

**Human Resources Policies and Procedures Manual – 203.0****203.0 ETHICS POLICY****I. PURPOSE/REASON**

To inform Ohio Department of Education (ODE) employees of the provisions governing the ethical conduct of public employees.

It is the policy of the ODE to carry out its mission in accordance with the strictest ethical guidelines and to ensure that ODE employees conduct themselves in a manner that fosters public confidence in the integrity of the ODE, its processes and its accomplishments.

II. REFERENCES/AUTHORITY**A. REFERENCES**

1. Ohio Revised Code (ORC): 102.02, 102.03 and 102.04
2. Ohio Administrative Code (OAC): 102 et.al.
3. ORC: 2921.42 and 2921.43
4. ORC: 3301.13

III. SUPERSEDES

Human Resources Policies and Procedures:

- 210.0 Ethics
- 210.1 Misuse of Official Position
- 210.2 Revolving-door Policy
- 210.3 Sale of Goods and Services
- 210.4 Confidential Information
- 210.5 Licensing and Rate-making
- 210.6 Interest in Public Contract
- 210.7 Soliciting/Receiving Improper Compensation
- 210.8 Clarification of Ethic Issues

and any other previously agency-issued directive, memorandum, policy or procedure on this subject.

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IV. SCOPE

This procedure applies to all ODE employees.

V. DEFINITIONS

For the purposes of this policy:

- A. ANYTHING OF VALUE includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. "Value" means worth greater than de minimis or nominal.
- B. ANYONE DOING BUSINESS WITH ODE includes, but is not limited to, any person, corporation or other party that is doing or seeking to do business with, that is regulated by or that has interests before the ODE.

VI. GENERAL STANDARDS OF ETHICAL CONDUCT

ODE employees must at all times abide by the protections to the public embodied in Ohio's ethics laws. ODE employees receive a copy of the laws during new employee orientation and acknowledge receipt, as required in ORC 102.09 (D). Employees must conduct themselves in a manner that avoids favoritism, bias and the appearance of impropriety.

A general summary of the restraints upon the conduct of all ODE employees includes, but is not limited to, those listed below:

No ODE employee shall:

- A. Solicit or accept anything of value from anyone doing business with the ODE;
- B. Solicit or accept employment from anyone doing business with the ODE, unless the official or employee completely withdraws from ODE activity regarding the party offering employment, and the ODE approves the withdrawal;
- C. Use his or her public position to obtain benefits for an official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship;
- D. Be paid or accept any form of compensation for personal services rendered on a matter before, or sell goods or services to, the ODE;

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- E. 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 ODE, unless the member or employee first discloses the services or sales and withdraws from matters before the ODE that directly affect officials and employees of the other state agency, as directed in ORC 102.04;
- F. Hold or benefit from a contract with, authorized by, or approved by, the ODE (the Ethics Law does except some limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under ORC 2921.42 are met);
- G. Vote, authorize, recommend or in any other way use his or her position to secure approval of a ODE 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;
- H. Solicit or accept honoraria [see ORC 102.01(H) and 102.03(H)];
- I. 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 the ODE;
- J. Use or disclose confidential information protected by law, unless appropriately authorized; or
- K. Use, or authorize the use of, his or her title, the name “Ohio Department of Education,” or “ODE” or the ODE logo, in a manner that suggests impropriety, favoritism or bias by the ODE, the official or the employee.

VII. FINANCIAL DISCLOSURE

Every ODE employee required to file a financial disclosure statement must file a complete and accurate statement with the Ethics Commission by April 15 of each year. Any employee appointed or employed to a filing position after February 15 and who is required to file a financial disclosure statement must file a statement within ninety days of appointment or employment.

The ODE Legal Counsel notifies those employees who are required to file of the filing requirements and time frames.

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VIII. EMPLOYMENT OUTSIDE ODE

- A. Before embarking on outside employment, ODE employees are required to obtain permission from the Office of Legal Counsel, the Office of Human Resources, their direct supervisors and other ODE leadership. The Employment Outside of ODE form must be submitted for approval before accepting any offer of outside work.
- B. In addition to the restrictions listed above, prohibitions that apply to public employees engaged in a private business include:
 - Using any public resources in a private business;
 - Using one's title or uniform while conducting private business activities;
 - Using relationships with other public employees to benefit the private business;
 - Using the authority of one's ODE employment to benefit one's private business;
 - Receiving payment for services on projects one recommended in one's capacity as an employee of ODE;
 - Using one's authority as an ODE employee to affect one's private business competitors; or
 - Otherwise using one's position at ODE to benefit one's private business interests.
- C. It is critical that all employees abide by the conflict-of-interest provisions in Ohio law and ODE policy. The completed form is submitted to the Office of Legal Counsel, who will notify employees of the outcome.

IX. PENALTIES

Failure of any ODE employee to abide by this ethics policy, or to comply with the ethics laws and related statutes, will result in discipline, which may include dismissal, as well as any potential civil or criminal sanctions under the law.

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X. ASSISTANCE

The Ethics Commission is available to provide advice and assistance regarding the application of the ethics law and related statutes. The Commission can be contacted at (614) 466-7090. The Commission's Web address is: www.ethics.ohio.gov.

In addition, the Office of Human Resources and the ODE Office of Legal Counsel are available to answer questions involving this policy.

APPENDICES

Appendix A Employment Outside of ODE (issued 10/04)

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203.0 Appendix A– Employment Outside of ODE



EMPLOYMENT OUTSIDE OF ODE

GENERAL INFORMATION:

Employee Name _____

ODE Classification _____

Center _____

Office _____

Name of Outside Employer _____

Dates of Employment _____

Days and Times Worked _____

Duties Being Performed for Outside Employer _____

Funding Source of Outside Employment _____

APPROVAL:

Accepted _____ or Rejected _____ Date _____

Immediate Supervisor _____
(signature) (date)

Director/Executive Director _____
(signature) (date)

Associate Superintendent _____
(signature) (date)

Deputy Superintendent (or) Chief of Staff (or) Chief Operating Officer (or) Assistant Superintendent

(signature) (date)

Office of Legal Counsel _____
(signature) (date)

Office of Human Resources _____
(signature) (date)



301.0 STANDARDS OF EMPLOYEE CONDUCT

I. PURPOSE/REASON

To provide Ohio Department of Education (ODE) employees with a clear understanding of expected behaviors, prohibited behaviors and penalties that may be imposed for engaging in prohibited behaviors.

II. REFERENCES/AUTHORITY

A. REFERENCES

1. Ohio Revised Code (ORC): 3301.13
2. ORC: 124.34
3. ORC: 124.57
4. ORC: Chapter 102 (Ohio Ethics Law)
5. ORC: Chapter 2921
6. OCSEA/AFSCME Contract: Article 24
7. State of Ohio Administrative Policy IT-04

III. SUPERSEDES

This replaces the previous version of this policy issued on June 16, 2014.

IV. SCOPE

This policy applies uniformly to all ODE employees. Additionally:

- A. Unclassified employees, as defined by the Ohio Revised Code, shall be required to comply with the standards of employee conduct set forth in this document; however, no provision of this document is to be construed as an employment contract. All unclassified employees are employed at will and serve at the pleasure of the appointing authority.
- B. *Fair Labor Standards Act* overtime-exempt employees are subject to the standards of employee conduct; however, the schedule of discipline may be adjusted to accommodate the overtime exemption.
- C. Newly hired probationary employees may be removed from their positions for violations of any of the standards of employee conduct or other valid

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reasons.

V. DEFINITIONS

- A. WRITTEN REPRIMAND: Memorandum to the employee, with a copy to the employee's personnel file in the Office of Human Resources, documenting the nature of the written admonishment. The memorandum shall include the date, rule violation and nature of the violation, as well as the proper course of behavior and future consequences if the behavior is not corrected.
- B. SUSPENSION: The loss of one or more scheduled workdays without pay.
- C. WORKING SUSPENSION: Equal in weight and retention to a suspension but differs in that the employee continues to work and receive pay.
- D. FINE: Disciplinary action that results in the employee continuing to work but not receive pay for a specified period of time up to a maximum of five days.

Note for OCSEA bargaining unit employees: Please refer to Article 24, Section 24.02 of the OCSEA contract for more information about fines and their relationship to working suspensions.

- E. DEMOTION: Exempt employees may be reduced in pay and position for violations of ORC 124.34.
- F. REMOVAL: The involuntary termination of employment with the Ohio Department of Education.
- G. LAST CHANCE AGREEMENT: An agreement that is normally crafted when an employee is facing a major suspension or removal. The Last Chance Agreement requires that the employee not violate any specified standard of conduct for the term of the agreement, usually three years, without recourse (e.g., grievance, litigation or administrative action), or face immediate removal.
- H. OVERTIME-EXEMPT EMPLOYEES: Employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act due to their job duties and responsibilities and/or professional status.



I. OHIO EMPLOYEE ASSISTANCE PROGRAM PARTICIPATION AGREEMENT: A voluntary agreement in which the employer agrees to defer and/or mitigate discipline as a result of employee participation in and completion of an Ohio Employee Assistance Program structured program.

VI. PROCEDURES

A. RESPONSIBILITY

1. The Office of Human Resources is responsible for ensuring that the Standards of Employee Conduct are provided and made known to each employee of the Department.
2. It is the responsibility of all employees to familiarize themselves with and adhere to the policies and procedures of the Department. It is the responsibility of all employees to conduct themselves in such a manner that their activities, both on and off duty, are consistent with the mission of the Department and do not adversely affect their abilities to perform their duties.
3. Managers and supervisors are responsible for the appropriate and consistent application of the standards of employee conduct, policies and procedures of the Department. Supervisors also are responsible for counseling employees when appropriate and for initiating the request for disciplinary action as soon as they are aware of a potential situation.
4. Supervisors, managers and the Office of Human Resources staff are responsible for providing requested advice, guidance and assistance and may consult with the Office of Legal Services.

B. GENERAL STANDARDS OF CONDUCT

1. Attendance
 - a. Each employee is important to the operation of the organization, and each job function is vital. Accordingly, it is essential that each employee take personal responsibility for good attendance practices, as attendance is a vital concern to the Department. It is recognized that illness, personal matters and emergencies may occasionally occur that could not have been predicted and that may cause an employee to be away from work.
 - b. Abuse or misuse of leave and failure to timely notify a supervisor of one's need for leave adversely impacts and disrupts

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the orderly operation of the Department. The abuse or misuse of leave can result in excessive costs to the Department (e.g., overtime to cover absent staff). Several attendance violations are listed in the disciplinary grid to address various situations. Pattern leave abuse corrective procedures and physician's verification requirements also may be initiated.

2. Government Property

- a. All government property including, but not limited to, automobiles, supplies, equipment, telephones, computer hardware, computer software, electronic mail, ODE information systems, internet usage and facilities are to be used for official purposes only, unless otherwise stated. Loss, theft, damage or destruction of an employee's government property must be reported to his or her supervisor immediately.
- b. ODE employees shall have no expectation of privacy in conjunction with their use of state-provided IT resources. Contents of state computers and other state devices may be subject to review, investigation and public disclosure. Access and use of the internet, including communication by email and instant messaging, and the content thereof, are not confidential, except in certain limited cases recognized by state or federal law. ODE reserves the right to view any files, activities and electronic communications on state computers and other state devices, monitor and log all electronic activities and report findings to appropriate supervisors and authorities.
- c. ODE credentials or identification cards shall not be used to coerce, intimidate or deceive others or to obtain any privilege or article not otherwise authorized in the performance of official duties.

3. Personal Conduct

- a. Employees have a responsibility to respect diversity in the workforce and to afford their co-workers a workplace free from harassment and intimidation. Employees shall recognize the limitations of their authority and at no time use the power of their positions for personal advantage or gain. No employee shall accept or solicit bribes, gifts, money or favors from vendors, agencies or entities with which ODE has a regulatory or fiduciary relationship.



4. Workplace Professionalism

- a. Employees must treat colleagues, co-workers, internal and external customers and the public with respect. Courteous and positive communication is expected; belittling, rude, hostile and volatile behavior will not be tolerated. Vulgar language and gestures are not conducive to a reasonable and satisfactory work environment. Disagreements are to be settled by discussion and intervention, including through procedures specified in collective bargaining agreements, when applicable. Employees shall not record telephone calls, discussions or meetings with colleagues, co-workers or internal and external customers without the approval of all participating parties. Individuals engaging in any type of incivility could face disciplinary action up to and including removal.

5. Outside Employment

- a. Employees shall not have a direct or indirect financial interest or other interest that conflicts or appears to conflict with one's government duties and responsibilities. For more information regarding conflicts of interest or outside employment, see ODE Policy 203.0 – Ethics and Chapters 102 (the Ohio Ethics Law) and 2921 of the Ohio Revised Code.

6. Illegal Activities

- a. Illegal activities on the part of any employee, in addition to being unlawful, reflect on the integrity of the Department and betray the trust and confidence placed in it by the public. It is expected that employees will not only obey the letter of the law, but the spirit of the law, whether engaged in personal or official activities. An employee convicted of a felony must immediately report it to the Office of Human Resources, Office of Legal Services or designee.

7. Confidentiality

- a. Employees of the Department have access to many types of information. Each employee may only disclose or release information consistent with applicable law and agency policy.

8. Fraternization

- a. Employees will not directly supervise any employee with whom

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they have an intimate relationship.

- b. Managers or employees in the supervisory chain of command will not participate in the granting of any discretionary employment action or benefit for employees with whom they have an intimate relationship. Managers or supervisors will disclose any such conflict to the executive director of the Office of Human Resources in order to disqualify themselves from participating in any disallowed employment action.

C. INVESTIGATIONS

1. Allegations of misconduct will be investigated. During the course of an investigation, employees are to cooperate fully by providing all pertinent information. Failure of an employee to answer any inquiry fully, truthfully and to the best of his or her knowledge will be grounds for disciplinary action. Individuals also may be required to submit to an official search of person or property. An employee may be placed on administrative leave during an investigation. The Office of Human Resources will coordinate this action should it be necessary.

D. CORRECTIVE COUNSELING

1. Corrective counseling is an option and it may be utilized before any disciplinary action, as well as between various steps of progressive discipline. Corrective counseling is a tool used to communicate, define expectations and provide an opportunity to achieve success. A corrective counseling meeting is not discipline. Counseling should be documented with a written memo noting the inappropriate behavior, steps to avoid the inappropriate behavior and a warning that future incidents may result in discipline. Such memos are not put in the employee's personnel file.

E. OHIO EMPLOYEE ASSISTANCE PROGRAM

1. Employees experiencing personal problems that interfere with their duties and responsibilities are encouraged to seek the services of the Ohio Employee Assistance Program.
2. Employee participation in the Ohio Employee Assistance Program may be considered in mitigating disciplinary action.
3. Imposition of discipline can be delayed until the employee completes the terms and conditions of an Ohio Employee



Assistance Program participation agreement. Upon notification by the Ohio Employee Assistance Program to ODE's Office of Human Resources of an employee's successful completion of the provisions of an Employee Assistance Program participation agreement, ODE will give serious consideration to modifying the contemplated employee discipline.

4. Separate disciplinary action may be instituted for offenses committed after commencement of an Ohio Employee Assistance Program participation agreement.

F. DISCIPLINE

1. It is important for disciplinary actions to be for just cause and administered fairly throughout the Department within the guidelines set herein. The discipline shall be commensurate with the offense, taking into account the severity of the violation and mitigating circumstances, as well as previous discipline and other aggravating circumstances.
2. ODE is committed to the policy of constructive, progressive discipline. Disciplinary actions should be imposed with the intent of giving the employee the opportunity to correct his or her behavior, so long as the discipline is commensurate with the offense. If the behavior is not corrected, discipline should become increasingly more severe, up to and including removal. However, certain offenses warrant more severe discipline, including removal on the first offense.
3. Individual violations are not mutually exclusive. Progressive discipline need not be measured in terms following the complete progression in each category. The violation of different work rules, their closeness in time and the repetitive nature of violations are examples of circumstances that aggravate the penalty. Progressive discipline does not allow for lesser discipline than what is active, even if a new violation is unrelated to a prior violation for which discipline is still active in an employee's personnel record.

G. RULE VIOLATIONS AND PENALTIES

1. Appendix A: Standards of Employee Conduct: Disciplinary Grid provides the rule violations and associated penalties. This is commonly referred to as the "disciplinary grid." This is a guideline to inform employees and supervisors of those actions that are considered unacceptable and the possible corrective actions for

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such. This guideline is not all-inclusive and may vary depending upon mitigating or aggravating circumstances.

2. Disciplinary penalties include, but are not limited to, the following forms:
 - a. Written reprimand;
 - b. Fine (five days or fewer);
 - c. Reduction of leave (eight to 24 hours);
 - d. Working suspension;
 - e. Suspension;
 - f. Demotion;
 - g. Removal.

Note: When suspension is used in the disciplinary grid, it may mean one of the following: Suspension Without Pay, Working Suspension, Reduction of Leave Balance, or Demotion.

Note for OCSEA bargaining unit employees: Disciplinary action will follow the principles and penalties set forth in the current collective bargaining agreement, in conjunction with this policy.

H. DISCIPLINE RETENTION PERIOD

1. Oral and Written Reprimands

All records relating to written reprimands issued will cease to have any force and effect and will be removed from an employee's personnel file 24 months after the date of the written reprimand if there has been no other discipline imposed during the 24-month period.

2. Other Disciplinary Action

Records of other disciplinary action issued on or before July 1, 2015, will be removed from an employee's personnel file 24 months after the date of the disciplinary action if there has been no other discipline imposed during the 24-month period.



Records of other disciplinary action issued after July 1, 2015, will be removed from an employee's personnel file 36 months after the date of the disciplinary action if there has been no other discipline imposed during the 36-month period.

3. Additional Information

The discipline retention period may be extended by a period equal to employee leaves of 14 consecutive days or longer, except for approved periods of vacation leave. Employees who are terminated or removed through disciplinary action and are subsequently returned to work through arbitration shall have the termination entry on their Employee History on Computer ((i.e., their employee record in the Ohio Administrative Knowledge System (OAKS)) stricken of the termination.

VII. ASSISTANCE

If you need additional information or clarification, please contact the Office of Human Resources.

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301.0 Standards of Employee Conduct: Appendix A Disciplinary Grid for Ohio Department of Education Rule Violations

Attendance: Abuse or misuse of leave and/or failure to notify supervisor in a timely manner.

VIOLATION OR OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
1. Failure to provide proper call off.	Written Reprimand	Fine or Suspension	Fine or Suspension	Removal
2. Tardiness, extending lunch hour or leaving early without permission.	Written Reprimand	Fine or Suspension	Fine or Suspension	Removal
3. Use of more leave than available balances on OAKS paystub or in HRMS.	Written Reprimand	Fine or Suspension	Fine or Suspension	Removal
4. Absent without leave (AWOL), no notification and no mitigation (i.e., no call/no show). <i>Note: The supervisor is required to notify and coordinate with the Office of Human Resources on the first day and any subsequent days an employee is absent without notification.</i>				
4a. One day or less.	Suspension	Suspension	Removal	*
4b. More than one day, up to three days.	Suspension	Removal	*	*
4c. Three days or more (i.e., job abandonment).	Removal	*	*	*
5. Absent without leave (AWOL), notification given or mitigating circumstances documented.				
5a. One day or less.	Written Reprimand	Fine or Suspension	Suspension	Removal
5b. More than one day, up to three days.	Fine or Suspension	Suspension	Removal	*
5c. Three days.	Suspension	Removal	*	*
5d. Four or more days.	Removal	*	*	*
6. Abuse or misuse of any approved leave (e.g., sick, FMLA, disability), leave without pay and/or continued pattern of absence subsequent to pattern abuse notification.	Determination based on severity of incident(s), up to and including removal.			
7. Failure to provide physician's verification within three business days following request by supervisor or Human Resources.	Suspension	Removal	*	*
8. Failure to obtain supervisor's prior approval for overtime or compensatory time worked.	Written Reprimand	Fine or Suspension	Suspension	Removal

301.0 Standards of Employee Conduct: Appendix A
Disciplinary Grid for Ohio Department of Education Rule Violations

Dishonesty: Engaging in an act or making a statement that is false, untruthful and/or misleading.

VIOLATION OR OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
1. Falsifying or fraudulently altering any official or public document (e.g., work documents, spreadsheets or databases, travel reports, time/attendance/payroll records, employment application, incident reports, physician reports/verifications, etc.)	Suspension or Removal	Removal	*	*
2. Use of state phones, supplies, equipment or state-paid time for personal reasons for non-work matters or misuse of state property.	Written Reprimand	Fine or Suspension	Fine or Suspension	Removal
3. Use of state phones, supplies, equipment or state-paid time for personal gain.	Suspension	Suspension or Removal	Removal	*
4. Intentional misuse or destruction or defacing of state property, public property or property of another employee.	Fine or Suspension	Suspension	Removal	*
5. Interfering with, failing to cooperate with or providing false information in conjunction with an official investigation or inquiry.	Suspension or Removal	Removal	*	*
6. Misuse or unauthorized use of a state vehicle.	Written Reprimand	Fine or Suspension	Removal	*
7. Any act of dishonesty that may discredit, embarrass and/or interfere with the responsibilities of ODE.	Determination based upon severity of incident(s), up to and including removal.			
8. Theft of public property or funds, theft of money or property of another.	Determination based upon severity of incident(s), up to and including removal.			

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301.0 Standards of Employee Conduct: Appendix A Disciplinary Grid for Ohio Department of Education Rule Violations

Failure of Good Behavior: Behavior contrary to recognized standards of conduct or morality; misconduct or improper conduct.

VIOLATION OR OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
1. Insubordination:				
1a. Refusal to carry out and/or follow directions, assignment, written policies, procedures and/or work rules.	Fine or Suspension	Suspension or Removal	Removal	*
1b. Willful disobedience of a lawful direct order.	Fine or Suspension	Suspension or Removal	Removal	*
2. Making false, abusive, inflammatory, threatening or obscene statements or gestures.	Written Reprimand or Suspension	Suspension or Removal	Removal	*
3. Discourteous and/or rude treatment of another.	Written Reprimand	Suspension	Suspension or Removal	Removal
4. Promotion of or participation in gambling activities during work hours.	Written Reprimand	Suspension	Removal	*
5. Wearing inappropriate attire in the workplace; violation of ODE dress code.	Written Reprimand	Written Reprimand	Suspension	Removal
6. Unauthorized solicitation, display and/or distribution of literature.	Written Reprimand	Suspension	Suspension or Removal	Removal
7. Violation of the ODE computer and information systems usage policies.	Determination based upon severity of incident(s), up to and including removal.			
8. Immoral or indecent conduct.	Suspension or Removal	Removal	*	*
9. Accessing, posting or displaying obscene material in the workplace, with or without the use of state equipment.	Suspension or Removal	Removal	*	*
10. Sexual harassment.	Suspension or Removal	Removal	*	*
11. Acts of discrimination, insult, intimidation or harassment on the basis of race, color, gender, religion, national origin, disability, age, veteran status or sexual orientation.	Written Reprimand or Suspension	Suspension or Removal	Removal	*

301.0 Standards of Employee Conduct: Appendix A
Disciplinary Grid for Ohio Department of Education Rule Violations

Failure of Good Behavior: Behavior contrary to recognized standards of conduct or morality; misconduct or improper conduct.

VIOLATION OR OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
12. Providing preferential treatment to a family member, friend or personal acquaintance.	Determination based upon severity of incident(s).			
13. Felony conviction or failure to disclose a felony conviction.	Removal	*	*	*
14. Unauthorized use or abuse of state equipment, property, state-paid time or the property of another.	Determination based upon severity of incident(s), up to and including removal.			
15. Unauthorized use of recording devices outside of public meetings.	Written Reprimand/ Removal	Suspension/ Removal	Removal	
16. Engaging in political activities as prohibited by ORC 124.57.	Suspension or Removal	Removal	*	*
17. Participation in a work stoppage or other cessation or disruption of services, either in full or in part (e.g., sick out, slowdown, en masse refusal to work overtime, etc.).	2 Day Suspension or Removal	Removal	*	*
18. Organizing, leading, coordinating, promoting or planning a work stoppage or other cessation of services as defined in #16 above.	Removal	*	*	*
19. Refusal to fully cooperate, interfering with and/or providing false, incomplete or misleading information in an investigation or inquiry.	Determination based upon severity of incident(s), up to and including removal.			
20. Horseplay.	Determination based upon severity of incident(s), up to and including removal.			
21. Misuse of, removal of, providing or discussing confidential material or official documents outside of normal job duties.	Suspension or Removal	Removal	*	*
22. Carrying or transporting weapon(s) in ODE facilities, on the person of an ODE employee while on duty or in a state vehicle.	Removal	*	*	*

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301.0 Standards of Employee Conduct: Appendix A Disciplinary Grid for Ohio Department of Education Rule Violations

Failure of Good Behavior: Behavior contrary to recognized standards of conduct or morality; misconduct or improper conduct.

VIOLATION OR OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
23. Violation of ORC 124.34: Incompetency; inefficiency; dishonesty; drunkenness; immoral conduct; insubordination; discourteous treatment of the public; neglect of duty; or acts of misfeasance, malfeasance or nonfeasance.	Determination based upon severity of incident(s).			
24. Act(s) of bullying not listed or covered or more severe than those listed or covered on this disciplinary grid.	Determination based upon severity of incident(s), up to and including removal.			
25. Social media postings made on or off duty that include discriminatory remarks, harassment, threats of violence, or similar inappropriate or unlawful conduct.	Determination based upon severity of incident(s), up to and including removal.			
26. Any violation of any ODE policy or procedure not specified herein.	Determination based upon severity of incident(s), up to and including removal.			

301.0 Standards of Employee Conduct: Appendix A
Disciplinary Grid for Ohio Department of Education Rule Violations

Neglect of Duty: Failure to complete or properly carry out, through oversight or carelessness, a service, action or assigned task.

VIOLATION OR OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
1. Failure or refusal to carry out and/or follow directions, assignments, policies, procedures or work rules.	Written Reprimand	Written Reprimand or Suspension	Suspension or Removal	Removal
2. Carelessness in the use of state equipment or property.	Written Reprimand	Written Reprimand or Suspension	Suspension	Removal
3. Leaving work area, extending breaks or extending lunch periods without authorization.	Written Reprimand	Written Reprimand or Suspension	Suspension	Removal
4. Failure to report accidents or injuries to immediate supervisor and/or Office of Human Resources within 48 hours of the event.	Written Reprimand	Suspension	Removal	*
5. Failure to timely and/or accurately complete work assignment(s).	Determination based upon severity of incident(s), up to and including removal.			
6. Failure to immediately report a violation of any work rule, law or regulation that could jeopardize the safety or security of the workplace.	Determination based upon severity of incident(s), up to and including removal.			
7. Sleeping while on duty.	Written Reprimand	Fine or Suspension	Removal	*
8. Performing work duties or assignments at substandard levels.	Written Reprimand	Written Reprimand or Suspension	Suspension or Removal	Removal
9. Failure to timely and/or accurately complete work assignment(s) related to funding and/or payments to schools, other organizations, and/or related communication.	Determination based upon severity of incident(s), up to and including removal.			

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301.0 Standards of Employee Conduct: Appendix A Disciplinary Grid for Ohio Department of Education Rule Violations

Substance Abuse: Illegal/inappropriate possession or use of alcohol or drugs.

VIOLATION OR OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
1. Reporting to work under the influence of any intoxicant; unfit for duty.	Suspension	Suspension or Removal	Removal	*
2. Possession of and/or consumption of alcohol, illegal drugs or misuse of prescribed drugs while on duty or on ODE property.	Suspension	Suspension or Removal	Removal	*
3. Selling or distributing illegal drugs or other controlled substances.	Removal	*	*	*
4. Refusal to submit to/failure to pass a properly ordered drug or alcohol test.	Suspension or Removal	Removal	*	*

Workplace Violence: Aggressive coercive behavior in the context of the workplace.

VIOLATION OR OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
1. Fighting and/or striking another.	Suspension or Removal	Removal	*	*
2. Threatening, intimidating or coercing another whether by action or communication.	Suspension	Suspension or Removal	Removal	*
3. Carrying weapons in ODE facilities or on the person of an ODE employee while on duty or in a state vehicle.	Removal	*	*	*
4. Deliberate destruction of or damage to state property or property of another.	Suspension or Removal	Removal	*	*
5. Willful, malicious and/or repeated following of another (i.e., stalking).	Suspension or Removal	Removal	*	*
6. Other actions with the intent to harm or actions that cause harm to another.	Determination based upon severity of incident(s), up to and including removal.			

Violations Specific to Supervisors and Managers

Issued: June 16, 2014

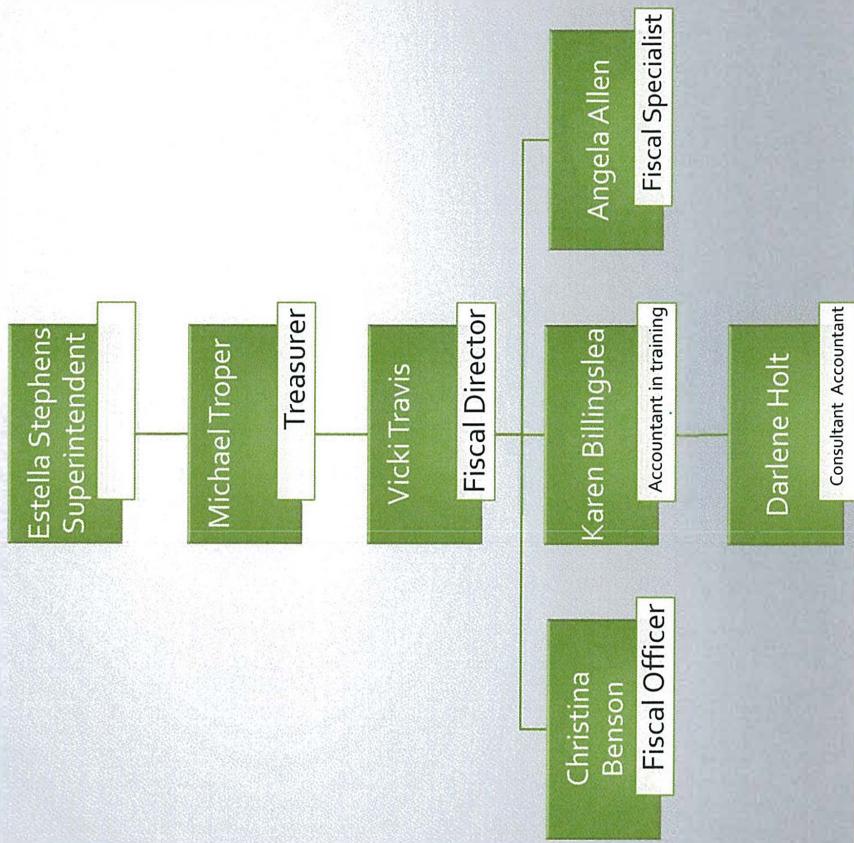
Revised: Aug. 10, 2017

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301.0 Standards of Employee Conduct: Appendix A
Disciplinary Grid for Ohio Department of Education Rule Violations

VIOLATION OR OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
1. Failure to discipline subordinates for violations of work rules, ODE policies or ORC/OAC.	Determination based upon severity of incident(s), up to and including removal.			
2. Failure to treat all subordinates fairly and in a non-discriminatory manner.	Determination based upon severity of incident(s), up to and including removal.			
3. Failure to adequately perform supervisory functions.	Determination based upon severity of incident(s), up to and including removal.			
4. Use of one's position for inappropriate or personal gain.	Determination based upon severity of incident(s), up to and including removal.			
5. Requiring employees to do personal, non-ODE work for the supervisor.	Suspension or Removal	Removal	*	*
6. Fraternization or appearance of impropriety in the workplace.	Determination based upon severity of incident(s), up to and including removal.			
7. Failure to support and/or administer agency initiatives.	Determination based upon severity of incident(s), up to and including removal.			

Fiscal Department



4/4/2018

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EMPLOYMENT APPLICATION		
STATE OF OHIO Click printer icon to view contact information. Click printer icon to view job hours & location, Ohio 43215 http://careers.ohio.gov/ Troper, Michael C 20010136 AREA COORDINATOR		Received: 11/26/17 10:19 AM For Official Use Only: QUAL: _____ DNQ: _____ <input type="checkbox"/> Experience <input type="checkbox"/> Training <input type="checkbox"/> Other:
PERSONAL INFORMATION		
POSITION TITLE: AREA COORDINATOR	EXAM ID#: 20010136	
NAME: (Last, First, Middle) Troper, Michael C	SOCIAL SECURITY NUMBER: N/A	
ADDRESS: (Street, City, State, Zip Code) [REDACTED]	EMAIL ADDRESS: mtroper@wowway.com	
HOME PHONE: [REDACTED]	ALTERNATE PHONE: [REDACTED]	NOTIFICATION PREFERENCE: Email
DRIVER'S LICENSE: <input type="checkbox"/> Yes <input type="checkbox"/> No	DRIVER'S LICENSE: State:	LEGAL RIGHT TO WORK IN THE UNITED STATES? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PREFERENCES		
MINIMUM COMPENSATION: \$34.13 per hour; \$71,000.00 per year	ARE YOU WILLING TO RELOCATE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Maybe	
WHAT TYPE OF JOB ARE YOU LOOKING FOR? Regular		
TYPES OF WORK YOU WILL ACCEPT:		
SHIFTS YOU WILL ACCEPT: Day, Evening, Night, Weekends		
OBJECTIVE:		
EDUCATION		
DATES: From: 9/1987 To: 6/1989	SCHOOL NAME: Ohio State University	
LOCATION: (City, State) Columbus, Ohio	DID YOU GRADUATE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEGREE RECEIVED: Master's
MAJOR: Finance		UNITS COMPLETED: 96 - Quarter
DATES: From: 9/1981 To: 6/1985	SCHOOL NAME: Bucknell University	
LOCATION: (City, State) Lewisburg, Pennsylvania	DID YOU GRADUATE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DEGREE RECEIVED: Bachelor's
MAJOR: Mathematics/Russian		UNITS COMPLETED: 32 - Semester
WORK EXPERIENCE		
DATES: From: 1/2017 To: 10/2017	EMPLOYER: Upper Arlington Public Library	POSITION TITLE: Fiscal Officer
ADDRESS: (Street, City, State, Zip Code) 2800 Tremont Rd., Upper Arlington, Ohio 43221		COMPANY URL:
PHONE NUMBER: 614-486-9621	SUPERVISOR: Chris Taylor - Director	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
HOURS PER WEEK: 40	SALARY: \$6,500.00/month	# OF EMPLOYEES SUPERVISED: 1
DUTIES: Managed the day-to-day financial operations of the library including accounts payable, payroll, monthly board financial reporting, banking relations and audit oversight. Implemented health care savings through a non-traditional health care broker. Supervised Deputy Fiscal Officer.		
REASON FOR LEAVING: I resigned to deal with personal family matters regarding my mother's health.		
DATES: From: 5/2012 To: 1/2017	EMPLOYER: St. Stephen's Community House	POSITION TITLE: CFO
ADDRESS: (Street, City, State, Zip Code) 1500 East 17th Ave., Columbus, Ohio 43219		COMPANY URL: www.saintstephensch.org
PHONE NUMBER: 614-294-6347	SUPERVISOR: Michelle Mills - President/CEO	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
HOURS PER WEEK:	SALARY:	# OF EMPLOYEES SUPERVISED:

Exhibit 4

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45	\$6,500.00/month	1
DUTIES: Oversaw all accounting and payroll functions for this non-profit agency including: accounts receivable, accounts payable, monthly board financial reporting, and annual financial reporting. Supervise one accounting employee. Prepared invoices for submission to FCDJFS, COWIC and other funders. Oversaw annual audit.		
REASON FOR LEAVING: better opportunity with the Library		
DATES: From: 1/2009 To: 5/2012	EMPLOYER: Marion Technical College	POSITION TITLE: Controller
ADDRESS: (Street, City, State, Zip Code) 1467 Mt. Vernon Ave., Marion, Ohio 43302		COMPANY URL: www.mtc.edu
PHONE NUMBER: (740) 389-4636	SUPERVISOR: Doug Boyer - Vice President Administrative Services	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
HOURS PER WEEK: 40	SALARY: \$6,205.00/month	# OF EMPLOYEES SUPERVISED: 4
DUTIES: Oversaw all accounting and budget operations including: student accounts receivable, accounts payable, monthly board financial reporting, annual GAAP financial reporting, property and liability insurance coverage. Administered various grants. Prepared annual financial report for the College. Reviewed operating policies and procedures. Supervised four employees in the Business Office. Improved financial operations of the College. Graduate of Leadership Marion.		
REASON FOR LEAVING: long commute		
DATES: From: 8/2004 To: 8/2008	EMPLOYER: Mosaica Education, Inc.	POSITION TITLE: Ohio Controller
ADDRESS: (Street, City, State, Zip Code) 3333 Chippewa St., Columbus, Ohio 43204		COMPANY URL:
PHONE NUMBER: (614) 276-3600	SUPERVISOR: Roger Gray - Vice President School Finance	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
HOURS PER WEEK: 40	SALARY: \$6,666.00/month	# OF EMPLOYEES SUPERVISED: 3
DUTIES: Directed all financial operations for thirteen charter schools including: budgeting and financial planning; accounts payable/receivable; preparing monthly financial statements; board reporting; Title 1 and IDEA grants management; contract review, banking relations; retirement system reporting; insurance; audit oversight. Supervised three staff accountants.		
REASON FOR LEAVING: position downsized		
DATES: From: 8/2002 To: 8/2004	EMPLOYER: K12, Inc.	POSITION TITLE: Business Manager/Treasurer
ADDRESS: (Street, City, State, Zip Code) 2300 Corporate Park Dr., Herndon, Virginia 20171		COMPANY URL: www.k12.com
PHONE NUMBER: 855-721-0512	SUPERVISOR: William Sims - Head of School	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
HOURS PER WEEK: 40	SALARY: \$5,250.00/month	# OF EMPLOYEES SUPERVISED:
DUTIES: For this virtual charter school, I prepared monthly and annual school budgets for board presentation; prepared cash-flow analysis for operational needs; processed bi-monthly payroll and STRS reporting; oversaw human resources/benefits and purchasing; oversaw grants in the CCIP system, prepared financial policies and board resolutions; performed monthly bank reconciliation and maintained banking relations; oversaw annual audit.		
REASON FOR LEAVING: Better opportunity with Mosaica Education - increase in responsibilities, supervisory experience		
DATES: From: 1/2000 To: 8/2002	EMPLOYER: University of Toledo	POSITION TITLE: Treasury Manager
ADDRESS: (Street, City, State, Zip Code) 2801 West Bancroft St., Toledo, Ohio 43606		COMPANY URL: http://www.utoledo.edu/
PHONE NUMBER: 800-586-5336	SUPERVISOR: Jack Annul - Associate Vice President	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
HOURS PER WEEK: 40	SALARY: \$4,583.00/month	# OF EMPLOYEES SUPERVISED:
DUTIES: Directed the investment of \$70 million in operating cash funds; prepared cash flow analysis for investment opportunities; updated University investment policy; processed accounts payable/receivable for ACH and wire transactions; maintained banking relations, prepared investment reports for the Board of Trustees.		
REASON FOR LEAVING: better financial opportunity with K12		
CERTIFICATES AND LICENSES		
TYPE: School Treasurer License		

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LICENSE NUMBER:

ISSUING AGENCY:

Ohio Department of Education

SKILLS

Nothing Entered For This Section

ADDITIONAL INFORMATION

Additional Information

I am currently on Worthington City Council.

REFERENCES

Nothing Entered For This Section

Exhibit 4

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NEOGOV Insight

Agency-Wide Questions

1. Please indicate your county of residence.

Franklin County

2. SUMMARY OF QUALIFICATIONS - In the area below, briefly describe the experience, education, training and other factors that qualify you for the position or examination for which you are applying. Refer to the Minimum Qualifications and any position-specific qualifications posted for this position. Your application must clearly indicate how you meet the minimum qualifications and any position specific qualifications.

I have an MBA in finance. I was the Finance Director for a state agency for five years. I have worked with federal, state and local grants in both government and non-profit organizations. I have established financial policies and procedures for many charter schools. I have been the treasurer for multiple charter schools.

3. Please list below the specific course work areas at the high school level or beyond relevant to the position or examination for which you are applying. Also indicate the number of courses you have successfully completed in each area. NOTE: A transcript may not be substituted for this section, although you may be required to submit a transcript.

Financial accounting, managerial accounting, financial management, financial decision making, economics, statistics

4. Are you a current State of Ohio employee?

No, I'm not a State of Ohio employee

5. If you are a current State of Ohio employee, please provide your eight (8) digit, OAKS State of Ohio User ID number. If you are not a current State of Ohio employee, please type N/A.

n/a

6. If you are not a current State of Ohio employee, have you ever been employed by the State of Ohio? (If you are a current State of Ohio employee, please select N/A.)

Yes

7. If you were previously employed by the State of Ohio, please choose one of the following:

Employment ended prior to 12-01-2004.

8. How did you learn about this employment opportunity?

Careers.ohio.gov

4/4/2018

NEOGOV Insight

Job Specific Supplemental Questions

1. **Do you have a Bachelor's degree in finance or accounting?**
No
2. **If you answered yes to the previous question, please explain in detail below. If you answered no, type N/A in the space provided.**
N/A
3. **Do you have a Master's degree in finance, economics, public administration, educational administration, or other similar field?**
Yes
4. **If you answered yes to the previous question, please explain in detail below. If you answered no, type N/A in the space provided.**
I have an MBA in Finance from The Ohio State University.
5. **Do you have a Principal/Administrator Special License?**
No
6. **If you answered yes to the previous question, please explain in detail below. If you answered no, type N/A in the space provided.**
N/A
7. **Do you have a School Treasure License?**
Yes
8. **If you answered yes to the previous question, please explain in detail below. If you answered no, type N/A in the space provided.**
My license number is [REDACTED] and is valid thru 6/30/2023.
9. **Do you have a Superintendent License?**
No
10. **If you answered yes to the previous question, please explain in detail below. If you answered no, type N/A in the space provided.**
N/A
11. **How much experience do you have in areas of public/school finance?**
Equal to or greater than 7 years experience
12. **If you stated you have experience in the previous question, please explain in detail below. If you answered no experience, type N/A in the space provided.**
I was the first treasurer for the Ohio Virtual Academy and established all fiscal policies and procedures for the school. I was the first Ohio treasurer for Mosaica Education and helped them grow from 3 to thirteen schools in Ohio. At Mosaica, I directed all financial operations including: annual and five year budgeting and financial planning; accounts payable/receivable; preparing monthly financial statements; board reporting; grants management; contract review; banking relations; SERS and STRS retirement system reporting; and annual audit oversight. I have also served as a part time treasurer for many charter schools. I have worked in the CCIP grants system for many years. I have overseen many audits for charter schools. I have prepared many five year forecasts for charter schools.

The following terms were accepted by the applicant upon submitting the online application:

I certify that the answers I have made to all of the questions in this application are true and complete to the best of my knowledge. I understand that if this application is not completed in its entirety, it will not be processed and I will be automatically disqualified. I understand that I am responsible for the correctness of this application. I also understand that a background check may be required prior to employment and that, in accordance with the Drug-Free Workplace Program, drug testing may be required. I waive all provisions of law forbidding colleges or universities which I attended, or past employers, from disclosing any information which they acquired relevant to my employment. I consent that they may disclose such information to the Human Resources Division, Department of Administrative Services, and/or the agency that holds the vacancy for which I am applying and to appropriate officials for recruitment purposes. I understand that any offer of employment is conditional upon proof of legal authorization to work in the United States as required by the Immigration Reform and Control Act.

This application was submitted by Michael C Troper on 11/26/17 10:19 AM

Signature Michael C. Troper

Date 4/9/2018

210.0 WORK DAY – WORK SCHEDULE

I. PURPOSE/REASON

The Ohio Department of Education (ODE) recognizes its obligation to provide superior customer service and accountability to Ohio taxpayers. This policy establishes uniform operational work time periods and procedures that best serve the needs of ODE, its customers and its employees.

II. REFERENCES/AUTHORITY

- A. Ohio Revised Code (ORC): 124.18, 3301.13
- B. Ohio Administrative Code (OAC): 123:1-47-01
- C. Fair Labor Standards Act (FLSA) of 1938, as amended
- D. OCSEA/AFSCME Contract: Article 13
- E. Time and attendance-related policy memoranda from the Ohio Department of Administrative Services (DAS). For more information refer to:
<http://das.ohio.gov/Divisions/HumanResources/HRDOCBPolicy.aspx>

III. SUPERSEDES

This version replaces the previous version issued on April 1, 2008.

IV. SCOPE

This applies to all ODE employees.

V. DEFINITIONS

- A. ACTIVE PAY STATUS: The conditions under which an employee is eligible to receive pay include, but are not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays and personal leave. For the purpose of determining overtime or compensatory time for an employee who is eligible for overtime compensation, active pay status does not include sick leave or leave used in lieu of sick leave.
- B. ALTERNATIVE WORK SCHEDULE: A schedule other than the standard work schedule.

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- C. **BREAKS:** Periods of time that an employee is permitted to be away from his or her regular work site unless not operationally feasible. Two 15-minute breaks shall be standard for all ODE employees. One break may be taken at the midpoint of the first half of the standard workday, with a second break taken at the midpoint of the second half of the standard workday. Breaks cannot be used to adjust the starting or ending times of the workday and cannot be accumulated or carried forward into the next workday or any other subsequent workdays.
- D. **COMPRESSED WORKWEEK:** A workweek in which the standard 40 full-time hours are worked in fewer than five days, e.g., four 10-hour days.
- E. **CORE HOURS:** Inflexible hours of the day during which all employees working first shift are required to be on the job unless an employee is scheduled off work. Core hours for ODE employees are 9 a.m. to 3 p.m. Monday through Friday. Core hours and days for other employees (e.g., second or third shift, if such shifts are necessary) shall be at the discretion of the manager or office director. NOTE: Any exceptions to the core hours must be approved by the superintendent of public instruction or his or her designee (i.e., chief of staff, chief of operations, deputy superintendent).
- F. **CUSTOMER SERVICE HOURS:** Hours during each day that ODE offices are open and provide customer service. Standard ODE customer service hours are 8 a.m. to 5 p.m. Monday through Friday. Some ODE offices (e.g., Information Technology Office) may have customer service hours that extend beyond the agency standard.
- G. **FLEXIBLE SCHEDULE:** An alternative to a standard work schedule, also known as “flexible work hours.” Flexible schedules, or variable starting and ending times, should be based on the operational needs of the office or center.
- H. **LUNCH OR MEAL PERIOD:** Uncompensated time during which the employee must be relieved of duty and is authorized to leave the premises. The standard lunch period is 30 minutes, 45 minutes or one hour. Lunch or meal periods should be taken at approximately the midpoint of the employee’s workday and cannot be regularly omitted or reduced to shorten the workday except under limited circumstances and with prior approval. Employees are not to work during lunch or meal periods unless operationally necessary and directed to do so by a supervisor. When directed to work during lunch or meal periods for operational needs, overtime eligible employees must be compensated.



See ODE policy *41.0 Overtime and Compensatory Time for Overtime Eligible Employees* for further information.

- I. STANDARD WORK SCHEDULE: ODE's standard work schedule is 8 a.m. to 5 p.m. Monday through Friday. All full-time employees who work the standard work schedule will work these hours with a 60-minute meal period taken at approximately the midpoint of the workday. Exceptional operational needs of certain offices may necessitate the establishment of standard work schedules that extend beyond the time frame described above.
- J. WORK HOURS/WORKDAY: The number of hours an employee is scheduled to work each day. The standard workday for ODE employees is eight hours, excluding unpaid meal periods.
- K. WORK WEEK: The number of hours an employee is scheduled to work each week. The standard workweek for full-time ODE employees is 40 hours, excluding unpaid meal periods. The week shall commence each calendar week at 12:01 a.m. Sunday and end at 11:59p.m. the following Saturday.

VI. PROCEDURES

A. CUSTOMER SERVICE HOURS AND WORK SCHEDULES

1. All centers and offices must ensure they are adequately staffed to perform all administrative business functions for both internal and external customers during ODE's customer service hours of 8 a.m. to 5 p.m. Monday through Friday. Administrative business functions may include, but are not limited to, answering telephones and responding to telephone and email inquiries from the public, other state agencies and other stakeholders. Supervisors, managers and office directors will determine adequate staffing levels. It may be advantageous for centers or offices to extend their customer service hours to 7 a.m. to 6 p.m.
2. Once adequate staffing levels for the 8 a.m. to 5 p.m. customer service hours are ensured, a center or office may offer alternative work schedules. A center or office is not required to offer alternative work schedules.
 - a. Start times should vary between 7 a.m. and 9 a.m., depending on the needs of the center or office.

Exhibit 5

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Human Resources Policies and Procedures Manual – 210.0

- b. Flexible schedules may ensure operational needs beyond the customer service hours are met.
 - c. After adequate staffing levels for coverage during the customer service hours and extended operational needs are met, flexible schedules may be considered for the personal needs of staff. If an employee requests a flexible schedule with a start time that deviates from the start times provided above in subsection a., the schedule must be approved by the employee's immediate supervisor and the superintendent of public instruction or his or her designee (i.e., chief of staff, chief of operations, deputy superintendent).
3. ODE will utilize a compressed workweek schedule only when a specific business process or operational need warrants it. Senior leaders' authorization is required for any compressed workweek schedule prior to implementation.
4. Holidays: During each calendar week that includes a state-observed holiday, all full-time ODE employees shall be in active pay status for an additional 32 hours beyond the eight hours of holiday pay eligible employees shall receive. For additional information on Holidays, please review policy [101.0 Holidays](#).
5. Approved alternative or flexible schedules require that employees comply with the approved work hours. Abuse of flexible schedules will result in the cancellation of the flexible schedule and/or disciplinary action.
6. There must be adequate supervisory accountability during all flexible schedules and hours worked. If supervisory accountability is not feasible, certain flexible schedules will not be available options.
7. Requested flexible schedules and/or changes must be in accordance with established procedures and guidelines, as well as those established within offices and centers. At a minimum, requests for flexible or other alternative schedules must be made and approved *in advance* of the schedule change or flexible hours occurring, except in emergency situations where this is not feasible. All established procedures and guidelines must comply with the provisions of the OCSEA/AFSCME contract, ORC, OAC, *Fair Labor Standards Act* and all other applicable laws, rules, regulations and procedures.



8. Longer-term flexible schedules and/or changes to such schedules are accomplished by using the request form in the Human Resources Management System (HRMS). Shorter-term flexible schedules, e.g., when an employee must arrive late or leave early due to a pre-scheduled medical appointment, should be requested and approved in advance through the process established by the employee's office or center.
9. An employee's HRMS timesheet must reflect the actual hours worked for each day that the employee flexes his or her time.
10. Longer-term flexible schedules and schedule changes must begin on the first day of a state pay period and/or end on the last day of a state pay period.
11. Supervisors will recommend approval or disapproval of schedule changes.
12. Once an employee is working an approved flexible schedule, he or she shall remain on that schedule until approval of a requested change has been secured. Changes shall be requested as outlined above. Available opportunities for considering initial flexible schedules or changes shall be at office discretion, based on operational feasibility and supervisory availability.

B. OTHER WORK SCHEDULE CHANGES

1. Supervisors shall initiate any schedule changes in writing and the next level manager or an associate superintendent shall approve them before such changes take effect. Supervisors will provide employees with notice of such changes as soon as reasonably possible, providing a minimum 14-day notice when feasible.
2. If parties other than ODE determine schedules, supervisors have the flexibility to change employee work schedules to complete specific tasks and/or assignments. Supervisors shall notify employees of such changes as soon as reasonably possible.
3. An employee's posted regular schedule shall not be changed solely to avoid the payment of overtime within a single workweek or pay period.

C. PAY WHILE IN TRAVEL STATUS

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1. Time spent in travel during an employee's regular working hours on either his or her regular working days or non-working days (e.g., Saturday, Sunday or holidays) *is* considered compensable work time. "Regular working hours" includes *pre-approved* flexible schedules, within reason.
 - a. As a cost-saving measure, supervisors are encouraged to approve flexible schedules *in advance* for employees who need to travel for work purposes.
 - b. An employee who experiences an unforeseen delay (e.g., flight delay, weather-related delay, traffic-related delay, etc.) while traveling shall communicate this information to his or her supervisor before any change in a flexible schedule will be approved. If requested and when possible, the employee shall provide documentation of the delay to his or her supervisor.
 - c. Travel time as a *passenger* on an airplane, train, boat, bus or automobile *outside* of regular working hours is not compensable work time unless the employee is performing productive work to the benefit ODE. Where appropriate (when travel as a passenger is essential to ODE work), supervisors may approve flexible schedules for passengers.
2. Time spent by an employee in travel, as part of his or her principal activity, such as travel from job site to job site during the employee's normal workday, is work time and counts as time worked. When traveling to a different location that requires an overnight stay, compensable work time stops when the employee reaches his or her hotel.
3. Normal commute time from home to work and from work to home is not compensable work time. Employees who must report to work at some other site other than their normal report-in location, which is farther from home than their normal work site, may count any additional travel time as time worked.

D. REPORTING HOURS WORKED – ODE EMPLOYEE TIMESHEETS

1. All employees are required to accurately complete and submit the ODE Employee Timesheet in HRMS. The timesheet must indicate the actual start and end times (i.e., in and out times), as well as actual hours worked each day and week of each state pay period.



2. Each employee's submission of the HRMS timesheet is a certification that the hours entered are an accurate representation of hours worked. Misrepresentation of hours on a timesheet may be subject to discipline.
3. Each supervisor's approval of an employee's timesheet is a certification that the supervisor has exercised appropriate oversight of the employee's hours and the hours entered are an accurate representation of hours worked by the employee. Failure of a supervisor to exercise appropriate oversight may be subject to discipline.
4. For *Fair Labor Standards Act* purposes, ODE will retain timesheet records including, but not limited to, hours worked, employee certification and supervisor/manager certification in accordance with the appropriate record retention schedule.

VII. ASSISTANCE

If you need additional information or clarification, please contact the Office of Human Resources.