Leave Act (FMLA), pursuant to 29 CFR 825.110, shall have the entire non-working period of Adoption/Childbirth leave counted toward the employee's twelve workweek FMLA entitlement. In accordance with the State's FMLA policy, when FMLA leave is used concurrently with Adoption/Childbirth leave, the leave policy for Adoption/Childbirth leave shall override the FMLA requirement that employees exhaust all accrued leave prior to going on unpaid leave. An employee may not use the Adoption/Childbirth leave under this section after exhausting the FMLA entitlement for the birth or adoption. Refer to the [Statewide FMLA Policy](#) for more information.

- J. **Coordination with Disability Leave:** Employees who are receiving disability leave benefits prior to becoming eligible for Adoption/Childbirth leave shall continue to receive disability leave benefits for the duration of the disabling condition. If the employee continues to qualify for Adoption/Childbirth leave following release from disability, the employee may use the leave in accordance with this policy.
- K. **Coordination with Bereavement Leave:** In the event an employee takes leave under this policy for a Stillbirth, the employee is ineligible for bereavement leave as allowed under section 124.387 of the Ohio Revised Code and/or any applicable collective bargaining agreement.
- L. **Leave Duration:** Under no circumstances shall Adoption/Childbirth leave be taken beyond one (1) year from the date of Birth or Adoption. Adoption/Childbirth leave shall not be used to extend the layoff date of employees or to extend a period of employment for established term employees if eligibility is provided to the non-permanent employee pursuant to a collective bargaining agreement.

9. CIVIC DUTY LEAVE

- A. The purpose of this policy is to provide direction and circumstances in which employees of BEMC may be granted civic duty leave, including court leave, jury duty, and responses to subpoena.
- B. Leave with pay at regular rate shall be granted to any employee who is summoned by a court of competent jurisdiction and provides service for jury duty, or is subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to compel the attendance of witnesses, where the employee is not a party to the action.
- C. Employee Who is a Party to the Matter Before a Court
 - i. Any employee who is appearing before a court or other legally constituted body in a matter in which he or she is a party may be granted use of vacation time, personal time, accrued compensatory time or leave without pay. Civic Duty Leave with pay does not apply when the employee is a party, or in the following instances, which includes but is not limited to:
 - a. A criminal or civil case;
 - b. Traffic court;
 - c. Divorce proceedings;
 - d. Custody proceedings; or
 - e. Appearing as directed as the parent or guardian of juveniles.

10. POLL WORKER LEAVE

- A. BEMC recognizes that there is a need for a pool of available individuals to serve as judges of elections in order for our democratic process to operate in a fair and efficient manner. Accordingly, BEMC will allow its full-time and part-time employees, certified by the local board of elections, to be eligible for paid leave (poll worker leave) on Election Day to serve as judges of elections if the employee provides advance notice and such leave is approved by the employee's supervisor.

11. BEREAVEMENT LEAVE

- A. Three consecutive workdays (maximum of 24 hours) of bereavement leave with pay at regular rate will be granted to a full-time permanent or part-time permanent employee upon the death of a member of his/her immediate family.
- B. "Immediate family" is defined as an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), child, step-child, grandchild, parent, step-parent, grandparent, great-grandparent, brother, sister, step-sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law or legal guardian or other person who stands in the place of a parent. Bereavement leave will be granted to the parents in the case of a miscarriage conditioned upon the tendering of appropriate medical documentation or stillbirth conditioned upon the tendering of a death certificate. Bereavement leave must begin within five (5) calendar days of the date of death of the immediate family member or the date of the funeral or memorial service. If the employee needs additional time, use of other accrued leaves may be granted, subject to approval by the employee's supervisor.

12. CAREGIVER LEAVE

- A. Permanent fulltime and parttime (30 or more hours) employees are eligible for caregiver leave if they meet the following criteria:
 - i. The employee is an eligible employee
 - ii. The person being cared for is a child.
 - iii. The child has been placed in the employees home; and
 - iv. The required documentation has been provide.
 - v. The employee must be a foster caregiver (valid foster home certificate) or kinship caregiver.
- B. Employees can use up to forty hours of paid leave every calendar year for the duration of the child's or children's placement. When possible, an employee should notify BEMC that they are going to become a foster caregiver or kinship caregiver and that they are intending to use this leave. Employees must request to use caregiver leave. In instances where an employee is unable to give advance notice of the need for leave prior to becoming a caregiver, the employee must provide the required documentation within two working days of returning to work following their first use of caregiver leave. The leave can be used in 1/10 of hour increments. Caregiver leave is intended to provide leave for instances related to the care of a child in a foster or kinship placement and is not meant to cover intermittent needs for childcare.
- C. Regardless of the number of placements that occur during a calendar year, caregiver leave is limited to a total of 40 hours at full pay in that calendar year.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XII. Series 200 – Employees

Policy # 204 – Family and Medical Leave Act (“FMLA”)

Effective Date: 5/2017

1. POLICY:

- A. The purpose of this policy is to provide for the Broadcast Education Media Commission’s (BEMC’s) administration and compliance with the Family and Medical Leave Act (“FMLA”) of 1993, as amended, as it pertains to BEMC employees. The FMLA entitles eligible employees to take up to twelve (12) weeks of **unpaid leave**, per twelve (12) month period, for certain qualifying events.

2. Eligibility and Entitlement

- A. This policy is applicable to all BEMC employees who have been employed by BEMC for at least twelve (12) months and have been in “active work status” at least 1,250 hours within the last year.
- B. Active Work Status: The conditions under which an employee is actually in a work status and is eligible to receive pay, which includes overtime hours worked but does not include vacation leave, sick leave, bereavement leave, compensatory time, holidays, personal leave, and disability leave.
- C. For purposes of this this policy all other terms not specifically defined herein, shall have the meanings set forth in and be construed in accordance with, the Family and Medical Leave Act of 1993, Public Law 103-3 (February 5, 1993), 107 Stat. 6-29 (29 U.S.C. §§2601 et seq.), and the regulations promulgated there under, 29 CFR Part 825, in effect on the date FMLA leave is being taken unless otherwise provided by law.
- D. An eligible employee is entitled to twelve (12) workweeks of **unpaid leave** within a twelve (12) month period. The twelve (12) month period begins on the first date FMLA leave is taken. Full time employees are entitled to 480 hours of FMLA leave within the twelve (12) month period. Part time employees will be prorated based on the last year's average workweek.
- E. BEMC tracks FMLA on a "rolling" twelve (12) month period. This means that each time an employee takes FMLA leave; the remaining entitlement would be any balance of the twelve (12) weeks which was not used during the preceding twelve (12) months.

3. Qualifying Events

- A. FMLA leave will be granted, to eligible employees, for the following “qualifying events”:
- i. Birth of the employee’s child, and/or incapacity due to pregnancy or prenatal medical care;
 - ii. Placement of a child with an employee for adoption or foster care (including individuals on approved adoption/childbirth leave);
 - iii. Caring for the employee’s spouse, child, or parent who has a serious health condition as certified by a health care provider;

- iv. Serious health condition that renders the employee incapable of performing the functions of his or her job as certified by a health care provider (including individuals on approved disability leave); or
- v. A qualifying exigency arising out of the fact that the employee's family member is on covered active duty in a foreign county or has been notified of an impending call to active duty in a foreign county.

4. Coordination and Certification

- A. FMLA Coordinator: BEMC's Executive Director shall designate/employ an FMLA Coordinator. Employees should contact their supervisor or the Executive Director if he/she does not know who the designated FMLA Coordinator is. The Coordinator will be responsible for approving the request for FMLA certification and maintaining confidential information pertaining to the leave. The Coordinator will be responsible for requesting certification and designating leave as FMLA leave. The records for hours used and/or hours available will be kept by the Coordinator.
- B. A request for FMLA leave must be submitted at least thirty (30) days prior to taking the leave or, if this is not possible, notice must be given as soon as practicable.
- C. If leave is to be taken due to a foreseeable serious health condition of the employee (e.g., tonsillectomy or physical therapy), the employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of BEMC. If the leave is foreseeable, a Physician or Health Care Provider Certification for The Family & Medical Leave Act (*Physician Certification Form*) must be provided to the BEMC FMLA Coordinator for final approval. The *Physician Certification Form* can be obtained through the FMLA Coordinator and it must be certified by the appropriate physician/medical professional, along with any applicable certification or documentation. (e.g., birth certificate; or, in the case of an adoption/foster care, equivalent legal documentation (foster care requires state action)).
- D. A request for FMLA leave must be submitted to the HR Representative and must specifically state that leave is requested pursuant to FMLA. The employee must indicate the type of leave requested and mark the appropriate block to indicate whether the absence is FMLA related.
- E. To maintain confidentiality, the employee will forward the appropriate documentation or physician's certification to the FMLA coordinator. The FMLA coordinator will notify the supervisor of the employee's FMLA status once the appropriate physician's certification is received.

5. Certification of Serious Health Condition

- A. When requesting FMLA leave for a serious health condition, the employee should submit a completed *Physician Certification Form* to the FMLA coordinator. The FMLA coordinator may also forward a *Physician Certification Form* to the employee when the agency makes a determination to designate requested leave, whether paid or unpaid, as FMLA leave.
- B. Upon receipt of the *Physician Certification Form*, the employee has fifteen (15) days to return the completed form to the FMLA Coordinator. If the form cannot be returned within fifteen (15) days, the employee is responsible for providing the Coordinator with a reasonable period of time in which the form will be returned. Certification is needed as soon as possible for approval of FMLA leave. To maintain confidentiality, the employee should send the completed *Physician Certification Form* to the attention of the FMLA Coordinator in a sealed envelope marked "confidential." The *Physician Certification Forms* shall be kept in a confidential file.
- C. BEMC may require, at BEMC's expense, an opinion from a second health care provider designated or approved by BEMC. If the employee's doctor and the second opinions conflict, BEMC may require, at its expense, that the

employee obtain an opinion from a third health care provider chosen or approved jointly by the employee and BEMC. The opinion of the third health care provider shall be final and binding on both the employee and BEMC.

- D. BEMC may require FMLA re-certification at any reasonable interval, but not more often than every thirty (30) days unless the employer is given reason to doubt the validity of the existing certification.

6. Employee on Disability Leave

- A. An employee requesting disability leave benefits who is also eligible for FMLA leave shall have up to the first twelve (12) weeks of an approved disability leave period, including the required waiting period, count concurrently as FMLA leave. BEMC may also grant FMLA leave to an employee while the employee's disability leave request is being reviewed. The granting of FMLA leave shall have no bearing on the approval or disapproval of an employee's disability leave request.

7. Employee Applying for Worker's Compensation Benefits

- A. An employee who makes application for Workers' Compensation benefits who is eligible for FMLA leave will have any time (sick leave or other applicable leave) used as a result of the pending Workers' Compensation claim counted concurrently as FMLA leave.

8. Employee on Approved Adoption/Childbirth Leave

- A. An employee requesting Parental Leave benefits who is also eligible for FMLA leave shall have all applicable Parental Leave, including the required waiting period, count concurrently as FMLA leave. BEMC is not required to allow employees a reduced work schedule or intermittent leave for the birth of a child or placement of a child for adoption or foster care.

9. Exhaustion of Paid Leave to Supplement FMLA Leave

- A. Once the employee has given notice of his/her intention to take leave pursuant to this policy, the amount of paid and unpaid leave available to the employee will be determined.
- B. An employee shall exhaust all accrued leave balances as part of the 12 workweeks of FMLA leave prior to going on unpaid leave. Employees must first exhaust sick leave before taking other forms of leave. An employee must exhaust all accrued personal leave, vacation leave, and compensatory time, before taking unpaid leave under FMLA. All paid leave will count concurrently as FMLA leave.

10. Employee Health Benefits

- A. BEMC will continue to pay the employer portion of health insurance premiums during any unpaid FMLA leave. An employee taking FMLA leave, who wishes to retain group insurance coverage, must arrange to pay his or her share of the premium contributions during the period of unpaid leave.
- B. If an employee fails to return to work following FMLA leave, BEMC may seek reimbursement of any health insurance premiums paid on behalf of the employee during the period of leave.
- C. If an employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement in the benefit plan upon return to work.

11. Intermittent Leave and Reduced Schedule Leave

- A. Leave taken due to an employee's serious health condition may be taken intermittently or on a reduced leave schedule when it is medically necessary. The request must be specified in the employee's *Physician Certification Form* certified by the employee's health care provider.
- B. An employee requiring intermittent leave or a reduced leave schedule for planned medical treatment for a serious health condition may be reassigned temporarily to an available alternate position with the BEMC. The position would be one for which the employee is qualified, with equivalent pay and benefits and which can accommodate recurring periods of leave better than the employee's regular position.
- C. Leave taken because of the birth, adoption or foster care placement of a child can be taken consecutively, or on a reduced leave schedule if an acceptable schedule can be agreed upon by the employee and his/her supervisor(s). Leave taken for the birth, adoption, or foster care placement of a child must be taken within the first twelve (12) months of the child's birth or placement with the employee.
- D. An employee can take FMLA leave to care for his/her spouse, child, or parent with a serious health condition, intermittently or on a reduced leave schedule if it is necessary for the care of the family member or will assist in the family member's recovery. The request must be specified in the employee's *Physician Certification Form* certified by the family member's health care provider.
- E. Intermittent leave and leave taken by reducing work hours shall be taken in increments equal to the smallest increment allowable for the type of paid leave or, if unpaid leave is used, in fifteen (15) minute increments.

12. Maintenance/Accrual of Benefits During Leave

- A. An employee taking FMLA leave will retain any employment benefits, other than the leave required to be used, that the employee had earned prior to commencement of the leave.
- B. During any period of unpaid FMLA leave, the employee will not accrue personal leave, sick leave or vacation leave.
- C. Employees who return to work following FMLA leave will not lose any service or seniority credit.
- D. FMLA leave will be treated as continuous service for purposes of calculating any benefits which are based upon length of service.

13. Return to Work

- A. An employee taking FMLA leave is entitled to be restored to the same position he or she held when the leave began, or be placed in an equivalent position with equivalent employee benefits, pay, and conditions of employment.
- B. An employee who takes leave based upon his or her own serious health condition shall be required to provide certification from a health care provider that he or she is able to resume work.
- C. Acceptable "return to work" certification may be requested by BEMC prior to the employee's return. Employee will be responsible for promptly obtaining such certification if requested.

14. Prohibitions

- A. While on FMLA leave, employees are expressly prohibited from working (for any other employer, business interest, etc.) during their regularly scheduled BEMC work hours. Additionally, employees on FMLA leave for their own serious health condition are cautioned that any work activities inconsistent with their certified inability to work may be grounds for termination of FMLA leave benefits, and/or discipline, up to and including termination.

- B. Violation(s) of this policy by an employee, including but not limited to failing to comply with this policy, providing false information or filing a false certification, may result in the denial of the use of FMLA leave under this policy and/or may lead to disciplinary action, up to and including termination.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XIII. Series 200 – Employees

Policy # 205 – Holidays

Effective Date: 5/2017

1. POLICY

- A. The following policy outlines the holidays observed by the Broadcast Educational Media Commission (BEMC) in accordance with all applicable federal and state laws and to outline for which holidays employees are granted paid leave.

2. Observed Holidays

- A. All employees receive the following ten (11) paid holidays each year:

- i. New Year's Day (January 1)
- ii. Martin Luther King Day (third Monday in January)
- iii. President's Day (third Monday in February)
- iv. Memorial Day (last Monday in May)
- v. Juneteenth (June 19)
- vi. Independence Day (July 4)
- vii. Labor Day (first Monday in September)
- viii. Columbus Day (second Monday in October)
- ix. Veteran's Day (November 11)
- x. Thanksgiving Day (fourth Thursday in November)
- xi. Christmas Day (December 25)

- B. When a holiday falls on a Sunday, the holiday is observed on the following Monday. When a holiday falls on a Saturday, it is observed on the preceding Friday. Upon request, an employee may observe a religious holiday and either charge the time to the appropriate leave (i.e. vacation, compensatory time, personal leave, etc.), or ask to be given leave without pay. However, BEMC reserves the right to approve a leave without pay only after other paid leaves are exhausted.

3. Eligibility for Holiday Pay

- A. Bargaining unit employees

- i. An employee on vacation or sick leave during a holiday shall not be charged vacation or sick leave for the

holiday. An employee who is scheduled to work and calls off sick the day before, after, or the day of a holiday shall forfeit his/her right to holiday pay for that day, unless there is documented, extenuating circumstances which prohibit the employee for reporting to duty.

B. Non-Bargaining unit employees

- i. A full-time employee must be in an active pay status the day before the holiday to receive pay for the holiday. For the purposes of this policy, sick leave is considered active pay status.

4. Work on the Holiday

- A. When an employee who is eligible for overtime pay is required to work on the day observed as a holiday, he or she shall be entitled to pay for such time worked at one-and-one-half times (1.5x) his/her regular rate of pay in addition to his/her regular pay, or to be granted compensatory time off at time-and-one-half time thereafter, at the employee's option. Payment at such rate shall be excluded in the calculation of hours in active pay status.

5. Holiday Premium

- A. When a holiday falls on an overtime eligible 24/7 employee's assigned day off, the employee may be eligible for holiday premium. Holiday premium may be converted to compensatory holiday at a rate of one-and-one-half (1.5x) time.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XIV. Series 200 – Employees

Policy # 206 – Personal Appearance

Effective Date: 5/2017

1. POLICY

- A. All Broadcast Educational Media Commission (BEMC) employees are required to maintain a “professional image” in attire and appearance at all times.

2. BEMC Professional Image Standard

- A. BEMC’s professional image standard requires employees to dress and present themselves in a manner that is appropriate for the position and duties which they hold. Each employee should take into account their job duties and interaction with the public when determining their workplace attire.
- B. Examples of inappropriate dress include, but are not limited to, the following: shorts, skorts, t-shirts, workout attire, sweatshirts, beach-type wear, crocs and other rubber shoes, flip flops or beach-type sandals, and hats. Exceptions to this policy will be made upon request for religious purposes (e.g. headwear), documented medical necessity (e.g., particular shoes for walking), or on special designated days communicated by BEMC management.
- C. Employees should take appropriate measures to ensure their personal hygiene is not offensive to others and take care not to wear excessive scents.
- D. Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Any work time missed because of failure to comply with this policy will not be compensated and any repeat violations of this policy will be cause for disciplinary action.
- E. Supervisors are responsible for enforcement of these provisions. Employees with questions regarding what constitutes inappropriate or appropriate attire, should consult with their immediate supervisor. Supervisors may make exceptions when deemed necessary. It is also the supervisor’s responsibility to counsel employees who are not dressed appropriately on what constitutes professional business attire.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XV. Series 200 – Employees

Policy # 207 – Hiring

Effective Date: 5/2017

1. POLICY

- A. The Executive Director shall employ and fix the compensation for such employees as necessary to facilitate the activities and purposes of the commission. The employees shall serve at the pleasure of the Executive Director.
- B. Hiring of Broadcast Educational Media Commission (BEMC) personnel shall be carried out in accordance with the laws of the United States, the State of Ohio, including any applicable Executive Orders, and BEMC shall not discriminate on the basis of categories identified in BEMC's [Policy 103](#),
- C. Pursuant to Revised Code 3353.03(C) and (D), all employees hired by BEMC after July 1, 2005, either to fill vacancies or to fill new positions, shall be placed in the unclassified service and shall be exempt from Chapter 4117 of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.

2. Hiring Process

- A. The designated BEMC senior team staff member(s) will comply with all applicable state of Ohio hiring practices and procedures as directed by the Executive Director. See [Procedure 207-1](#).
- B. The steps for acclimating a new employee to BEMC are outlined in [Procedure 207-1](#).

BROADCAST EDUCATIONAL MEDIA COMMISSION

XVI. Series 200 – Employees

Policy # 208 – Performance Evaluations

Effective Date: 5/2017

1. Policy

- A. Performance evaluations provide each employee with a better understanding of his/her work performance in relation to Broadcast Educational Media Commission's (BEMC) expectations regarding that position.
- B. BEMC Bargaining Unit Employees will be evaluated pursuant to the terms of the applicable collective bargaining agreement and such agreement will control. To the extent that this policy does not conflict with the terms of any applicable collective bargaining agreement, this policy will apply to Bargaining Unit Employees as well.
- C. The purpose of performance evaluations is to allow employees to be placed in the best position to succeed for their own benefit, and that of the agency. Among others, some of the purposes for performance reviews include:
 - i. Working collaboratively with each employee toward the attainment of BEMC's mission, goals and objectives;
 - ii. Informing the employee of his/her strengths, weaknesses and progress;
 - iii. Guiding an employee so as to improve performance and productivity;
 - iv. Strengthening work relationships and improving communication among employees;
 - v. Helping in developing employee skills;
 - vi. Recognizing accomplishments and quality performance; and
 - vii. Determining compensation.

2. Evaluation Guidelines

- A. Each BEMC employee, except for the Executive Director, shall be evaluated on his or her job performance at least one time per evaluation cycle.
- B. Performance evaluations will be done in accordance with the State of Ohio guidelines and completed through the ePerformance online evaluation system.
- C. BEMC will function under an **October 1st through September 30th** evaluation cycle. All evaluations will be completed by October 31st of each year.
- D. Supervisors are expected to follow the ePerformance Evaluation procedures detailed in [Procedure 208-1](#).

BROADCAST EDUCATIONAL MEDIA COMMISSION

XVII. Series 200 – Employees

Policy # 209 - Discipline

Effective Date: 5/2017

1. POLICY

- A. There are times when disciplinary action is necessary in order to ensure an employee's behavior and performance are consistent with the functions and expectations for the employee's position and the goals of the Broadcast Educational Media Commission (BEMC). In response to this, it is the policy of BEMC to administer discipline when it is necessary. In all cases, the Executive Director reserves the right to determine the appropriate discipline.

2. Applicability

- A. All employees of BEMC are required to maintain high standards of behavior, conduct, and work performance befitting the trust and responsibility entrusted to them as State employees of BEMC.
- B. This policy is applicable to all BEMC employees. To the extent provisions of this policy conflict with provisions in an employee's applicable collective bargaining agreement, the provisions of the collective bargaining agreement will control.

3. Discipline

- A. Generally, discipline will be imposed in order to provide employees the opportunity to correct inappropriate behavior. As a result, the BEMC will ordinarily observe the principle of progressive discipline. However, depending upon the seriousness of the offense, discipline up to and including termination even for the first offense may result and is solely within the discretion of the Executive Director or his designee.

B. Corrective Counseling

- i. Corrective counseling may be used by BEMC and is not disciplinary action. It is a written statement that summarizes prohibited behavior and/or lays out performance expectations and serves as a warning to the employee that any future engagement of similar misconduct may result in discipline. Corrective counseling may be issued by a supervisor at any time, after consultation with HR designee. Records of the corrective counseling will not be placed in the employee's personnel file and may be retained by the employee's supervisor for the remainder of the employee's employment with BEMC.

C. Types of Discipline:

- i. **Written Reprimand:** This action informs the employee in writing of a specific violation for which the reprimand is being given.
- ii. **Working Suspension:** This action results in an employee remaining in the workplace and receiving compensation for all hours worked. Even though there is no involuntary loss in compensation, the documented suspension has the same effect as a non-working suspension.
- iii. **Non-Working Suspension:** This action results in an involuntary temporary separation from active pay status.

- iv. Re-assignment/Demotion: This action is used as an alternative to termination, this action results in an employee being demoted and/or re-assigned to a different position within the agency.
- v. Termination/Removal: This action is an involuntary, permanent separation from employment.

4. Bargaining Unit Employees

- A. When just cause exists, the Executive Director of BEMC may impose disciplinary action, in accordance with the terms of any applicable collective bargaining agreement.
- B. Violation of the following rules may result in disciplinary action up to and including removal, or termination. These rules should be considered general guidelines and are not intended to be all inclusive. BEMC also considers as misconduct any action not specifically stated in the following list, which could harm an employee or impair the ability of the employer to carry out its mission.

#	Rule	Description (Includes but is not limited to)
1	Dishonesty	<ul style="list-style-type: none"> A. Inappropriate use of company time or resources for personal reasons B. Falsification of documents C. Theft D. Misuse or unauthorized use of state property
2	Failure of good behavior	<ul style="list-style-type: none"> A. Carelessness, destruction or damage of state property B. Violation of workplace violence policy C. Violation of Drug Free workplace policy D. Discourteous treatment of employees or public E. Violation of Anti-Discrimination policy F. Violation of Unauthorized Weapons policy
3	Neglect of Duty	<ul style="list-style-type: none"> A. Failure or refusal to follow policies and procedures B. Absent without leave (AWOL) C. Violation of BEMC leave related policies D. Sleeping while on duty E. Refusal to carry out assigned job duties F. Refusal to follow directions of supervisor
4	Other	Incompetence, inefficiency, immoral conduct, insubordination, acts of misfeasance, malfeasance, or nonfeasance and conviction of a felony, smoking in prohibited areas, illegal gambling, unauthorized soliciting

5. Notification of Discipline

- A. Supervisors shall use the BEMC prescribed [Discipline Form 209-1A](#) as referenced in [Procedure 209-1](#) to notify employees of disciplinary action.

6. Appeals

- A. Unclassified employees do not have the right to appeal disciplinary actions.
- B. Bargaining unit employees shall follow applicable OCSEA Collective Bargaining Agreement provisions regarding the appeal of a disciplinary action.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XVIII. Series 200 – Employees

Policy # 210 – Workers’ Compensation Policy and Transitional Work Program

Effective Date: 5/2017

1. PURPOSE

- A. It is the policy of the Broadcast Educational Media Commission (BEMC) to provide a safe working environment, to make reasonable efforts to provide for the security of its employees and visitors, and to immediately facilitate the necessary attention needed when accidents and injuries occur. For this reason, the following procedures related to reporting work-related accidents and injuries are implemented.
- B. This policy is applicable to all BEMC employees.

2. Provisions

A. Eligibility

- i. BEMC employees are covered by the Ohio workers’ compensation system for medical costs as a result of a work-related injury or occupational disease allowed by the Bureau of Workers’ Compensation (BWC). Employees may also be eligible for lost-time wage compensation if they are off work for eight (8) days or longer due to their allowed injury or occupational disease.
- ii. For purposes of this policy, “work-related injury” means any accident or injury that occurs in the course of and arising out of an individual’s employment. This means that the injury must be a direct result of doing the job. Any “work-related injury” may be considered for workers’ compensation benefits.

B. Procedure

- i. At the time the work-related incident or accident occurs, a BEMC employee must immediately report the incident to his/her supervisor(s) or if absent, the HR Designee. Unless extreme circumstances warrant differently, this notification must occur within 24 hours of an incident. This notification applies to all accidents and injuries that occur during regular working hours and/or during the course and scope of employment, either on or off BEMC work premises. If there is any question as to whether an accident or injury is work-related, please contact the HR Designee to discuss whether an incident report needs to be filed. See HR Designee for current incident report form if needed.
- ii. Seek immediate medical treatment if needed. In an emergency or life-threatening situation, BEMC employees should seek medical attention at the nearest medical facility and then complete the appropriate form as required by BEMC as soon as possible. For all non-emergencies, BEMC employees must follow the procedures outlined above.
- iii. If a BEMC employee does not initially seek medical treatment but later decides to visit a doctor for examination of the injury, he/she must contact HR Designee to receive a list of network providers. BEMC’s Managed Care Organization (MCO) will pay for treatment from a BWC-certified provider. The employee must also report the visit to his/her supervisor and the HR Designee within 24 hours of treatment.
- iv. HR Designee will forward all paperwork necessary for the proper reporting of the accident or injury to the employee. Even if no medical attention is needed, or time off required, a report must still be completed

and signed by the employee.

- v. A complete investigation will be conducted as warranted by the situation, including but not limited to, statements from supervisors and coworkers.

C. **Prohibition** – Failure to follow the procedures outlined above may result in discipline, up to and including termination.

3. Transitional Work Programs

A. The purpose of a Transitional Work Program is to allow eligible full-time employees who suffer from a temporary work limitation due to an accident, injury or illness to return to work while completing his/her recovery. The transitional work program will assist eligible employees in returning to work as quickly as possible, thus reducing the financial burden and emotional impact on the employee and the overall costs associated with workers' compensation and other forms of leave.

B. Throughout the transitional work program, the employee will be expected to follow all of BEMC's policies and procedures regarding attendance and tardiness. If an employee needs to be absent for appointments with any health care provider, the employee should attempt to schedule those appointments during non-working hours or, otherwise, use available leave balances. If an employee is working less than a full time schedule during the transitional work program, any non-worked hours will be counted towards the employee's Family and Medical Leave entitlement, if applicable. (See FMLA [Policy 204](#))

C. **Eligibility: All employees who have a temporary period of job performance limitation not expected to exceed 90 days, will be eligible for the program provided they:**

- i. Have an injury, illness, accident or reoccurrence of a pre-existing condition, *on or after* the date of the policy introduction,
- ii. Be released for participation by his/her doctor, and
- iii. Have the potential to return to his/her original position through recovery.

D. **Program Terms and Conditions:** If an employee is eligible to participate in a transitional work program, the employee (and his/her Union representative if applicable), the BEMC appointee and the employee's HR Representative (collectively "Transitional Work Committee") will enter into a Transitional Work Program Agreement. All Agreements must meet the following requirements:

- i. Continuation of ongoing programs will require ongoing documentation of medical necessity. All participants will have his/her case reviewed by the HR Representative on a bi-weekly basis or as-needed basis.
- ii. Transitional work programs may be terminated due to a lack of medical necessity, a lack of progress or a change in the employee's medical/psychological condition. If it appears that the employee will not be able to return to his/her regular full time duties, the transitional work program agreement will terminate.
- iii. BEMC will not protest the reinstatement of benefits for terminated programs except as provided for in Article 34.05 of the OCSEA collective bargaining agreement.

E. **Transitional Work Program Agreement:**

- i. Prior to the implementation of a transitional work program, the employee and the Transitional Work Committee will enter into an Agreement that acknowledges the work restrictions provided by the physician of record and is consistent with the operational needs of the department. By signing the

Agreement all parties are stating that they will abide by the provisions set forth in the transitional work program Agreement.

- ii. The duration of each transitional work program assignment is based on the medical need of the individual up to a maximum duration of 90 days.
- iii. The Agreement will provide that the duties assigned to the employee are within that employee's physical capabilities and will assist that employee in returning to his/her regular job within 90 days.
- iv. Transitional work assignments may be made in, or up to, 30-day increments, or as agreed upon.

F. Hours of Work and Rate of Pay:

- i. During the transitional work program employees will be required to work a minimum of 20 hours a week and a minimum of 4 hours a day.
- ii. Employees participating in the transitional work program will be paid at his/her normal rate of pay and will be in active pay status.
- iii. Participating employees will not be eligible to earn overtime during his/her participation in the program.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XIX. Series 200 – Operations, Employee Leave and Conduct

Policy # 211 – Fiscal Operations Policy

Effective Date: 11/2017

1. Policy

- A. The purpose of this policy is to authorize the Executive Director to create, adopt, monitor, and revise as necessary, written procedures for the internal fiscal operations of BEMC.
- B. Fiscal procedures should include operations related to: Billing, Capital Funds, Deposits, Inventory, Invoice Processing, P-Card, Procurement, Payroll Reconciliation, Reconciliations, Subsidies and Grants.
- C. Fiscal procedures should identify the responsibilities of key personnel in performance of those procedures.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XX. Series 300 – Agency Owned Equipment

Policy # 301 – Use of Agency Owned Property and Technology

Effective Date: 5/2017

1. POLICY

- A. This policy establishes controls on the use of agency provided property and information technology (IT) resources to ensure they are appropriately used for the purposes for which they were acquired. The people of Ohio expect their public servants to devote their time to conduct the agency's business and compensate them for that time. In the use of their time and IT resources, public employees must be mindful of the public trust that they discharge, of the necessity for conducting themselves according to the highest ethical principles, and of avoiding any action that may be viewed as a violation of the public trust. As custodians of resources entrusted to them by the public, public servants must be mindful of how these resources are used.
- B. This policy is intended to comply and comport with the State of Ohio Policy IT-04 "Use of Internet, Email and Other IT Resources" established by DAS, however, in the event of discrepancies the language herein takes precedent.
- C. For purposes of this policy, "agency owned property" includes, but is not limited to: lands; buildings and appurtenances (whether owned or leased); office equipment such as copiers, scanners, and fax machines; equipment or property within vehicles; keys to buildings, vehicles, and furniture; computer equipment; mobile phones; audio/visual equipment; and surveillance equipment. Use of agency-owned vehicles is dealt with in separately in [Policy 303](#).
- D. This policy applies to all BEMC employees. To the extent that provisions of this policy conflict with provisions in an employee's applicable collective bargaining agreement, the provisions of the collective bargaining agreement shall apply.

2. No Expectation of Privacy

- A. This policy serves as notice to BEMC employees that they shall have **no reasonable expectation of privacy in conjunction with their use of agency provided IT resources**. Contents of BEMC computers may be subject to review, investigation and public disclosure at any time and **without prior notice** to the employee. Access and use of the Internet, including but not limited to, communication by email and instant messaging and the content thereof, are not confidential, except in certain limited cases recognized by state or federal law. BEMC reserves the right to view any files and electronic communications on agency-owned computers, monitor and log all electronic activities, and report findings to appropriate supervisors and authorities.

3. Use of BEMC Provided Resources

- A. **Assignment** - At the discretion of a supervisor, state-owned property may be specifically assigned to an employee for the employee to effectively and efficiently carry out his/her duties. BEMC may provide computers, services, software, supplies and other resources to employees, contractors, temporary personnel and other agents of the agency for supporting the work and conducting the affairs of BEMC. This assignment may be revoked if the need

for the assignment is no longer valid or if the employee has failed to demonstrate responsible use of the state-owned property.

- B. **Personal Use Restriction** - Personal use of agency owned property, as permitted by the agency, shall be strictly limited and can be restricted or revoked at BEMC's discretion at any time. Any personal use of resources that disrupts or interferes with agency business, that incurs an undue cost to the agency, that could potentially embarrass or harm the agency, or that has the appearance of impropriety is strictly prohibited.
- C. **Duty to Report Damage/Loss** - All employees have a duty to immediately report any needed repair, maintenance, loss or damage to any agency-owned property to the employee's supervisor. Upon receiving the employee's notification of theft, loss or damage, the supervisor shall notify the Executive Director or designee so that appropriate next steps can be taken. Any failure to report the theft, loss or damage of agency-owned property may result in disciplinary action up to, and including, termination.

4. Use of State Provided Telephones and Services

- A. Restrictions on the use of resources outlined in this policy apply to wired and wireless telephone devices and services, including facsimile machines connected to BEMC's telephone service. Additional restrictions on the use of BEMC telephones and services are covered by Ohio IT Policy IT-11 "Use of State Telephones" which is hereby is fully incorporated herein.
- B. Personal phone calls on state-owned wired or wireless devices should only be used in emergency situations and, when applicable, only be used during lunch or break-times with duration of calls made or received kept to a minimum.
- C. No state-owned wired or wireless device should be used for personal business except as delineated in sec. B above, and employees should refrain from giving out their state telephone number as the number to be reached at for personal business.

5. Use of Agency Email

- A. All messages distributed via the agency's email system are BEMC's property. BEMC employees should have no expectation of privacy in anything that you create, store, send or receive on the agency's email system. BEMC may monitor your emails without prior notification, if BEMC deems this necessary. If there is evidence that you are not adhering to the guidelines set out in this policy, BEMC reserves the right to take disciplinary action, including termination and/or legal action.
- B. **Prohibitions** - BEMC employees are prohibited from engaging in the following actions using email:
 - i. Sending or forwarding emails containing libelous, defamatory, offensive, racist or obscene remarks. If you receive an email of this nature, you must promptly notify your supervisor;
 - ii. Sending unsolicited email messages or chain mail;
 - iii. Forging or attempting to forge email messages, or disguise or attempt to disguise your identity when sending mail; and/or
 - iv. Deleting a public record email message that has not met or exceeded the appropriate retention period.

6. Personal Property

- A. BEMC recognizes that employees may need to bring certain personal items to work. However, personal property that is not related to the employee's job performance may be disruptive to the workflow or pose a safety risk to

other employees, and BEMC reserves the right to prohibit such personal items. In addition, employees should refrain from receiving personal mail (correspondence, magazines, catalogs, etc.) or package deliveries at BEMC.

- B. Employees are expected to exercise reasonable care to safeguard personal items brought to work. BEMC is not responsible for the loss, damage, or theft of personal belongings and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.
- C. To maintain security and protect against theft, BEMC reserves the right to inspect all personal property brought onto BEMC property, including vehicles, packages, briefcases, backpacks, purses, bags, and wallets. In addition, BEMC may inspect the contents of desks, storage areas, file cabinets, and workstations at any time. Such inspection, if deemed necessary, may be conducted by the Executive Director or designee.

7. Discipline

- A. Violations of this policy may result in disciplinary action up to, and including, termination for first offense.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XXI. Series 300 – Agency Owned Equipment

Policy # 302 – IT Security Framework/Education

Effective Date: 5/2017

1. POLICY

- A. This policy represents a compendium of Ohio DAS IT Services policies on IT Security. This review is intended to supplement Ohio DAS IT Security policies, which are generally incorporated by reference herein, unless specifically indicated otherwise, and is meant to adopt and familiarize these policies to the functionality of the state and BEMC's IT systems.

2. Boundary Security

- A. In accordance with state requirements, BEMC implements a robust network perimeter defense capability in order to provide users of agency electronic services with secure and reliable access to resources and communication. However, systems are in place to detect and deny access to unauthorized internal and external users. In implementing this system, BEMC has adopted the core principle of "Allow authorized traffic and deny everything else."

3. Password and Personal Identification Number Security

- A. The first line of defense in computer system security is the user. Each IT resource used by BEMC is assigned to a user (an individual employee of the Commission). Each user is responsible for assuring the IT resource (desktop or laptop computers) has a password access code. Breach of user passwords is one of the easiest methods of gaining unauthorized access to sensitive information and system. Proper password management is one of the most effective, most cost effective, and most necessary measures to restrict unauthorized access.
- B. Each individual employee is responsible for securing and maintaining the privacy of his/her passwords.

4. Internet Security

- A. The use of the internet has increased dramatically as a method to obtain and disseminate information and support the business needs of the agency. Use of the internet also exposes agencies to unauthorized access to computer systems and networks. Due to this threat and the increasing value of computer system assets, BEMC employs appropriate security measures to safeguard information and systems.

5. Remote Access Security

- A. BEMC will implement and operate security measures for **remote access** capabilities as needed to protect agency systems and restrict unauthorized access to agency data or release of access password through hackers.

6. IT Education and Awareness Training

- A. In order to ensure compliance with state IT Security requirements and to protect the agency, employees, and citizens from security breaches all BEMC employees will be required to complete basic IT security awareness training.

- B. Users shall complete the basic IT security awareness training within two weeks of their initial hire date, annually thereafter; and when required by role or system changes. As appropriate, BEMC shall supplement basic IT security awareness training with tools that will help communicate local or programmatic information security incidents and procedures (e.g., “message of the day,” posters, special events, e-mail notices).
- C. BEMC shall ensure that all information system users meet the training requirements of this policy by identifying, monitoring and managing the overall IT security education effort. BEMC shall identify all individuals requiring basic IT security awareness and role-based training. Individual training records shall be maintained to ensure that basic IT security awareness and role-based training requirements are being fulfilled. These records shall be retained in accordance with BEMC record retention requirements.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XXII. Series 300 – Agency Owned Equipment

Policy # 303 – Vehicle Use

Effective Date: 11/2020

1. POLICY

- A. The following are policies for BEMC employees who are permitted to use the agency-owned vehicles.

2. Authorized Use:

- A. Travel between the place where the state vehicle is dispatched by employee and where official agency business is being performed.
- B. When on paid travel status, between the place of agency business and the place of temporary lodging.
- C. When on paid travel status and not within reasonable walking distance, between either of the above places and places to obtain meals; places to obtain medical assistance (including drugstore); places of worship; cleaning establishments and similar places required to sustain the health, welfare or continued efficient performance of the driver, exclusive of places of entertainment.
- D. Transport of other employees or guests of the agency when they are on official agency business.
- E. Transport of consultants, contractors or commercial firm representatives when such transport is in the direct interest of the agency.
- F. Travel between the place of dispatch or place of performance of state business to your personal residence when specifically authorized by the proper authority in your agency.
- G. Notwithstanding the provisions above, non-employees are not permitted in an agency owned vehicle without prior permission by the Executive Director.
- H. All other use is strictly prohibited.

3. Responsibilities

- A. All authorized employees will follow the procedures in [Procedure 303-1 - Vehicle Use](#) in addition to policy.
- B. The driver shall comply with all applicable state and local traffic and parking laws. In the event of a violation of such state and local traffic and parking laws, the driver shall be personally liable for any criminal or civil penalty incurred. All drivers shall be required to notify his or her supervisor of any tickets as soon after receipt as possible and prior to the payment due date or scheduled court date. Such driver shall also provide his or her supervisor proof that (a) such ticket has been paid within 10 working days after the payment of such ticket or (b) in the case of appeal, the court's final decision.
- C. The driver shall possess a valid driver's license from the state in which he/she lives or in the case of a suspended or revoked license, special work privileges must be awarded by a court and copies of the order provided in

accordance with [State of Ohio Policy VF-01](#).

- D. The driver shall be responsible for checking the state motor vehicle before operating to ensure that the vehicle lights, turn signals, brake lights and other safety equipment is functional on the state motor vehicle. If the driver finds any of this equipment is not functioning properly, the driver shall report malfunctions to his or her supervisor as soon as possible in order to arrange for repairs.
 - i. In the event of damage or loss to any agency owned vehicle, or any personal injury or damage to a third-party, the employee shall file a timely report with the Executive Director or designee.
 - ii. If theft, loss or damage to any agency owned property is a result of the employee's negligence, carelessness, misuse or abuse to the property, the employee may be required to reimburse the BEMC for the repair or replacement of the agency owned property and any ancillary costs.
- E. The driver is prohibited from engaging in certain activities that, by their nature, will result in distracted driving while 1) operating an agency-owned vehicle or 2) operating a personally-owned vehicle while on state time and/or conducting state business.
 - a. The following activities are prohibited:
 - i. Using a mobile (cellular) device to send, compose, or read text messages or emails, taking photographs, accessing the Internet, applications, or data files, or any other similar tasks that can be performed on a mobile (cellular) device that requires a driver to divert their focus from operating the vehicle;
 - ii. Using a hand-held mobile (cellular) device to talk on the phone, make or receive calls, unless hands-free operation is used;
 - iii. Operating and/or using a computer/laptop or tablet (e.g. iPad);
 - iv. Using earphones, earbuds, earplugs, or any device that covers all or a portion of both ears, unless a specific exception applies under R.C. 4511.84;
 - v. Manual programming of Global Positioning System (GPS) or navigation applications or devices;
 - vi. Reading (e.g. a book or a newspaper);
 - vii. Personal Grooming (e.g. shaving, applying makeup); and
 - viii. Eating.
 - b. Exceptions: The following activities are permitted:
 - i. Using a mobile (cellular) device or any other device to make an emergency call (e.g. 911);
 - ii. Using the Multi-Agency Radio Communication System (MARCS) in performance of a state employee's job duties; and
 - iii. Using technology, communication devices, emergency equipment and/or any other type of device by law enforcement or other personnel as required and in the performance of their job duties.
- F. The driver shall not drive in an impaired state, which includes, but is not limited to, driving under the influence of alcohol or drugs, or driving while drowsy.
- G. The driver shall not use tobacco products in the vehicle, except for smoking cessation products approved by the U.S. Food and Drug Administration.
- H. Unauthorized use of state vehicles or any violation of this policy may result in disciplinary action from BEMC, up to and including termination.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XXIII. Series 400 – Records Management and Public Records

Policy # 401 – Records Management and Public Records

Effective Date:

1. POLICY

- A. It is the belief of the Broadcast Educational Media Commission (BEMC) that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of BEMC to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, in writing, including legal authority, as outlined in the Ohio Revised Code.

2. Public Records

- A. This office, in accordance with the Ohio Revised Code, defines records as including the following: Any record – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of BEMC that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the agency. All records of BEMC are public unless they are specifically exempt from disclosure under the applicable provisions of the Ohio Revised Code.
- B. It is the policy of BEMC that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently. For additional information as to how BEMC maintains its records, see [Procedure 401-1 – BEMC Retention Schedule](#) and [Procedure 401-2 – Records Management](#).

3. Public Record Requests

- A. **Receipt and Processing** - Each public records request received by BEMC should be evaluated for a response using the guidelines practices delineated in [Procedure 401-3](#).
- B. **Timing** - Each request should be evaluated for an estimated length of time needed in order to respond. For additional timing considerations refer to [Procedure 401-3](#).
- C. **Response** - If BEMC is unable to provide a complete response within one week, (7) days, from the date of receipt of the request, then it will issue an acknowledgement of receipt to the requestor. For additional information regarding response practices and procedures, including those for acknowledgements, refer to [Procedure 401-3](#).
- D. **Denial, Redaction, or Withholding of Public Records** – If BEMC denies to produce or make available records, or withholds records that are otherwise responsive to public records request, or if BEMC provides a copy of a record containing redactions in response to a public records request, then for such denial, withholding, or redaction BEMC must provide an explanation of its legal basis for doing so. For additional information refer to [Procedure 401-3](#).

4. Waiver of privilege

- A. If the document is deemed to be exempted from disclosure pursuant to R.C. 149.43(A)(1) then such determination

must be made prior to disclosure. Only the Executive Director or his designee may waive any privilege on behalf of BEMC to produce a document that otherwise would qualify as exempted from disclosure.

5. Costs for Public Records

- A. Those seeking public records will be charged only the actual cost of making copies as delineated in [Procedure 401-3](#).

6. E-mail

- A. Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and employees should retain such based upon the retention schedule – see [Procedure 401-1](#).
- B. Public records created or maintained in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of BEMC are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts for purposes of retention.
- C. The Records Custodian is to treat the e-mails from private accounts, if received, as records of the public office, filing them in the appropriate way, retaining them per established schedules, making them available for inspection, and copying in accordance with the Public Records Act.

7. Records Retention Schedule

- A. BEMC must establish and abide by a Records Retention Schedule. See [Procedure 401-1](#) for a copy of the current schedule.

BROADCAST EDUCATIONAL MEDIA COMMISSION

XXIV. Series 500 – Programs

Policy # 501 – Video Network Operations Center (VNOC)

Effective Date: 11/2018

1. POLICY

- A. As part of its mission, Broadcast Educational Media Commission (BEMC) operates and manages the video conferencing connections referred to as Video Network Operations Center (“VNOC”) to Ohio’s K-12 and Higher Education institutions and other state agencies. As directed by the BEMC Commissioners, it shall be the duty of the Executive Director to oversee the operations of VNOC—including properly allocating financial, technical, and human resources to ensure the proper and efficient operations of the VNOC.

2. Membership Policy

A. Eligibility for Service

- i. BEMC provides video and multimedia services to the following entities:

- a. Ohio K-12 School Districts: Eligible entities include Public Schools, Community Schools, qualifying Educational Service Centers, Career Technical Education Planning Districts, Ohio School for the Deaf, Ohio School for the Blind, and the Department of Youth Services.
- Non-public schools should contact their ITC to inquire about their eligibility and application requirements for Ohio K-12 Network connectivity funding.
 - Ohio K-12 Network Connectivity Requirements are available on the Ohio Department of Education’s website at <http://education.ohio.gov/Topics/Finance-and-Funding/Programs/Educational-Technology/Ohio-K-12-Network/Ohio-K-12-Network-Connectivity-Requirements>.
- b. Ohio Educational Service Providers: Eligible entities include organizations that are state supported in scope and that have a principal mission to provide educational services primarily to the K-12 education community. Examples include Education Service Centers (ESC), Educational Technology Centers (Ed Techs), Information Technology Centers (ITC), Special Educational Regional Resource Centers (SERCC), Colleges and Universities, BEMC, and the Ohio Public Television affiliates.
- c. Ohio Institutions of Higher Education: Eligible entities include, but may not be limited to, public and private, two- and four-year institutions, including Community Colleges and Technical Institutes.
- d. State of Ohio Government: Eligible entities include, but may not be limited to, State of Ohio Agencies, Departments, Boards and Commissions.
- e. Ohio Content Providers: Eligible entities include, but are not limited to zoos, museums, art galleries, libraries, hospitals, as well as other non-profit, or for-profit organizations

that provide educational content primarily to other members of the BEMC video network.

- ii. Ohio K-12 Network members must be connected to the BEMC video network via one of the approved connectivity models. Approved connectivity models are available on the Ohio Department of Education's website at <http://education.ohio.gov/Topics/Finance-and-Funding/Programs/Educational-Technology/Ohio-K-12-Network/Ohio-K-12-Acceptable-Models>.
- iii. Other members may be connected to the BEMC video network through the most economically, and technically feasible method – and will be determined on an individual case basis. These connections may include a one-time, and/or recurring service charge.

B. Acceptable Use

- i. The BEMC video network may be used by members for the following purposes:
 - a. Class to class distance learning (real-time or video on-demand)
 - b. Participation in in-state and out-of-state distance learning endeavors
 - c. Video on demand, or streaming services provided by a commercial vendor
 - d. Administrative meetings by the officials, teachers, administrators, or employees of member participants
 - e. Collaborative academic and research exchanges among students, staff, faculty, administration and researchers.
- ii. Media, such as audio, video and still images, are subject to intellectual property rights and copyright laws just as text materials are. The originating site is responsible for ensuring that notice for copyright or other intellectual property rights are properly displayed.
- iii. Content Providers may use the BEMC video network for the following purposes:
 - a. Content providers may use the network to supply video content (real-time or on demand) to any member of the BEMC video network.
 - b. Content providers may also supply these services to non-member entities, so long as there is a BEMC video network member involved in the event.

C. Scheduling & Conferencing

- i. Connections to sites outside of the video network using satellite uplinks, satellite downlinks, or other services may incur additional charges. Contact the BEMC VNOC if you have questions about connection charges for a specific meeting.
- ii. Members must check the availability of rooms with all site contacts before scheduling a conference.
- iii. The BEMC VNOC will not add a site to a scheduled conference without approval from the conference requester (scheduler).
- iv. VNOC resources are available on a first-come, first-served basis.

- v. Conference recordings will be stored for a 6-month period at which time they are removed to make room for new recordings. BEMC highly recommends downloading recording(s) for archival and/or long-term storage.
- vi. Fee-based rooms in a conference are charged per minute of use. Charges begin the minute each fee-based room is connected to the bridge.
- vii. All cancellations must be done 24 hours prior to the scheduled start of a video conference. In the event a scheduled conference must be cancelled with less than 24-hour notice, the scheduler or instructor must contact the BEMC VNOG Help Desk. No penalties will be assessed if notification is received in this manner. If not received in this manner, member will be charged 100% of any associated conference fees.
- viii. BEMC will take reasonable measures to ensure the Service is available without significant interruption, notwithstanding scheduled downtime needed to help maintain effective operation of the Service. However, difficulties with hardware, software, equipment and services supplied by others may result in service interruptions. In no event will BEMC be liable to any party for any loss, cost or damage that results from any period of down time suffered by the Service.
- ix. Any changes in hours of availability and service interruption will be announced via the VNOG mailing list.

D. Billing

- i. All bridged calls are billed on actual connected time.
- ii. Fee based services incurred during that month are in addition to flat rate or hourly rate services and will be added to monthly bills.
- iii. Hourly Rate Video Services are based on purchasing minimum room hours per month. Unused room hours do not carry over month to month. Upon cancellation of an account, no refunds will be issued for unused room hours.
- iv. A month is defined as a period that starts at the beginning of the calendar month or on the date of initiation of service (for example, March 12, 2019, through March 31, 2019).
- v. Members may cancel their subscription at any time. When a subscription is cancelled, the service is de-activated immediately. NOTE: Absolutely NO refunds will be given for the remaining portion of the billing month after a cancellation.
- vi. No refunds or credits will be issued except in exceptional cases involving the failure or unavailability of the service. BEMC will endeavor to work with the client to determine an appropriate solution to any problem that may arise.
- vii. Recurring service will not be terminated unless the customer specifically requests that this be done. BEMC requires 30 days' notice for termination of a recurring service.

E. User Information & Privacy

- i. By registering for the Service, BEMC will provide a username, password and video room URL link to the registered contacts. Contacts may not disclose or share the username or password with any unauthorized third parties or use the username or password for any unauthorized purpose. If the username or password is shared, the registered contact may lose control over sensitive information on the Service and BEMC will not be responsible. If a username or password has

been stolen or otherwise compromised, contacts should immediately contact BEMC VNOG Help Support Desk.

- ii. Users should be aware that, subject to certain statutory exceptions, most documents and records maintained by the State of Ohio, including but not limited to electronic data, are public records under Ohio law. Therefore, information submitted through this service may be subject to disclosure pursuant to a public records request.

3. Rates & Fees

- A. Video Conference Services are made available to Ohio K-12 School Districts, Ohio Educational Service Providers and Ohio Content Providers at no cost. Connections to sites outside of the Ohio K-12 Network using satellite uplinks or downlinks, or other additional services may incur fee-based service charges.
- B. Video Conference Services are made available to Ohio Institutions of Higher Education and State of Government based on the follow rates and fees:

C. Membership Rates

- i. Flat Rate Standard Video Services: \$150 per month per video endpoint
 - a. Flat rate and Hourly rate services are billed on a month-to-month basis.
 - b. Services Include:
 - Unlimited multipoint conferencing to any video network member(s)
 - Access to web-based reservation scheduling system. (24 x 7)
 - Live Help Desk Technical Support during support hours
 - Standard connection rate of 512 kbps. Other rates supported upon request.
 - Access to IP Guest Rooms. (fee-based)
 - Access to video recording rooms. (fee-based)
 - Access to satellite uplink and downlink services. (fee-based)
 - Support for High Definition video bridging.
- ii. Flat Rate Video Bridge Services: \$150 per month per video bridge
 - a. Flat rate and Hourly rate services are billed on a month-to-month basis.
 - b. Services include:
 - Designed for customers who own and operate their own video bridge.
 - Provides all services in the standard video services package.
 - Includes (1) video room profile (bridge) for one concurrent connection.

- iii. Hourly Rate Video Services*: \$500 per month /50 room hours, \$750 per month/ 100 room hours

- a. Flat rate and Hourly rate services are billed on a month-to-month basis.
- b. Hourly rate members exceeding monthly allocation of plan hours will be billed at a rate of \$10/hr (\$500 service plan) or \$7.50/hr (\$750 service plan).
- c. Hourly Rate Video Services are based on purchasing minimum room hours per month. Unused room hours do not carry over month to month. Upon cancellation of an account, no refunds will be issued for unused room hours.
- d. Services include:
 - Unlimited room registrations
 - Access to web-based reservation scheduling system. (24 x 7)
 - Live Help Desk Technical Support during support hours.
 - Standard connection rate of 512 kbps. Other rates supported upon request.
 - Access to IP Guest Rooms (included)
 - Access to video recording rooms (fee-based)
 - Access to satellite uplink and downlink services (fee-based)
 - Support for High Definition video bridging.

iv. Web Conferencing

- a. Virtual room for web conferencing only
- b. Virtual room with H.323 connection(s)
- c. Virtual room dedicated to customer organization

v. Fee Based Services

- a. IP Guest rooms: \$10 per hour
- b. Conference Recordings: \$10 per hour
- c. Satellite downlink: \$25 per hour
- d. Satellite uplink: \$200 per hour, plus satellite time

BROADCAST EDUCATIONAL MEDIA COMMISSION

XXV. Series 500 – Programs

Policy # 502 – Engineering & Broadcast Operations

Effective Date: 5/2017

1. POLICY

- A. As part of its mission, the Broadcast Educational Media Commission (BEMC), operates and manages the broadcasting operations that connect all Ohio public television stations and Ohio Governmental Telecommunications to the citizens of Ohio.
- B. Authority for such operations and oversight is granted to the Executive Director by the Commission. It shall be the duty of the Executive Director to properly allocate financial, technical and human resources to ensure the proper and efficient operations of the Engineering and Broadcast Operations.

2. Procedures

- A. For additional procedures specific to the daily broadcast operations see [Procedure 502-1](#).