

The Bylaw and Policy Amendments were approved by the board at the April 5, 2023 meeting

BYLAWS

1. Name

1.1. The name of the group composed of all Members shall be the "Metropolitan Regional Service Council".

2. Fiscal Year

2.1. The fiscal year of the Council shall be the twelve-month period beginning July 1 and ending June 30 (the "Fiscal Year"). In the event that the fiscal year for Ohio boards of education should be changed to a period other than the twelve-month period beginning July 1 and ending June 30, the Fiscal Year of the Council may be changed to conform to such change upon the approval of the Board of Directors of the Council.

3. Representation of Members

3.1. The governing body of each Member shall appoint its one representative to the legislative body of the Council that shall be known as the Assembly. In the case of Members that are boards of education, that representative shall be the Member's Superintendent or Superintendent's designee. In the case of Members that are not boards of education, that representative shall be an executive of the Member appointed by the Member's governing body, or such executive's designee.

3.2. Community school/other eligible entity associate members of NCOCC/Heartland COG that are eligible and become program participants by executing the Program Agreement shall collectively be represented in the Assembly of MRSC by one (1) Non-Member Representative program participant of the Assembly after the effective date of the Agreement.

3.2.1 Community school/other eligible entities that contract for services shall choose by a caucus a Non-Member Representative program participant on behalf of all such entities. This representative may attend Assembly meetings and vote on matters relating to and affecting the Program, and shall have one vote in the Assembly on those items.

3.2.2 The caucus shall notify the Council which administrative-level employee of the eligible entities shall attend Assembly meetings as the Non-Member Representative to participate and vote on matters relating to the Program.

3.2.3 All contracted service program participants, both those currently participating in MRSC and program participants from NCOCC/Heartland that participate in the Agreement between those entities and sign the Program Agreement shall be eligible to elect by caucus a new Non-Member Representative for all such entities after July 1, 2023.

3.3 Future program participants contracting for services that are community schools/other eligible entities shall be part of the group, including current MRSC program participants, that collectively are represented by one Non-Voting Representative voting member of the Assembly on program items as defined in 3.2, above, to be selected as provided in this section.

4. Programs of the Council

- 4.1. The Council may establish such cooperative programs as the Assembly may approve. Each program shall be established by a written agreement between the Council and the Members of the Council whose governing bodies have determined to participate in the program and have approved the program agreement. Each program agreement shall be reviewed and approved by the Board of Directors prior to execution by any Member.
 - 4.1.1. direct the Board of Directors concerning the management of the program and define matters which must be submitted for decision to the Members participating in that program.
 - 4.1.2. establish procedures for budgeting program costs and apportioning program costs among the participating Members.
 - 4.1.3. establish one or more funds into which all contributions of money for program costs shall be deposited.
 - 4.1.4. determine the method for including additional Members in the program or permitting other organizations to contract with the Council for services under a program, if determined to be necessary or desirable.
 - 4.1.5. determine the method for a Member's withdrawal from the program.
 - 4.1.6. determine the duties of the Fiscal Agent with respect to the fiscal management of the program; and
 - 4.1.7. determine the disposition, upon termination of the program, of any supplies, equipment, facilities, or moneys held in connection with the operation of the program.

5. Withdrawal of a Member

5.1. Any Member wishing to withdraw from participation in the Council shall notify the Board of Directors on or before the July 15 of the Fiscal Year preceding the Fiscal Year in which the Member will withdraw. Any decision to withdraw from the Council must be made by duly adopted resolution of the governing body of the Member, except as provided in 10 hereof. Any Member that withdraws from the Council pursuant to this or 10 shall be responsible for all fees and its share of any outstanding debt or obligations (including leases or lease-purchasing agreements) incurred by the Council. Any withdrawal pursuant to this shall constitute a withdrawal from any and all programs of the Council the withdrawing Member participates in. Withdrawal from each such program shall be governed by the withdrawal provision of the particular program agreement. Upon withdrawal under this, the withdrawing Member may not become a Member again until it has fully complied with the procedures contained in 7 thereof.

5.2. Inclusion of Additional Members

5.2.1. Any board of education or other public organization authorized under Revised Code Chapter 167 to be a member of a council of governments may apply to become a Member of the Council by submitting an application in writing to the Board of Directors, accompanied by a duly adopted resolution of its governing body requesting inclusion in the Council. The Board of Directors shall review the application and make a recommendation to the Assembly concerning the admission of the applicant in the Council. The applicant shall be included in the Council and deemed a Member hereunder if its inclusion is approved by the affirmative vote of at least a majority of the representatives in the Assembly and the applicant executes the Agreement, approves the Bylaws, and appropriates and remits to the Treasurer an initial monetary assessment for costs of the Council in an amount approved by the Assembly. The applicant shall thereafter be a Member and be assessed its portion of the Council's costs by the same method and using the same formula as any other Member, in accordance with the Bylaws.

5.2.2. The provisions of 5.2.1 notwithstanding, upon ratification of the Agreement by the respective Assemblies of each organization transferring the programs and assets of North Central Ohio Computer Cooperative (NCOCC)/Heartland COG to the Metropolitan Regional Service Council, all of the charter members and regular members of NCOCC/Heartland COG (i.e. school district boards of education that are political subdivisions of the State of Ohio) shall be eligible to become, upon execution of the Program Agreement, approval of the Bylaws, and appropriation and remittance to the Treasurer the initial monetary assessment for costs of the Council in an amount approved by the Assembly, Members of MRSC, and all associate members shall be eligible to become, upon execution of the Program Agreement, contracted service program participants of MRSC as of July 1, 2023, accepting these Bylaws and Constitution as to the governance of the entity and programs operated by MRSC.

- 5.2.3. Such new Members and program participants shall execute the Program Agreement prior to becoming Members or program participants.
- 5.2.4. After such Members and contracted service program participants are eligible to become Members and program participants through the Agreement between NCOCC/Heartland and MRSC, Members and contracted service program participants joining after July 1, 2023 which are not part of the Agreement will join MRSC as provided in these Bylaws at 5.2.1.
- 5.2.5. The membership status of the transferring members shall be as Members and program participants as described in 5.2.2, above, of the MRSC and its Assembly subject to the limitations of these Bylaws. All community school/other eligible entities of NCOCC/Heartland COG shall collectively be represented in the Assembly of MRSC as one (1) Non-Member Representative program participant, selected as provided in Section 3.2, et seq., above.
- 5.2.6. Future program participants that are community schools/other eligible entities contracting for services after July 1, 2023 shall be part of the group that is collectively represented by one (1) Non-Member Representative of the Assembly to be selected as provided in Section 3.2, above.
- 5.2.7. Members or program participants that wish to end membership or program participant status after the Agreement between MRSC and NCOCC/Heartland is effective and Members or program participants sign the Program Agreement shall do so as provided in these Bylaws.

6. Amendments

- 6.1. This Agreement may be modified, amended, or supplemented in any respect not prohibited by law upon the approval of the modification, amendment, or supplement by the governing bodies of at least two-thirds of the Members and the amendment, modification or supplement shall thereupon become binding upon all Members. However, no modification, amendment, or supplement shall be considered without at least fifteen (15) calendar days advance notice to all members.

7. Term

- 7.1. It is the express intention of the Members that this Agreement shall continue for an indefinite term, but may be terminated as herein provided.

8. Termination

- 8.1.1. In the event that the governing bodies of two-thirds of the Members, by duly adopted resolutions, determine that this Agreement shall be terminated, the Board of Directors shall meet within thirty (30) days following its receipt of certified copies of those resolutions. At that meeting the Board of Directors shall determine the date upon which this Agreement and the activities and operations of the Council shall terminate and make recommendations to the Assembly with respect to any matter which must be resolved in connection with the termination of the Council

and which is not addressed by this Agreement, the Bylaws, or Program Agreement(s).

8.1.2. Upon termination of this Agreement, each program and program agreement shall terminate, unless the governing bodies of the Members and the Board of Directors determine that a program shall continue and make provision for its continued operation without the Council. After payment of all known obligations of the Council in connection with each terminated program, any surplus remaining in any funds of any terminated programs shall be distributed among the Members participating in the respective programs in the manner provided in the program agreements. After payment of all known obligations of the Council, other than those incurred in connection with any program, any surplus remaining in any funds of the Council in addition to program funds shall be distributed among the Members in the manner recommended by the Board of Directors and approved by the affirmative vote of two-thirds of the representatives in the Assembly. If no agreement can be reached concerning the disposition of any surplus remaining, that surplus shall be distributed among the Members in the same proportion to the total remaining as the amount of each Member's share of costs incurred and paid from those funds over the life of this Agreement bears to the total costs incurred and paid from those funds by all Members over the life of this Agreement.

8.2. No Member shall be required, by or under this Agreement or the Bylaws, by an amendment or otherwise, to pay any sum upon termination hereof, unless it shall have expressly agreed thereto by Resolution of its Governing Body.

9. Effectiveness and Counterparts

9.1. This Agreement shall not be effective until signed by the representatives of two-thirds of the Members identified in Exhibit A of this Agreement as authorized by a duly adopted resolution of the governing body of each of those Members. This Agreement may be signed in separate counterparts on behalf of any one or more than one of the Members, without necessity for any one counterpart to be signed on behalf of all Members. Separately signed counterparts shall be filed with the Recording Secretary of the Council and shall constitute one Agreement.

10. Notices: Reports: Miscellaneous

10.1. Any notice to a member required to be in writing shall be deemed given if (i) left at the office of the representative to the Assembly of Member, or (ii) deposited in the United State mail, postage prepaid, by such mail addressed to such representative, or (iii) sent via electronic mail on the Council's Computer Network with the sending time to be considered the official time of receipt, provided there has been confirmation of the receipt of such electronic mail (which confirmation may be by electronic means).

Metropolitan Regional Service Council
PART A: Governance

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1. Governance Policies

11. The following policies shall govern certain aspects of the governance of the Metropolitan Regional Service Council (hereinafter referred to as “MRSC” or “Council”). The policies are applicable to the members of the Council, and many are also applicable to the administration and staff of MRSC. These policies are subject to amendment, revision and/or deletion by the MRSC Assembly at any time. The policies will be posted to the MRSC website.

2. Legislative

21. The Assembly shall be the legislative body of the Council.

22. The Assembly shall approve such rules and regulations as are necessary for its governance and the governance of its employees, of its grounds or premises, by adopting bylaws and policies for the organization and operation of this Assembly/Board

23. Policies not dictated by the Council’s General Assembly, statutes or administrative regulations and guidance, or a court of competent authority may be adopted, amended, and repealed at any meeting of the Assembly and may be suspended, provided the suspension does not conflict with law. Such suspension shall terminate at the next meeting of the Assembly or at such time as is specified in the motion to suspend.

24. Policies shall be adopted, amended, repealed, or suspended by an affirmative vote of a majority of those members of the Assembly present and voting. Policies which may be adopted, amended, repealed or suspended will be provided to the Assembly fifteen (15) days in advance.

25. The adoption, modification, repeal, or suspension of a policy shall be recorded in the minutes of the Assembly. All policies shall be printed in the policy manual.

26. The Assembly may adopt, amend, or repeal rules of order for its own operation by simple resolution of the Assembly passed by a majority of those present and voting.

3. Technical Corrections

31. Periodically it may be deemed necessary to make technical corrections to policies that have already been adopted through normal procedures. These technical corrections may include consolidating, combining, transferring, dividing, renumbering sections, subsections, chapters or titles. Technical corrections also may include grammatical, spelling, or typographical corrections, including alterations or omissions that do not substantively affect the adopted policy.

32. Technical corrections do not affect the construction or meaning of those sections, subsections, chapters, titles or policies as a whole. The updating of the position

titles and/or names of compliance officers in policies is considered a technical correction.

33. Should the Council choose to make such technical corrections, they may be accomplished by resolution as part of a consent agenda and they are not subject to the normal policy adoption procedure.

4. **Executive**

41. The Board shall exercise its executive power by the appointment of an Executive Director for a term not longer than five (5) years.

- 4.1.1. The Executive Director shall ensure compliance with the federal and state laws and rules, the Constitution and bylaws of the Council, and the policies of this Assembly.

- 4.1.2. The Executive Director shall prepare guidelines for the administration of the Council which are not inconsistent with the above.

- 4.1.3. The Executive Director shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, bylaws, or directives of the Board, provided that such action shall be reported to the Board at the next meeting following such action. No action is binding upon the Board until it is ratified at the next regular or special meeting or unless specifically authorized.

5. **Judicial**

51. The Board of Directors may assume jurisdiction over any dispute or controversy arising within the Council and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board, or the Council's General Assembly.

52. In furtherance of its adjudicatory function, the Board may hold hearings which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.

53. Beyond the basic requirements of due process, a hearing may vary in form and content in line with the severity of the consequences which may flow from it, the degree of difficulty of establishing findings of fact from conflicting evidence, and the impact of the Board's decision on the Council.

6. **Meetings**

61. Parliamentary Authority: All meetings provided for in these Bylaws shall be conducted in accordance with the latest edition of Robert's Rules of Order, Newly Revised, unless otherwise directed by these Bylaws or by resolution of the Assembly, the Board of Directors, or any operating committee with respect to the

meetings of each of those bodies. The Chairperson of each body shall be the parliamentary procedure officer and his/her decisions with respect to matters of parliamentary procedure shall be final.

- 62.** Quorum: A majority of the full Assembly/Board members present in person at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.
- 63.** Presiding Officer: The Chairperson shall preside at all meetings of the Assembly/Board. In the absence, disability, or disqualification of the Chairperson, the Vice-Chairperson shall act in his or her stead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.
- 64.** Notice of Meetings: A schedule of the date, time, place, and subject(s) to be considered at the meeting shall be posted at the Council Office and the website for all meetings of both the Assembly and of the Board of Directors.
 - 6.4.1.** The notice also shall contain the following statement: "Upon request to the Executive Director, the Council shall make reasonable accommodation for a disabled person to be able to participate in this activity."
 - 6.4.2.** Notice, in writing, of each such meeting shall state the date, time, place of the meeting, and subject(s) to be considered at the meeting, and shall be served by the Recording Secretary upon each member of the Board of Directors two days preceding the time for the meeting with the media notified twenty-four (24) hours in advance, unless such meeting is an emergency meeting, in which case notice shall be given immediately.
 - 6.4.3.** The requirements and procedures for notice may be waived by each member of the Board of Directors, and any member of the Board of Directors shall be deemed conclusively to have waived such notice by his/her attendance at such meeting.
 - 6.4.4.** Notice of meetings shall be sent to all persons requesting such notice, provided that such persons supply the Board with stamped, addressed envelopes for the purpose.
 - 6.4.5.** Any notice to a Member required to be in writing shall be deemed given if: (1) it is delivered to the office of the Member's representative to the Assembly and a signed receipt of that delivery is obtained, or (2) deposited in the United States mail, postage prepaid, by registered mail addressed to such representative, or (3) delivered electronically to the Member's representative to the Assembly, with the sending time to be considered the official time of receipt, provided there has been confirmation of the receipt of such electronic mail (which confirmation

may be by electronic means).

7. Meetings of the Assembly

- 71.** Regular and special meetings of the Assembly shall be held before the public.
- 72.** The Assembly shall meet on the first Monday of each May and November, and at such other times as may be requested by the Chair or as may be requested, in writing to the Recording Secretary, by any six (6) or more representatives to the Assembly. Written notice of each meeting shall be served by the Recording Secretary upon each Assembly representative not less than twenty-four (24) hours preceding the time for meeting, and shall state the date, time, place of the meeting, and subject(s) to be considered at the meeting. The requirements of and procedures for notice may be waived in writing by each representative and any representative shall be deemed conclusively to have waived such notice with respect to a meeting by his/her attendance at that meeting.
- 73.** At the request of the Chair and with the approval of a majority of the members of the Board of Directors, the May and November meetings of the Assembly may be rescheduled from the first Monday of each May and November to such other dates as may be approved by a majority of the members of the Board of Directors; provided, however that actions required by these Bylaws to be taken by the Assembly at its May or November meetings are taken by the Assembly within forty-five (45) days of the first Monday of May or the first Monday of November, as may be the case.
- 74.** The Chair of the Council (and in the Chair's absence, the Vice-Chair of the Council or any member as designated in these bylaws) elected by the Assembly, shall preside at all Assembly meetings. The Recording Secretary, elected by the Assembly, shall keep a record of the Assembly's proceedings, including a journal of all minutes of all meetings of the Assembly. The Recording Secretary also shall be responsible for all official documents, resolutions, and actions of the Assembly. The Recording Secretary shall distribute a copy of the minutes of each Assembly meeting to each Assembly member.
- 75.** A majority of all representatives to the Assembly shall constitute a quorum to transact business. Each representative of each Member shall have one (1) vote unless otherwise provided in these bylaws. All legislative action of the Assembly shall be by resolution entered on its records. Except as otherwise provided in the Agreement or by law, the affirmative vote of at least a majority of all of the representatives present to the Assembly eligible to vote on a matter (not counting vacancies) shall be required for the enactment of every resolution. Unless otherwise specifically stated in the resolution, all resolutions shall be effective immediately upon enactment, subject to any authorizations or certifications required by the Council or by law.

8. Meetings of the Board of Directors

- 81.** A majority of all members of the Board of Directors shall constitute a quorum to transact business. Each member of the Board of Directors (including the Chairperson, Vice-Chairperson, and Recording Secretary) shall have one (1) vote. Ex-officio members of the Board of Directors may attend all meetings of the Board of Directors but shall not be counted for purposes of determining a quorum and shall not have a vote. All action of the Board of Directors shall be by resolution entered on its records. The affirmative vote of at least a majority of all members present (not counting vacancies) shall be required for the enactment of every resolution, except as otherwise provided by law or in the Agreement. All resolutions shall be effective immediately upon enactment, subject to any authorizations or certifications by the Revised Code.
- 82.** The Board of Directors shall meet at least five (5) times each Fiscal Year, with the first meeting in each Fiscal Year to be held no later than September 30. At its May meeting, the Board of Directors shall set the dates for its regular meetings for the year. Additional meetings may be called by the Chairperson as necessary or may be called upon the request of the Recording Secretary from any two (2) or more members of the Board of Directors, or from the Executive Director or Fiscal Officer or from the Assembly. Notice, in writing, of each such meeting shall state the date, time, place of the meeting, and subject or subjects to be considered at the meeting, and shall be served by the Recording Secretary upon each member of the Board of Directors not less than twenty-four (24) hours in advance. The requirements and procedures for notice may be waived by each member of the Board of Directors and any member of the Board of Directors shall be deemed conclusively to have waived such notice by his/her attendance at such meeting.

9. Consent Agenda

- 91.** The Assembly/Board shall use a consent agenda to keep routine matters within a reasonable time frame.
- 92.** The following routine business items may be included in a single resolution for consideration by the Assembly/Board:
- a. Minutes of prior meetings
 - b. Purchases
 - c. Hiring of personnel
 - d. Resolutions that require annual adoption, such as bank signatories, etc.
 - e. Resignations and leaves
- 93.** A member of the Board may request that any item be removed from the consent resolution. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion.

10. Recess and Adjournment

The Assembly/Board may recess for a period of time during a scheduled meeting at any time, and may adjourn a meeting to a future date. The adjourned meeting, when reconvened, shall take up its agenda at the point where the motion to adjourn or recess was acted upon. Notice of the time, date, place and purpose(s) of a meeting to take up remaining business from the adjourned meeting will be given as provided in these Bylaws.

11. Executive Session

11.1. The Assembly/Board and its committees and subcommittees reserve the right to meet privately in executive session solely to discuss one (1) or more of the following issues:

- a. Consideration of the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, or licensee unless such employee, official, licensee or student requests a public meeting; except that consideration of the discipline of a(n) Assembly/Board member for conduct related to the performance of his/her duties or his/her removal from office shall not be held in executive session.
- b. Consideration of the purchase of property for public purposes, or sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.
- c. Discussion, with the Assembly/Board's legal counsel of disputes involving the Assembly/Board that are the subject of pending or imminent court action.
- d. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of employment.
- e. Matters required to be kept confidential according to federal or state law, rules, or regulations.
- f. Specialized details of security arrangements and emergency response protocols where disclosure might reveal information that could jeopardize the Council's security.
- g. Consideration of confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for

economic development assistance, provided that both of the following conditions apply:

1. the information is directly related to a request for economic development assistance that is to be provided or administered under one of the statutes referenced in R.C. 121.22(G)(8)(1), or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project, and
2. a unanimous quorum of the Board or its subcommittee determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project

112. No official action may be taken in executive session.

An executive session may be held only at a regular or special meeting. After the meeting is convened, any member may make a motion for an executive session, and the motion must state the purpose(s) of the session by citing one (1) or more of the reasons set forth above. If the executive session is to discuss a personnel matter as listed above, the particular subject(s) for which the session has been called must be identified in the motion. The motion need not name the person(s) being considered. Upon receiving a second to the motion and a majority affirmative roll call vote of those present and voting, the Chair shall declare the Assembly/Board in executive session.

113. In keeping with the confidential nature of executive sessions, no member of the Board, committee or subcommittee shall disclose the content of discussions that take place during such sessions.

114. All members of the Assembly/Board, committee or subcommittee are entitled to attend executive sessions. The Board, committee or subcommittee may invite any other person(s) to attend an executive session.

12. Voting

121 All motions require a majority vote of those present and voting, except as provided by statute, these bylaws, or parliamentary authority to be adopted as an official action of the Assembly/Board. Upon the demand of any member of the Board, the vote shall be recorded by roll call.

122 In situations in which a specific number of affirmative votes are required and abstentions have been recorded, the motion shall fail if the specified number of affirmative votes have not been cast. In situations in which a tie vote occurs and abstentions have been recorded, the motion shall fail for lack of a majority.

123 All actions requiring a vote may be conducted by voice vote or show of hands, unless a roll call vote is requested or required. An Assembly/Board member must be physically present at the meeting to vote. Each vote and abstention shall be recorded. Proxy voting is permitted for the Assembly. Proxy voting is prohibited for the Board of Directors.

13. Use of Electronic Mail

13.1 Since e-mail discussion is a form of communication that could conflict with the Sunshine Law, it will be used only for the purposes of communicating:

Messages between Assembly/Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters of Assembly/Board business.

Possible agenda items between the Executive Director and the Chairperson;

Times, dates, and places of regular or special Assembly/Board meetings;

An Assembly/Board meeting agenda or public record information concerning items on the agenda;

Requests for public record information from a member of the Council staff or community pertaining to Council operations;

Responses to questions posed by members of the public or Council staff.

13.2 Under no circumstances shall Assembly/Board members use e-mail to discuss as a majority among themselves Assembly/Board business that is to be discussed only in an open meeting of the Assembly/Board, nor will a majority of the Board discuss by e-mail, successively or serially, items of Board business or information that is part of an executive session, unless specifically permitted by law.

13.3 There should be no expectation of privacy for any messages sent by e-mail. Messages that have been deleted still may be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Public Records Act, unless an exemption would apply.

14. Use of Personal Communication Devices (PCD)

14.1 When performing duties as a member of the Assembly/Council, Board members use of PCDs shall be in accordance with all policies in Part A of this Manual, regardless of whether they are using Council-owned or personal communication devices. For purposes of this Bylaw, PCDs shall be defined as set forth in those policies.

15. Minutes

151. The Recording Secretary shall keep reasonably comprehensive minutes of all its meetings showing the time and place, the members present, the subjects considered, a summary of the deliberations sufficient for the public to understand the basis for the Assembly/Board's actions, the actions taken, the vote of each member on roll call votes, and any other information required to be shown in the minutes by law, which shall be available to the public upon request. Minutes of executive sessions shall reflect the general subject as outlined in the motion to enter into executive session.

152. The minutes of Assembly/Board meetings shall be considered at the next succeeding meeting where they shall be read (unless waived by law), corrected, and approved. The approved minutes shall be signed by the Fiscal Officer and the Chair.

153. The approved minutes shall be filed in the Executive Director's office in a prescribed minute book as a permanent record of official Assembly/Board proceedings.

16. Open Meetings/Sunshine Law

16.1 The Sunshine Law applies to the Assembly/Board of Directors, and to any committee or subcommittee created by the Assembly/Board or required by law or rule.

16.2 The Assembly/Board of Directors complies with all requirements of Ohio's Sunshine Law.

Adopted 2023

Metropolitan Regional Service Council
PART B: OPERATIONS

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1. OPERATIONS POLICIES

11. The following policies shall govern certain aspects of the operations of Metropolitan Regional Service Council (hereinafter referred to as “MRSC”). The policies are applicable to all administration and staff of MRSC. These policies are subject to amendment, revision and/or deletion by the MRSC Assembly at any time. The policies will be posted to the MRSC website.

2. EMPLOYMENT OF STAFF

21. The Council recognizes that it is vital to the successful operation of the Council that positions created by the Board be filled with qualified and competent personnel.

22. The Council staff includes all employees whose position reports through direct lines of responsibility to the Executive Director on the Council organizational chart.

23. The Board shall approve the employment, compensation and establish the term of employment for each staff member employed by the Council.

24. All applications for employment shall be referred to the Executive Director.

25. Relatives of Board members may be employed by the Council, provided a member of the Council does not participate in any way in the discussion or vote on the employment when a conflict of interest is involved.

26. Relatives of staff members may be employed by the Council, provided the staff member being employed is not placed in a position in which s/he is supervised directly by the relative staff member.

27. Applications for employment will not be accepted from any current Council member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application, and the Board member must not use or attempt to use his/her official authority or influence to secure the employment position.

28. Any classified staff member's intentional misstatement of fact material to his/her qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

29. The employment of staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in Council operations. Employment shall be recommended to the Board at the next regular meeting.

210. When appropriate, no candidate for employment as a staff member shall receive recommendation for such employment without having proffered visual evidence

of proper certification/licensure or that application for such certification/licensure is in process.

3. PROTECTED HEALTH INFORMATION (HIPAA)

- 31.** Eligible employees of MRSC are offered group health coverage through a health insurance plan. Accordingly, MRSC must comply with the Privacy Rule and the Security Rule of the Health Insurance Portability and Accountability Act (“HIPAA”). The purpose of this policy is to ensure the confidentiality of protected health information (“PHI”).
- 32.** “Protected health information” means individually identifiable health information:
 - 3.2.1.** Transmitted by electronic media;
 - 3.2.2.** Maintained in electronic media; or
 - 3.2.3.** Transmitted or maintained in any other form or medium.
 - 3.2.4.** “Individually identifiable health information” is information, including demographic data, that relates to:
 - 3241.** the individual’s past, present or future physical or mental health or condition, the provision of health care to the individual, or
 - 3242.** the past, present, or future payment for the provision of health care to the individual, and
 - 3243.** that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual
- 33.** All PHI regardless of its form, mechanism of transmission, or storage is to be kept confidential. Only individuals with a business need to know are allowed to view, read, or discuss any part of a patient’s PHI. An employee who violates this confidentiality policy will be subject to sanctions up to and including termination.
- 34.** MRSC is permitted to use and disclose protected health information, without an individual’s authorization, for the following purposes or situations:
 - 3.4.1.** To the Individual (unless required for access or accounting of disclosures);
 - 3.4.2.** Treatment, Payment, and Health Care Operations;
 - 3.4.3.** Opportunity to Agree or Object;
 - 3.4.4.** Incident to an otherwise permitted use and disclosure;
 - 3.4.5.** Public Interest and Benefit Activities; and

- 3.4.6.** Limited Data Set for the purposes of research, public health or health care operations.
- 35.** In Accordance with 45 C.F.R. 164.308, MRSC appoints the Human Resources Coordinator as the Privacy and Security official who is responsible for the development and implementation of the policies and procedures necessary to comply with the requirements of the HIPAA Privacy and Security Rules. In determining what the appropriate security measures to implement, the Security Official shall consider:
- 3.5.1.** The size, complexity, and capabilities, of the organization
 - 3.5.2.** Its technical, hardware, and software infrastructure,
 - 3.5.3.** The costs of security measures, and
 - 3.5.4.** The likelihood and possible impact of potential risks to PHI.
 - 3.5.5.** Such security measures shall include administrative, physical and technical safeguards in accordance with the Security Rule.
 - 3.5.6.** The Privacy and Security Officer may consult with the health plan insurer to determine which security measures to implement and, where determined appropriate, adopt such measures to be incorporated into the operations of MRSC.
- 36.** The Privacy and Security Official shall perform a risk analysis which shall:
- 3.6.1.** Evaluate the likelihood and impact of potential risks to PHI;
 - 3.6.2.** Implement appropriate security measures to address the risks identified in the risk analysis;
 - 3.6.3.** Document the chosen security measures and, where required, the rationale for adopting those measures;
 - 3.6.4.** Maintain continuous, reasonable, and appropriate security protections.
- 37.** Risk analysis should be an ongoing process, in which the Privacy and Security Officer regularly reviews its records to track access to e-PHI and detect security incidents, periodically evaluates the effectiveness of security measures put in place, and regularly reevaluates potential risks to e-PHI.
- 38.** In the event of the discovery of a breach of unsecured protected health information, MRSC shall notify each individual whose unsecured protected health information has been, or is reasonably believed by MRSC to have been, accessed, acquired, used, or disclosed as a result of such breach. MRSC shall provide such notification without unreasonable delay and in no case later than 60 calendar days after discovery of a breach.

- 3.8.1.** The notice shall be in writing and shall include the following:
- 3811.** A brief description of what happened, including the date of the breach and the date of the discovery of the breach, if known;
 - 3812.** A description of the types of unsecured protected health information that were involved in the breach (such as whether full name, social security number, date of birth, home address, account number, diagnosis, disability code, or other types of information were involved);
 - 3813.** Any steps individuals should take to protect themselves from potential harm resulting from the breach;
 - 3814.** A brief description of what MRSC is doing to investigate the breach, to mitigate harm to individuals, and to protect against any further breaches; and
 - 3815.** Contact procedures for individuals to ask questions or learn additional information.

4. NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

- 41.** The Council prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.
- 42.** In accordance with the Genetic Information Nondiscrimination Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Council's application process.

43. The Council recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows or the Internet. The Council prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.
44. "Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.
45. If the Council either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.
46. The Executive Director shall appoint a compliance officer who shall be responsible for overseeing the Council's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all Council requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:
47. The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's

family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

48. The Council offers health services. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board.

5. **PERMIT MAINTENANCE**

51. The Council shall ensure that NEOnet maintains a valid site permit issued by the Ohio Department of Education and operates in accordance with the permit as well as state law and regulations. In order to maintain its site permit, NEOnet shall:
 - 5.1.1. Maintain a minimum base of twelve/twenty user entities that are provided with core services or have a minimum aggregate ADM of twenty/twenty-five thousand students.
 - 5.1.2. Promote a cooperative and integrated system of information technology for its user entities as well as among other information technology centers.
 - 5.1.3. Promote and administer the efficient and cost-effective implementation of information technology that supports information technology strategies of the department and all user entities.
 - 5.1.4. Coordinate innovative uses of information technology that support the goals of the department, information technology center, and all user entities.
 - 5.1.5. Provide for electronic networking capabilities between and among user entities and the information technology center, support connectivity to the department or its designee, and maintain a system of electronic contact information as specified by the department.
 - 5.1.6. Ensure that all data acquired on behalf of user entities are held in trust for those entities. Any transfer or release of any user entity's data shall require prior authorization from that specific entity. Upon receipt of district authorization, an information technology center will transfer or return district data without delay or impediment.
 - 5.1.7. Offer core services to all user entities and provide districts with the opportunity to obtain services on an individual-service basis and not inhibit districts from obtaining services from one or more information technology centers of their choosing.

- 5.1.8.** Post on its website a list of all the services that it provides and the corresponding cost for each of those services.
- 5.1.9.** Maintain fully executed contractual agreements with their user entities. The contractual agreement between the information technology center and its user entities must specify at a minimum the quality implementation standards, as defined by the department, for all core services, as well as any additional fees to supplement state subsidy for the core services.
- 5.1.10.** Retain the services of a properly licensed fiscal officer. The fiscal officer shall maintain separate financial accounting records for MRSC and shall perform all financial transactions and accounting procedures in compliance with state law and the requirements of the auditor of state.
- 5.1.11.** Establish a schedule of fees for services that, in combination with state subsidy funding, cash reserves, and other sources of revenue, shall generate operating funds sufficient to meet anticipated expenditures.
- 5.1.12.** Be in compliance with section 3301.075 of the Revised Code and with the Ohio Education Computer Network (“OECN”) line item appropriation language contained in House Bill 1 of the 128th General Assembly.
- 5.1.13.** File with the Department of Education a continuous improvement plan that meets Department guidelines and timeframes as set by the Department. The report shall include MRSC’s planned versus actual delivery of core services based upon quality implementation standards. The report shall inform the Department-managed accountability system for the OECN. MRSC shall respond in writing to the Department and/or make operational adjustments as directed by the Department if deficiencies are noted in the Department's review of the continuous improvement plan.
- 5.1.14.** Implement an automated help-desk system with quality implementation standards defined by the Department of Education in partnership with the OECN. The system shall, at a minimum, facilitate communication and problem resolution among user entities and escalation to appropriate MRSC staff across the OECN, as well as with the Department. The system shall enable the reporting of quality implementation metrics for the core services to the Department and provide data for the Department-managed accountability system for the OECN.
- 5.1.15.** Provide detailed financial records of MRSC for the current and previous fiscal year transactions to the Department of Education during any site-review conducted pursuant to rule 3301-3-04 of the Administrative Code. Financial records shall also be made available to the Department within

sixty days of the end of the fiscal year in an electronic format as specified by the Department.

- 5.1.16.** A written business continuity plan shall be formulated, reviewed at regular intervals by the Board of Directors, and be kept on file at the Department of Education.
- 5.1.17.** Implement a written security policy which includes the following:
 - 5.1.17.1.** methods for obtaining, processing, reporting and storing data.
 - 5.1.17.2.** Prohibition of access to the computer systems and services by unauthorized personnel.
- 5.1.18.** Maintain a sufficient number of properly trained and licensed staff to meet the service needs of all users.
- 5.1.19.** Maintain bonds for MRSC staff at a level determined by Board of Directors, for the faithful performance of their duties.
- 5.1.20.** Maintain insurance coverage for all fixed assets.
- 5.1.21.** Maintain a data-retention policy which shall be communicated to all user entities, and shall specify how data are stored and restored and the method for disposal of data.
- 5.1.22.** Review the computer system at regular intervals to ensure sufficient system performance and data security. The environment for the computer systems shall be in compliance with the manufacturer's standards for installation, power, and maintenance.
- 5.1.23.** Not modify in any respect software or associated data structures provided by the Department of Education without the prior written approval from the superintendent of public instruction or his or her designee.
- 5.1.24.** Maintain physical security of MRSC premises so as to prevent intrusions and unauthorized access.
- 5.1.25.** Develop, implement and communicate a data release policy. The policy shall describe the process for requesting a release, return, or transfer of data. A release, return, or transfer of data shall occur no later than ten business days following the user entity's request, unless otherwise specified and agreed upon by both the user entity and MRSC.
- 5.1.26.** Otherwise comply with all requirements of OAC §§ 3301-03-04; 3301-03-06; 3301-03-07.

52. For purposes of this policy:

5.2.1. "Core services" are the minimum set of state-subsidized information technology services that each information technology center is required by the Ohio Department of Education to offer its user entities. This minimum set of information technology services shall be determined through policies issued and guidelines periodically communicated by the Ohio Department of Education. These services may include, but are not limited to, the following:

52.1.1. Fiscal services, including accounting (cash basis with generally accepted accounting practice extensions), payroll/personnel, and fixed asset accounting;

52.1.2. Student records management, including provisions for student scheduling, grade reporting, attendance tracking, and tracking of special education needs;

52.1.3. State-mandated data reporting, including access to the appropriate department databases and software applications;

52.1.4. Library automation, curricular resources, and educational technology services to support academic content standards and effective instruction; and

52.1.5. Internet access and networking services, including email and the support of data exchange within MRSC's user entities and across different information technology centers and their user entities.

5.2.2. "ADM" means total average daily membership by school building and district as certified by the department from data collected from districts during the designated EMIS counting period.

5.2.3. "User entity" means any organization authorized by the department to utilize the services of an information technology center. Such a user entity shall have voting representation in the information technology center. The user entity may be any district or community school as defined in the Ohio Administrative Code or any other public entity as determined by the Ohio Department of Education.

6. GIFTS, BEQUESTS AND DONATIONS

6.1. Subject to applicable ethics requirements, MRSC may accept gifts, bequests and donations of money and other property. MRSC may honor conditions attached to the receipt of such gifts, bequests and donations so long as such conditions do not cede any portion of control of MRSC from its governing authorities.

62. Any gifts, bequests or donations of money accepted by MRSC shall be deposited with the Fiscal Officer for MRSC who shall, in a timely manner, deposit such funds in accordance with MRSC procedure in the appropriate account.
63. The Executive Director is authorized on behalf of MRSC to accept gifts, bequests or donations to MRSC. The Executive Director or designee shall direct the distribution and use of any accepted items of tangible personal property other than money.

7. **GRANT FUNDS**

7.1. Receipt of Grants

- 7.1.1. The Board of Directors recognizes the beneficial role grants can play in carrying out the mission of MRSC to expand access to technology, maximize efficiency in the operation of schools, libraries, and local governments and to provide better solutions in administrative, finance, student, document management, IT and network services.
- 7.1.2. The Business Manager shall periodically review for grant opportunities both at the State and Federal Level. Additionally, any staff member, client or community member may bring to the attention of the Executive Director grants which may be available to MRSC and which further its operational goals.
- 7.1.3. The Executive Director shall review and approve all grant proposals which MRSC plans to submit before presenting proposals for final approval of the Board of Directors.

7.2. Federal funds cost principles

- 7.2.1. The Fiscal Officer shall ensure that federal funds received by MRSC are administered in accord with all applicable federal and state requirements, program objectives, the Uniform Grant Guidance, and the specific terms and conditions of the grant. The financial management system shall include federal grant management standards and internal controls that track expenditures and costs of the grant award funds. Accounting practices will be consistent with federal regulations of cost principles and support the accumulation of costs as required and provide adequate documentation to support costs charged to the federal award. Budget controls and cash management written procedures will be implemented, and MRSC will ensure that the costs charged to each federal award is allowable and accurately documented.

7.2.2. **Cost Principles**

7221. Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under federal awards, and also must be used as a guide in

pricing fixed price contracts and subcontracts where costs are used to determine the appropriate price.

7222. Costs must be necessary and reasonable for proper and efficient performance and administration of the Federal award and allocable thereto under these principles.

7223. To determine whether a cost is reasonable in nature and amount, the standard of a reasonable, prudent person should be used. Factors in determining reasonableness include whether the cost is generally recognized as ordinary and necessary for the operation of MRSC or the proper and efficient performance of the federal award and requirements imposed by factors such as federal, state, and other local laws and regulations and terms and conditions of the federal award, as well as arms-length bargaining and sound business practices. Other factors to be evaluated include whether the individuals concerned acted with prudence in the circumstances considering their responsibilities, market prices for comparable goods or services in the geographic area, and whether there is any significant deviation from established practices and policies on incurring costs that could increase the federal award's cost.

7224. While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether MRSC can demonstrate and prove that the cost addresses an existing need.

7.2.3. Allowable costs

7231. When determining whether a cost is allowable, consideration may be given to whether the cost is needed and reasonable for performance of the federal award, conform to any limitations or exclusions set forth in federal regulations or the grant award, be consistent with policies and procedures that apply uniformly to activities of MRSC and the federally-financed activities, be determined in accordance with generally accepted accounting principles or as otherwise provided in federal regulations, and not be included as a cost to meet cost sharing or matching

requirements of any other federally financed program in the current or a prior period. In determining how grant funds are spent, the Fiscal Officer will review proposed costs to determine if it is an allowable use prior to obligating funds on the goods or services.

7232. Costs supported by federal education funds must meet the standards outlined in Education Department General Administrative Regulations (EDGAR) regarding grant awards. Expenditures must also be allocable under the applicable program, its regulatory guidance and grant award notifications. Other costs that may be allowable under federal grant and program standards must also comply with any MRSC policies on travel and expense reimbursement.

7.2.4. Necessary costs

7241. In the case of personal services, the Executive Director shall implement a system for MRSC personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated.

7242. In the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

7.2.5. Selected Items of Cost

7251. MRSC shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, MRSC staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, MRSC and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and MRSC personnel shall follow those rules as well.

7.2.6. Cost Compliance

7261. The Fiscal Officer shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Personnel responsible

for spending federal grant funds and determining whether a cost is allowable must be familiar with the Part 200 selected items of cost section and any rules specific to expenditures of that federal grant. MRSC personnel must check costs against the selected items of cost requirements to ensure the cost is allowable according to program-specific rules, federal regulations and applicable law. Questions related to cost compliance should be directed to the Fiscal Officer.

7.2.7. Direct and Indirect Costs

7271. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

7272. Indirect costs are those costs that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

7273. Direct and indirect costs will be determined according to the terms and conditions of the federal award, MRSC's negotiated indirect costs rate, and laws and regulations applicable to federal grant awards.

7.2.8. Timely Obligation of Funds

7281. Obligations are orders placed for property and services, contracts and sub-awards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

7282. The following table illustrates when funds are determined to be obligated under the U.S. Department of Education regulations. If the obligation is for:

7.2.8.2.1. Acquisition of property - on the date which MRSC makes a binding written commitment to acquire the property.

7.2.8.2.2. Personal services by an employee of MRSC - when the services are performed.

- 7.2.8.2.3. Personal services by a contractor who is not an employee of MRSC - on the date which MRSC makes a binding written commitment to obtain the services.
- 7.2.8.2.4. Public utility services - when MRSC receives the services.
- 7.2.8.2.5. Travel - when the travel is taken.
- 7.2.8.2.6. Rental of property - when MRSC uses the property.
- 7.2.8.2.7. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

7283.

Period of Performance

- 7.2.8.3.1. All obligations must occur on or between the beginning and ending dates of the grant project, known as the period of performance. The period of performance is dictated by statute and will be indicated in the Grant Award Notification ("GAN"). For direct grants, the period of performance is generally identified in the GAN. Specific requirements for carryover funds may be specified in the federal award and MRSC will administer such carryover as required by the federal award. Carryover will be calculated and documented by the Fiscal Officer.
- 7.2.8.3.2. An extension of the period of performance under a direct federal grant will be utilized according to the terms and conditions of the federal award and in compliance with notice provisions. Seeking an extension of the period of performance will be determined and recommended by the Executive Director, who will recommend the same to the Board of Directors for approval. In the case of a State-administered grant, obligations under a grant may not be made

until the grant funding period begins or all necessary materials are submitted to the granting agency, whichever is later. In the case of a direct grant, obligations may begin when the grant is, unless an agreement exists with ODE or the pass-through entity to reimburse for pre-approval expenses.

73. Cash Management of Grants

- 7.3.1.** In order to provide reasonable assurance that all assets, including federal grant funds and state and local funds are received, spent, and accounted for in compliance with federal regulations, the Executive Director and Fiscal Officer will implement internal controls in the area of cash management.
- 7.3.2.** Payment methods will minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and disbursement by MRSC, regardless of whether the payment is made by electronic fund.
- 7.3.3.** Forms and procedures required by the grantor agency or pass-through entity to request payment will be used. Grant fund payments shall be requested in accordance with the provisions of the grant. MRSC financial management systems will meet all standards for fund control and accountability as established by the awarding agency.
- 7.3.4.** The Fiscal Officer is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).
- 7.3.5.** When MRSC uses a cash advance payment method, the following standards shall apply:
 - 7351.** The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
 - 7352.** MRSC shall make timely payment to contractors in accordance with contract provisions.
 - 7353.** To the extent available, MRSC shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements,

audit recoveries, and interest earned on such funds before requesting additional cash payments.

7354. MRSC shall account for the receipt, obligation and expenditure of funds.

7355. Advance payments will be deposited and maintained in insured accounts whenever possible.

7356. Advance payments will be maintained in interest bearing accounts unless the following apply:

7.3.5.6.1. The MRSC receives less than \$120,000 in federal awards per year.

7.3.5.6.2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on federal cash balances.

7.3.5.6.3. The depository would require an average or minimum balance so high that it would not be feasible within the expected federal and non-federal cash resources.

7.3.5.6.4. A foreign government or banking system prohibits or precludes interest bearing accounts.

7357. MRSC may retain interest earned in an amount up to five hundred dollars (\$500) per year for administrative costs. Additional interest earned on federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances must include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) to assist in the timely posting of interest earned on federal funds. Pertinent details include the Payee Account Number (PAN) if the payment originated from PMS, or agency information if the payment originated from ASAP, NSF or another federal agency payment system.

74. Federal Procurement Procedures

7.4.1. This policy will serve to integrate and outline the federal requirements for procurement subject to the federal Uniform Guidance regulations. Supplies, materials, equipment and services expended from federal funds or matching funds will comply with all applicable laws, regulations, and administrative procedures, and Board policy. MRSC personnel with purchasing responsibility shall comply with Board Policies and state law regarding conflicts of interest in all matters related to selection, award, and administration of contracts.

7.4.2. MRSC may enter into intergovernmental entities, purchasing cooperatives, shared services contracts, lease or lease-purchase agreements as appropriate to achieve economy and efficiency in procurement. MRSC will seek to avoid the acquisition of unnecessary or duplicative items as required by federal procurement regulations. The Uniform Guidance procurement standards apply only to goods and services directly charged to a federal award, including sub-recipients of awards.

7.4.3. Purchase Methods

7431. When a request to purchase goods or services with federal funds has been submitted and approved, procurement will be based on determining the total cost of the purchased items or services as outlined in this policy.

7432. MRSC will use purchase orders for purchase requests in accordance with the applicable purchase method and maintain electronic purchasing records, which will be pre-numbered and accessible to designated personnel. Purchase requests must be submitted to Executive Director or immediate supervisor, approved, and then initiated by using a purchase order submitted to the Fiscal Officer. Documentation sufficient to detail the history of all procurements will be maintained according to the records retention schedule.

7433. Contracts shall be reviewed by the Executive Director prior to submission to the Board of Directors for approval. Contracts subject to the Uniform Guidance must, when applicable, contain the clauses required by 2 C.F.R. Part 200, Appendix II (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards).

7434. Micro-purchasing method

7.4.3.4.1. “Micro-purchase” means equipment, supplies or services for use in federal programs purchased using simplified

procedures, the aggregate amount of which does not exceed the most recent established micro-purchase threshold of ten thousand dollars (\$10,000). This method is used to expedite purchases and minimize administrative burdens and costs for the lowest cost small purchase transactions. Obtaining comparative quotes, bidding or small-purchase procedures may be used even if a purchase qualifies as a micro-purchase, if using a different method may result in cost savings.

7.4.3.4.2. Purchases may be made without soliciting competitive quotes if MRSC considers the price reasonable. “Reasonable” in this context means that sound business practices were used and the purchase price is comparable to market prices from the geographic area. Previous purchases of comparable or similar items may be used to determine reasonableness. Micro-purchases will be distributed equally among qualified suppliers offering substantially equivalent rates, prices, and terms for the same or materially interchangeable products. MRSC will maintain documentation of determinations of reasonableness according to its adopted records retention schedule and/or the terms of the federal award.

7435.

Small purchase method

7.4.3.5.1. Small purchases of equipment, supplies and services may use the simplified acquisition threshold for goods or services that cost more than the current micro-purchase amount and less than two hundred fifty thousand dollars (\$250,000). For federally-funded procurements of goods or services to which the Uniform Guidance applies, formal bidding will be used when the estimated total cost is at or over the then-current federal threshold. The federal small purchase threshold is adjusted periodically, and the most recent established threshold

amount published in the Federal Register will apply.

7436. Competitive Bidding

7.4.3.6.1. Procurement of goods and services over the threshold for small purchases from federal funds must conform to the standards articulated at 45 C.F.R. 92.36, Board of Directors policy and applicable state law and regulations. Formal competitive bidding will be used when the estimated total cost is over two hundred fifty thousand dollars (\$250,000). The federal competitive bidding threshold is adjusted periodically, and the most recent established threshold amount published in the Federal Register will apply.

7.4.3.6.2. Procurements subject to EDGAR in excess of the simplified purchase threshold must have a cost or price analysis performed, including contract modifications. The method and degree of analysis depends upon the facts of the procurement matter, but an independent estimate must be conducted by the Fiscal Officer. Similar prior procurements and a review process may be included in the evaluation. Profit will be negotiated as a separate element of price. The analysis of fair and reasonable process may include factors such as the industry profit rates in the geographical area for similar work, the complexity of the work, risk borne by the contractor, investment of the contractor, the quality of its record of work, and other factors listed at 2 C.F.R. 200.323(b).

7.4.3.6.3. Procurement transactions for federally funded goods and services subject to the Uniform Guidance must comply with requirements for full and open competition as provided in 2 C.F.R. 200.319, and take affirmative steps as provided in 2 C.F.R. 200.321 to include minority businesses, women's business enterprises and labor surplus area firms are used when possible.

Geographical preferences may not be used for federally funded awards subject to the Uniform Guidance except where expressly permitted.

- 7.4.3.6.4.** MRSC maintains bid protest procedures to address and resolve disputes that may arise regarding procurements and discloses information regarding the protest to the grant-awarding agency. State law and regulations and any grant specific procedures will be followed throughout the protest process and resolution.

7437. Sole Source Procurement

- 7.4.3.7.1.** Procurement from a single source may be used if the goods or services are available only from a single source, or if an emergency exists that cannot be delayed for the competitive bidding process, if the federal awarding agency or pass-through entity permits noncompetitive proposals, or if, after soliciting a number of sources, MRSC determines that competition is inadequate.

- 7.4.3.7.2.** MRSC will document its reason(s) for utilizing single source procurements and retain such documentation as required by the federal award, regulations and Board policy regarding records retention. A cost or price analysis will be performed when single source procurement is used for goods or services that exceed the then-current threshold amount.

7438. Suspension and Debarment

- 7.4.3.8.1.** MRSC awards contracts only to responsible contractors who have the ability to perform the terms and conditions of the procurement according to the terms of the contract. Factors such as contractor integrity, record(s) of past performance, compliance with laws and policies, and the financial and technical resources of the company will be considered.

7.4.3.8.2. MRSC will not award contracts or subcontracts, and will not award sub-grants, to any person or company that has been suspended or debarred. The MRSC will verify that the contractor is not excluded or disqualified by reason of suspension or debarment for all contracts over twenty-five thousand dollars (\$25,000). Contractors will provide written certification that they have not been suspended or debarred.

75. Subrecipient Monitoring

7.5.1. MRSC is responsible for monitoring the programmatic and financial activities of its subrecipients to ensure proper stewardship of sponsor funds. This policy addresses institutional responsibilities to ensure that, in addition to achieving performance goals, subrecipients comply with applicable federal laws and regulations, and the provisions of each subaward agreement. The Fiscal Officer has the responsibility for monitoring subawards. MRSC will designate only eligible individuals or entities as subgrantees in accordance with federal regulations and board policy. Subrecipients will be distinguished from contractors using federal guidance.

7.5.2. Subrecipients are defined as organizations eligible to receive a financial award and are responsible for performing a substantive portion of the program as opposed to providing goods and services, and have responsibility for programmatic decision-making. The performance of the subrecipients is measured against whether the objectives of the program are met.

7.5.3. MRSC will regularly monitor subgrantees as they implement subgrant awards. The monitoring will be sufficient to enable MRSC to identify any significant deficiencies or violations of the subgrantees, and track progress towards addressing any problem areas identified by monitoring. The extent and frequency of subgrantee monitoring will depend upon the nature of the subgrantee organization and grant program. An initial risk assessment will be performed to identify the level of monitoring needed. When performing risk assessments, the following will be considered:

7531. the dollar amount awarded;

7532. the number of subgrantees under a program award;

7533. the complexity of the program requirements;

7534. the experience of the subgrantee with the program;

- 7535. prior audit findings of subgrantees, if any;
- 7536. the internal controls of the subgrantee;
- 7537. and any negative findings during the current award period.

7.5.4. Regular monitoring should include a review of all cost allocation plans and indirect cost classifications, comparing budgeted to actual expenditures and reviewing allowability/reasonableness of expenditures, review of the financial and programmatic records and all reports of the subgrantee to ensure compliance.

7.5.5. MRSC will document its monitoring services and retain this documentation in accordance with MRSC records retention schedules and any program requirements. Documented events shall include, but are not limited to, the dates and times of onsite interviews, notes of interviews, descriptions of reviews or testing performed and the results, actions recommended and/or undertaken, and any audit report findings and responses. MRSC will provide technical support to ensure compliance by subrecipients. Requirements for pass-through entities as outlined in Subpart D, 200.330-332 will be maintained.

7.5.6. MRSC will meet all the requirements of a Circular A-133 Audit for the current fiscal year, and will confirm if there are or are not audit findings for the prior fiscal year single audit. If so, the findings, recommendations and management responses will be documented and retained.

7.6. Time and Effort Reporting

7.6.1. Control and Documentation Process

7.6.1.1. MRSC has implemented a system of internal controls and documentation that ensures that charges for employee compensation, which includes but is not limited to salaries, wages and fringe benefits through payroll against federal awards matches the actual time spent on various grant activities and are accurate, allowable and reasonable.

7.6.1.2. This documentation is incorporated into the official records of MRSC, reasonably reflects the total activity of MRSC personnel, and complies with MRSC's accounting policies and practices. Additionally, the reports will support the distribution of salary or wages if MRSC personnel work on more than one federal award or activity among those cost objectives or specific activities. Reports will encompass both federally assisted and other activities compensated by MRSC on an integrated basis.

7.6.13. Costs that are not allowable under other sections of the Uniform Guidance will not be allowable solely because they constitute personnel compensation. The District also will comply with any additional time and effort reporting requirements imposed by the pass-through entity.

7.6.2. Time Distribution Records and Split Allocation

7.6.2.1. Time distribution records will be maintained for all MRSC personnel whose salaries are paid in whole or in part with federal funds, or whose salaries are used to meet a match or cost share requirement for a federal grant. Allocation of salaries must be based on hours worked, and be documented using a reasonable method, which may include estimates on an interim accounting basis. If estimates are used on an interim accounting basis, they are subject to regular reconciliation with the actual time worked and charged against the award so that the final amount charged to the grant is verified as accurate and allowable. The total amount of time worked is included to calculate the portion allocable to the federal award. For non-exempt employees, the total number of hours worked each day must be included in the time and effort documentation. Personnel activity reports may be required if the records do not meet the standards prescribed by 2 C.F.R. 200.430.

7.6.3. Maintenance of Records

7.6.3.1. Records documenting the federal fiscal requirements of all federal grants will be maintained according to MRSC's adopted policies and in accordance with any federal regulations and pass-through entity requirements applicable to the grant. Records will be maintained in an accessible format that is capable of being searched and retrieved for audit.

7.6.3.2. At a minimum, the records maintained shall include the amount of federal funds, the total cost of the project, use of the funds, the share of the total cost of each project provided from other sources, significant project experiences and results, and such records as are necessary to show compliance with federal program requirements and which may be necessary to facilitate and effective audit.

7.6.3.3. A satisfactory report incorporating strong internal controls will include the grant identified by its project code, the time period of reporting, the funding source(s), the percentage of time allocated to each funding source, and what was

accomplished and the impact of that effort. The district personnel documenting their time and effort reporting form and two supervisors will sign the report(s).

7.634. The Fiscal Officer is responsible for the collection, maintenance, retention and production of employee time and effort reports.

8. INTELLECTUAL PROPERTY

81. The Board of Directors takes pride in the intellectual property of MRSC and the history and community it represents. The Board of Directors must act in a protective manner with regard to its trademarks and service marks in order to ensure that the integrity and goodwill of MRSC is maintained.

82. The meaning of “intellectual property” for purposes of this policy includes but is not limited to any copyrights, trade secrets, confidential information, patents, trademarks, trade dress, curriculum, tests & answer materials, instructional texts, ideas, concepts, plans, business plans, business concepts, techniques, inventions, drawings, artwork, logos, graphics, web pages, databases, software, programs, CGI’s, plug ins, applications, brochures, inventions, marketing plans and concepts, and all other ideas and work product of employees and agents of MRSC as they relate to the intellectual property of the Board of Directors.

83. Any intellectual property created by employees or agents of MRSC within the scope of their employment or agency, whether during work hours or after, and regardless of whether the creation of the intellectual property was mandatory or voluntary, such work shall be considered a “work made for hire” within the meaning of the Copyright Act of 1976 which can currently be found in Title XVII of the United States Code. In the event that a work of intellectual property is created by an employee or agent of MRSC within the scope of his or her employment or agency, such work shall be the property of the Board of Directors unless otherwise agreed to in writing by the employee or agent and the Board of Directors. Accordingly, the Board of Directors shall have the exclusive right to the ownership, duplication, distribution and sale of any such intellectual property.

84. The Board of Directors may authorize the pursuit of state and federal trademark, service mark and copyright protection.

9. INVENTORY AND DISPOSAL OF COUNCIL PROPERTY

91. The Council directs the Executive Director to implement an ongoing survey and inventory of Council-owned personal property and resources. Such inventory will enable each item to be scanned for purposes of tracking, maintaining, and disposing of it according to this policy.

92. The Council directs the Executive Director to undertake a periodic review of Council property that is no longer needed for Council purposes and authorizes the

Executive Director to identify such property and notify the Council of the need to direct that such property and assets be sold or otherwise disposed. Personal property may be disposed of by sale, trade, donation to an eligible charitable entity, or discard as necessary.

93. The Executive Director shall cause a determination of value by a reasonable method to be made of such property, and shall endeavor to obtain value for it unless it is obsolete or in poor condition. The Executive Director also may donate personal property to an eligible charity as provided by law after attempting to obtain value for the property and complying with notice provisions.
94. When property, equipment or other assets of the Council have been determined to no longer be needed to perform their assigned functions at present or in the future, the Council complies with federal and state laws and regulations concerning disposal.
95. Disposal of real property owned by the Council worth more than ten thousand dollars (\$10,000) may be offered to governmental entities. If no governmental entity purchases the property, it will be publicly auctioned with 30 days prior notice in a newspaper of general circulation in the territory of MRSC and its members. The Council may reject any and all bids received. If the real property is not sold at auction, the Council may sell the property on whatever terms it deems reasonable.

10. **INVESTMENTS**

101. The Board of Directors authorizes the Fiscal Officer to make investments of available monies from the funds of the Council in securities authorized by State law. These shall include:
 - 10.1.1. bonds, notes, or other obligations of or guaranteed by the United States, or those for which the faith and credit of the United States is pledged for payment of principal and interest thereon but does not include stripped principal or interest obligations of such obligations;
 - 10.1.2. bonds, notes, debentures, or any other obligations or securities directly issued by a Federal government agency or instrumentality;
 - 10.1.3. interim deposits in Board-approved depositories;
 - 10.1.4. bonds and other obligations of the State, or the political subdivisions of this state, provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply:
 - 10.1.4.1. the bonds or other obligations are payable from the political subdivision's general revenues and backed by the full faith and credit of the political subdivision

- 10.142.** bonds or other obligations are rated, at the time of purchase, in the three (3) highest classifications established by at least one (1) nationally recognized standard rating service and purchased through a registered securities broker or dealer
- 10.143.** aggregate value of the bonds or other obligations does not exceed twenty percent (20%) of interim monies available for investment at the time of purchase, and
- 10.144.** Fiscal Officer is not the sole purchaser of the bonds or other obligations at original issuance
- 10.1.5.** no-load money market mutual funds consisting exclusively of obligations described in A. and B. above or repurchase agreements secured by such obligations, provided such investments are made only through eligible institutions authorized by R.C. 135.03;
- 10.1.6.** the Ohio Subdivision Fund (STAR Ohio).
- 102.** Under no circumstances may the Fiscal Officer invest in a derivative as defined by the Revised Code, reverse repurchase agreements, or other funds prohibited by law. The Fiscal Officer shall also not make investments which s/he does not reasonably believe can be held until the maturity date or leverage any investment.
- 103.** No investment shall be made under division (D), as described above, unless the Fiscal Officer has completed additional training that has been approved by the Treasurer of State and is either conducted by or provided under the supervision of the Treasurer of State.
- 104.** The Fiscal Officer is also authorized to enter into written repurchase agreements with any eligible institution in accordance with R.C. 135.03 provided that under the terms of the agreement the eligible institution agrees unconditionally to repurchase any of the securities listed in divisions (A) through (E), above. Such agreements may be either overnight or within a time not to exceed thirty (30) days and must comply with the requirements of R.C. 135.14(E).
- 105.** Upon a two-thirds (2/3's) vote of its members, the Board of Directors may authorize the Fiscal Officer to invest up to a maximum of forty percent (40%) of the Council interim funds in either of the following:

 - 10.5.1.** Commercial paper notes issued by a for-profit corporation, business trust or association, real estate investment trust, common-law trust, unincorporated business, or general or limited partnership which has assets exceeding \$500,000,000. Such notes must:

- 10.5.2.** be rated at the time of purchase in the highest classification established by at least two (2) nationally recognized standard rating servicers;
 - 10.5.3.** have an aggregate value that does not exceed ten percent (10%) of the outstanding commercial paper of the issuing entity;
 - 10.5.4.** mature not later than 270 days after purchase; and
 - 10.5.5.** be limited to the aggregate of five percent (5%) of interim monies available for investment at the time of purchase, when issued by a single issuer.
- 106.** No investment shall be made under this provision unless the Fiscal Officer has completed additional training that has been approved by the Treasurer of State and is either conducted by or provided under the supervision of the Treasurer of State.
 - 107.** Bankers' acceptances of banks that are insured by the Federal Deposit Insurance Corporation ("FDIC") and that mature no later than 180 days after purchase.
 - 108.** Investments made by the Fiscal Officer must mature within five (5) years from the date of settlement, unless they are matched to a specific obligation or debt of the District.
 - 109.** The Fiscal Officer shall prepare annually and submit to the Board of Directors, the Superintendent of Public Instruction, and the Auditor of State, on or before August 31st, a report listing each investment made pursuant to (A) and (B) above, during the preceding fiscal year, income earned from such investments, fees and commissions paid in connection with the investments, and any other information required by the Board, Superintendent, and the Auditor of State.
 - 1010.** The purpose of the investments is to maximize the returns on the District's excess cash balances consistent with safety of those monies and with the desired liquidity of the investments.
 - 1011.** In making investments authorized by R.C. 135.14, the Fiscal Officer may retain the services of an investment advisor, provided the advisor is licensed by the Division of Securities under R.C. 1707.141, or is registered with the Securities and Exchange Commission and possesses experience in public funds investment management, specifically in the area of State and local government investment portfolios, or the advisor is an eligible institution in accordance with R.C. 135.03.
 - 1012.** Whenever the Fiscal Officer classifies public money as interim funds, the Fiscal Officer must notify the Board of Directors within thirty (30) days. If the Board of Directors does not agree with the Fiscal Officer classification or investment(s), the Board of Directors may order the Fiscal Officer to sell or liquidate any

investment(s) or deposits. The Board of Directors' order will specifically describe the investment(s) or deposit(s) and fix the date upon which they are to be sold or liquidated for cash at the current market price. Neither the Fiscal Officer nor the members of the Board of Directors will be held accountable for any loss occasioned by sales or liquidations of investment(s) or deposit(s) at prices lower than their cost. Any loss or expense incurred in making such sales or liquidation is payable as other expenses of the Fiscal Officer's office.

- 10.13.** Unless the Council's annual portfolio of investments is \$100,000 or less, the Fiscal Officer must place on file with the Auditor of State a written investment policy that has been approved by the Board of Directors and signed by all entities conducting investment business with the Board. Earnings on an investment may become a part of the fund from which the investment was made, unless otherwise specified by law.
- 10.14.** The Fiscal Officer, acting in accord with the law, may withdraw funds from approved public depositories or sell negotiable instruments prior to maturity.
- 10.15.** Provided the Board of Directors has no outstanding obligation(s) with respect to a loan received under the authority of R.C. 3313.483, the Treasurer of State and the Board of Directors issuing obligations under R.C. Chapter 133 that mature within one (1) year from the original date of issuance may enter into an agreement providing for:
 - 10.15.1.** the purchase of those obligations by the Treasurer of State on terms and subject to conditions set forth in the agreement;
 - 10.15.2.** the payment by the Board of Directors to the Treasurer of State of a reasonable fee as consideration for the agreement of the Fiscal Officer of State to purchase those obligations.

11. CREDIT CARDS

- 11.1.** The Board of Directors authorizes the use of Council credit cards in accordance with this policy. Credit cards may only be used to make purchases on behalf of the Council in connection with business operations. Purchases must serve a valid and proper public purpose. Credit cards may not be used to circumvent any purchasing procedures that are mandated by board policy, state and/or federal law.
- 11.2.** The Board of Directors authorizes the Executive Director to issue a credit card under his/her discretion.

11.3. Maintenance and Oversight

- A. A “credit card account” includes any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or otherwise transact with the account, and any debit or gift card account related to the receipt of grant moneys. The term expressly excludes any procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the account.
- B. Debit card accounts may not be used by an employee or agent of the Council except for the receipt of grant funds.
- C. The Fiscal Officer shall be responsible for maintaining control of all Council credit cards, checks and other presentation instruments related to the accounts. The Fiscal Officer/designee shall file an annual report with the Council which details all of the rewards received based on use of a Council credit card.

11.4. Issuance of Council Credit Cards

- A. The Council’s name must be included on all credit cards, checks and presentation instruments associated with a Council credit card account.
- B. Only the Fiscal Officer/designee may apply for or close a credit card account on behalf of the Council. The Executive Director will recommend to the board of directors the maximum limit for any credit card account not to exceed \$20,000 and the maximum limit of all credit cards combined, not to exceed \$60,000.
- C. An employee must promptly report any lost or stolen credit card to the Fiscal Officer. An employee’s failure to report a lost or stolen card within a timely manner may result in suspension of privileges, as well as discipline up to termination of employment.

11.5. Credit Card Purchases

- A. A credit card may be used to make the following purchases only if the purchases directly relate to Council operations:
 - a. Professional development expenses including conference registration fees, transportation, lodging;
 - b. Reasonable meal expenses for in or out of town travel;
 - c. Purchases from vendors that do not accept purchase orders;
 - d. Supplies and equipment;
 - e. Fuel and maintenance for MRSC vehicles.
- B. Credit cards may not be used for the following purchases:
 - a. Purchases for personal items, services, or alcohol;
 - b. Purchases from any individual or entity including a family member in violation of board policy or state ethics law; and

- c. Cash withdrawals.
- C. Employees must submit itemized receipts for all credit card purchases to the Fiscal Officer/designee within 10 days after the purchase is made. The Fiscal Officer/designee shall review all receipts for compliance with the law and board policy. An employee may be required to reimburse the Council for any purchase in which the employee fails to provide itemized receipts.
- D. Employees shall comply with the following practices at all times when using a Council credit card. Employees will:
 - a. Inform vendors that the Council is a government entity for tax exemption purposes;
 - b. Maintain credit cards in a secure location at all times when in the employee's possession;
 - c. Only make purchases from reputable vendors verified in advance by the employee;
 - d. Use reasonable care when purchasing any item over the telephone or from an online vendor;
 - e. Not permit anyone else to use the card for purchases;

11.6. Under state law, employees are liable in person and upon any official bond the employee has given to the Council for reimbursement of any amount for which the employee does not provide an itemized receipt. Employees who use credit cards to make unauthorized or illegal purchases may have their credit card privileges suspended or revoked and may be subject to discipline including termination of employment. Employees may be required to personally pay for any unauthorized or illegal purchase, including any charges or interest related to the purchase. Any suspected illegal activities that involve use of a Council credit card will be reported to the appropriate law enforcement or oversight agencies, including any applicable licensing board(s).

12. AUDIT POLICY

12.1. Council financial records are subject to audit by the Auditor of State's office as provided in Ohio Revised Code. The Board of Directors may request an independent audit with the Auditor's approval. The audit will be made available upon request, and a copy will be placed on file with the Auditor of State and in the Council offices.

13. AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS

13.1. The Board of Directors authorizes electronic transactions and transfers of funds for any purpose including but not limited to direct deposit, wire transfer, withdrawal, investment, or payment.

14. APPROPRIATIONS AND SPENDING PLAN

14.1. The operating budget shall be designed to carry out Council operations in a thorough and efficient manner and honor continuing obligations of the MRSC.

142. An annual appropriations resolution shall be developed and approved, in accordance with the Constitution, Program Agreement, and Policies of the MRSC. The appropriation measure shall provide for a sufficient amount of money to fund the programs of the MRSC.
143. The appropriations, amended appropriations, and updates shall be presented in such detail and form and at such times as the MRSC prescribes.

15. **APPROPRIATIONS IMPLEMENTATION**

151. The Board of Directors places the responsibility of administering the appropriations, once adopted by the Assembly, with the Executive Director. She/He may consult with the Fiscal Officer when major purchases are considered and shall keep the Board of Directors and/or Assembly, as appropriate, informed as to problems or concerns as the appropriations are being implemented.
152. The Executive Director shall be authorized to proceed with making financial commitments, purchases, and other expenditures within limits provided in the appropriations, limitations stated in Board policies, and within legal authority expressed in State statutes.
153. Financial reports shall be regularly submitted to the Board to keep members informed as to the status of the appropriations and overall financial condition of the Council.
154. As a part of the regular fiscal report to the Board of Directors, the Fiscal Officer shall include any occurrences of non-compliance with Ohio Budgetary Law, as well as any occurrences that actual revenues are less than estimated revenues, including the available equity upon which the appropriations from the fund were based. The Executive Director shall present to the Assembly recommended amendments to the General Appropriations Act that will prevent expenditures from exceeding revenues. Such recommendations shall be in accordance with requirements of the law.
155. The Executive Director and Fiscal Officer may move appropriate funds from one code to another within the appropriations measure as permitted by law and regulations of the Council. Such changes must be approved by the Board of Directors. Increasing appropriations must be approved by the Assembly.

16. **PURCHASES**

161. **Quotations and Bids**

- 16.1.1. It is the policy of the Board of Directors that the Executive Director seek at least two (2) price quotations, whenever possible, on purchases of more than \$50,000 for an item or service for which competitive bidding is not required, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the Council.

16.1.2. The Executive Director shall ensure that the specifications for any public improvement project for which bids are solicited do not require any bidder to:

16.1.2.1. enter into agreements with labor organizations on said public improvement; or

16.1.2.2. enter into an agreement that requires its employees to become members of or pay fees or dues to a labor organization as a condition of employment or continued employment.

16.1.3. Bids shall be sealed and shall be opened by the Fiscal Officer and/or the Executive Director in the presence of at least one (1) witness.

162. Soliciting of Bids

16.2.1. Where applicable, the Board shall approve drawings, specifications and an estimate of cost and also authorize the solicitation of bids by resolution.

163. Award of Bids

16.3.1. The Board, by resolution, may award a bid to the lowest responsive and responsible bidder. For a bidder to be considered responsive, the proposal must respond to all bid specifications in all material respects and contain no irregularities or deviations from the bid specifications which would affect the amount of the bid or otherwise provide a competitive advantage. For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

16.3.1.1. the experience (type of product or service being purchased, etc.) of the bidder;

16.3.1.2. the financial condition;

16.3.1.3. the conduct and performance on previous contracts (with the Council or other agencies);

16.3.1.4. the bidder's facilities;

16.3.1.5. management skills;

16.3.1.6. the ability to execute the contract properly;

16.3.1.7. a signed affidavit ensuring that neither the bidder nor any sub-contractor has entered into an agreement with any labor organization regarding the public improvement project.

164. Awarding of Bids

16.4.1. The Board shall be informed of the terms and conditions of all competitive bids and of the contracts awarded as a consequence of such bids. Bid solicitation documents issued on behalf of the Board shall reserve the Board's right to reject any or all bids and to waive minor defects and irregularities.

165. Limitations

16.5.1. All purchases that are within the amount contained in the function of the appropriation may be made upon authorization of the Executive Director.

16.5.2. The Fiscal Officer and Executive Director are authorized to adjust appropriations within a fund in order to make necessary purchases and shall report such modifications at the following regular Board meeting.

166. Then and Now Certificate

16.6.1. If the Fiscal Officer can certify that both at the time of the purchase and at the time of certification, sufficient funds were available or in the process of collection, to the credit of the respective fund, properly appropriated and free from previous encumbrance, the expenditure may be authorized. The Board may approve such payment within thirty (30) days from receipt of such certificate, except as provided in 16.6.2.

16.6.2. Amounts of less than three thousand dollars (\$3,000) may be paid by the Fiscal Officer upon completion of the "then and now" certificate, provided that the expenditure is otherwise lawful.

16.6.3. The Executive Director is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the Council in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

167. "Super Blanket" Certificates

16.7.1. The Fiscal Officer may issue "super blanket" purchase orders (certificates) for any amount for expenditures and contracts from a specific line-item appropriation account in a specified fund for most professional services, fuel, oil, food items, and any other specific recurring and reasonably predictable operating expense. Such a purchase order (certificate) shall not extend beyond the fiscal year.

16.7.2. Contracts for Development and Improvement of Facilities

16.7.3. All contracts for professional design services shall be subject to the selection procedures required by law applicable provisions of law.

168. Lease-Purchase Agreements

16.8.1. The Council may acquire property and equipment by lease-purchase agreement where doing so is advisable to the Council.

169. Exemptions from Competitive Bidding

The Board shall not be required to competitively bid purchases in the following circumstances:

16.9.1. the acquisition of educational materials used in teaching

16.9.2. if the Board elects and declares by resolution to participate in purchase contracts, in accordance with R.C. Chapter 125 and the terms and conditions prescribed by the Department of Administrative Services

16.9.3. if the Board determines and declares by resolution adopted by two thirds (2/3's) of its members that any item is available and can be acquired only from a single source

16.9.4. if the Board declares by resolution adopted by two-thirds (2/3's) of its members that the installation, modification, and/or remodeling subject to contracting is involved in an energy conservation measure undertaken through an installment payment contract under R.C. 3313.372 or pursuant to R.C. 133.06(G)

16.9.5. the acquisition of computer software and/or computer hardware

16.9.6. if the Board finds and determines that an urgent necessity exists with respect to a particular improvement

16.9.7. if improvements are related to the security and protection of school property.

16.9.8. if, pursuant to R.C. 9.48, the Board participates in a joint purchasing program, operated by or through a national or state association of political subdivisions in which the Board is eligible for membership or through the federal government or another political subdivision.

16.9.9. if supplies, services, or materials are to be purchased from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35

1610. Quantity Purchases

16.10.1. In order to promote efficiency and economy in the operation of the Council, the Board requires that the Executive Director periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

16.10.2. Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped but with staggered delivery dates, shall be made a part of the quote specifications.

16.11. Requirements

16.11.1. Before the Fiscal Officer places a purchase order, s/he shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the Council. All purchase orders shall be numbered consecutively.

16.11.2. In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

16.11.3. items commonly used by the Council and its customers, be standardized whenever consistency with educational goals can be maintained;

16.11.4. opportunity be provided to as many responsible suppliers as possible to do business with the Council. To this end, the Executive Director shall develop and maintain lists of potential suppliers for various types of supplies, equipment, and services;

16.11.5. Employees may be held personally responsible for anything purchased without a properly-signed purchase order or authorization.

16.11.6. The Board may acquire equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

16.12. Reverse Auctions

16.12.1 It is the policy of the Board to permit the use of a reverse auction to purchase services and supplies whenever it is determined that the reverse auction process will be advantageous to the Council (e.g., result in a cost savings to the Council). To that end, vendors may submit proposals when competing to sell services and/or supplies in an open environment via the Internet. While the reverse auction process may be used to purchase supplies such as equipment, materials, tangible assets and insurance, the process may not be used to purchase real property or interests in real property. The process may also be used to purchase services such as the furnishing of labor, time, or effort by a person, provided such services do not involve the delivery of a specific end product other than a report, and are not being furnished in connection with an employment agreement or collective bargaining agreement.

16.122 The Board will provide notice of the request for proposals and award contracts in accordance with the Executive Director's administrative guidelines. When competitive sealed bidding and/or competitive sealed proposals for the purchase of services or supplies are required by law, purchases made by reverse auction will satisfy such legal requirement.

17. COOPERATIVE PURCHASING

17.1. The Board of Directors recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent. The Board, therefore, encourages the administration to seek advantages in savings that may accrue to this Council through joint agreements for the purchase of supplies, equipment, or services with the governing body(ies) of other governmental units.

17.2. The Board authorizes the Executive Director to negotiate such joint purchase agreements for services, supplies, and equipment which may be determined to be required from time to time by the Board and which the Board may otherwise lawfully purchase for itself, with governmental contracting units as may be appropriate in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

17.3. Cooperative or joint purchases require an agreement approved by the Board and the participating contracting body(ies) which shall specify the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party and such other matters as may be deemed necessary to carry out the purposes of the agreement. Such agreements are subject to all legal bidding requirements.

18. VENDOR RELATIONS

18.1. The Board of Directors shall not enter a contract knowingly with any supplier of goods or services to this Council under which any Board member or officer, employee, or agent of this Council has any pecuniary or beneficial interest, direct or indirect, unless the person has not solicited the contract or participated in the negotiations leading up to the contract. This prohibition shall not prevent any person from receiving royalties upon the sale of any educational material of which she/he is the author and which has been properly approved for use by the Council.

18.2. Board members and school personnel shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, Board members and Council personnel shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, Board members or Council personnel who recommend purchases, shall not enter into a contractual arrangement with a vendor seeking to do business with the Council, or a vendor with whom the Council is doing

business, whereby an individual board member or member of the Council staff receives compensation in any form for services rendered.

- 183.** Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a Board member or member of the MRSC staff receives such compensation, albeit unsolicited, from a vendor, the Board member or MRSC staff member shall notify the Fiscal Officer, in writing, that she/he received such compensation and shall thereafter promptly transmit said compensation to the Fiscal Officer at his/her earliest opportunity.
- 184.** Nothing herein shall prevent a Council employee, who is not in a position to negotiate or authorize a contract with a vendor, from accepting a discount on goods purchased for personal use from a vendor with whom the Board does business (i.e., that has a contract with the Board) provided the vendor (a) extends the same discount to all of its customers and does not limit it to officials and employees of the Council, (b) offers a uniform discount to all eligible Council employees, without limiting the offer to employees with official duties or responsibilities affecting the vendor's financial interest, and does not offer the discount to Council employees in exchange for the performance of their public duties. Board members and/or Council personnel who negotiate or authorize a vendor's contract are prohibited from accepting any discount offered by the vendor for his/her personal use. Such individuals also shall not suggest that the vendor offer an employee discount as part of the public contract.
- 185.** All sales persons, regardless of product, shall clear with the Executive Director's office before contacting any personnel of the Council. Purchasing personnel shall not show any favoritism to any vendor. Each order shall be placed in accordance with policies of the Board on the basis of quality, price, and delivery with past service a factor if all other considerations are equal.
- 186.** In accordance with State law and the Council's adopted policies, a criminal background check is required of any employee, including individuals employed by a private company/vendor under contract with the Board to provide essential school services who will work within the Council in a position which does not require a license issued by the State Board of Education, is not for the operation of a vehicle for student transportation, but does involve routine interaction with a child or regular responsibility for the care, custody or control of a child.

19. CELL PHONE ALLOWANCE

The Council shall provide all full time staff with a cell phone allowance to contribute to the service subscription for each such full time staff member. Full time staff members also will be provided with a biannual equipment allowance to facilitate the purchase of new cell phones.

19.1. Amount of the Allowance.

19.1.1. The cell phone allowance shall be paid as follows:

Administrative staff: \$100.00 per month

Full time Staff: \$50.00 per month

Biannually, all full time staff members, including administrative staff shall receive an allowance of \$200 for the purchase of a new cell phone and related equipment upon request and presentation of a receipt for the purchase.

19.1.2. The allowance is not intended to compensate the employee's dollar-for-dollar cost for cellular service. Under no circumstances will the monthly allowance be more than the cost of the employee's monthly service plan plus an approved amount to cover the employee's cost of acquiring the device. Employees are not required to work more hours simply because they possess a cell phone. Providing the allowance does not constitute consent by the Executive Director for any overtime.

19.1.3. The allowance shall not serve as a substitute for a portion of the staff member's regular wages, and does not constitute an increase to base pay and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades or benefits based on a percentage of salary, etc. The Board will pay only the Board-approved allowance even if actual monthly costs exceed the allowance.

19.1.4. If an employee is absent for more than thirty [30] days on either a paid or unpaid leave of absence, the allowance will be temporarily discontinued (i.e. it will be prorated during the period of absence) unless the employee can demonstrate she/he needs the cell phone for essential business communications during the period of absence, and/or the Executive Director approves the continuation of the allowance.

19.1.5. To be eligible to receive the allowance, the employee must maintain the type of cellular telephone coverage and wireless Internet/data plan that is reasonably related to his/her job responsibilities. The employee must maintain an active cellular telephone service contract while the allowance is being provided.

19.1.6. In order to continue to receive the allowance, administrators are required to answer all business-related calls on his/her cell phone and promptly respond to any messages. In order to continue to receive the allowance, non-exempt employees are required to answer during their regular work hours all business-related calls on his/her personally-owned cell phone and promptly respond to any messages. Non-exempt employees are not permitted to work remotely via their personally-owned cell phone outside

regular work hours without prior authorization from their supervisor. In other words, unless they are directed to provide an immediate response, all e-mails/texts/calls should be responded to only during regular work hours. Non-exempt employees must maintain a written record of all time spent preparing and/or responding to e-mails/texts and placing and/or answering calls outside regular work hours.

- 19.1.7.** Provided the employee maintains and uses his/her personally-owned cell phone for business purposes as described herein, the allowance should not be considered additional income to the employee (i.e., the allowance will be treated as a non-payroll reimbursement of a business expense – similar to mileage reimbursements – and no payroll taxes will be withheld from the employee’s paycheck for the amount of the allowance and the amount of the allowance will not be reported as wages on the employee’s year-end W-2 statement).

192. Employee's Responsibilities

- 19.2.1.** The employee is responsible for choosing his/her cell phone, the voice and/or wireless data plan, and the service provider. Since the cell phone is the employee’s personal property, the cell phone may be used for personal calls (see below concerning the making of personal calls during work time) and be combined or enhanced with other personal plans (i.e., the employee may also, at his/her own expense, add extra services or equipment features, as desired). The employee is responsible for paying all monthly service charges in full and on time. The Board does not accept any liability for claims, charges, or disputes between the service provider and the staff member. Because the employee is personally responsible for the cell phone, any replacement for loss or damage will be at the expense of the employee, with the exception of the \$200 bi-annual equipment allowance. Such replacement or repair must be completed promptly and the Executive Director must be notified if the employee will not be available by his/her cell phone for a period of time.
- 19.2.2.** Employees should contact the vendor/carrier through which they purchased their cell phone and their cellular telephone service (including wireless Internet/data service, if applicable) for support.
- 19.2.3.** Employees may contact the Council’s IT Department/Support Staff for consultation on the type of equipment to purchase if they are obtaining wireless Internet/data service in order to enable e-mail and calendar support through the Council’s servers (e.g., through Microsoft Exchange, Novell GroupWise, etc.) and to obtain assistance in setting up their device to connect to the Council’s servers. The Council’s IT Department/Support Staff will assist employees who have wireless Internet/data service with e-mail and calendar functionality.

193. Changing or Ending a Cellular Telephone Service Contract Early

19.3.1. If prior to the end of a cellular telephone and/or wireless Internet/data service contract, a personal decision by the employee results in the need to end or change the contract, the employee will bear the costs of any fees associated with the change or cancellation.

19.3.2. When selecting the duration of his/her cellular telephone and/or wireless Internet/data service contract, the employee should take into consideration the length of his/her Board-approved employment contract and not select a duration of the service contract that exceeds the employment contract. If the employee is non-renewed or voluntarily resigns while the service contract is still in effect, the Board will not be responsible for any fees associated with the employee's decision to subsequently change or cancel the contract.

19.3.3. Once the allowance is given to the employee to purchase a device, the cell phone remains the employee's personal property. However, upon termination, nonrenewal or resignation, the Board will immediately discontinue the monthly allowance.

194. Safe and Appropriate Use of Cell Phones

19.4.1. Employee safety is a priority of the Board, and responsible use of cell phones, requires safe use. Employees whose job responsibilities include regular or occasional driving and who use a cell phone for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call, reading or sending a text message, instant message or e-mail, or browsing the Internet. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options (e.g. headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving.

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

195. Duty to Maintain Confidentiality of Student Personally Identifiable Information – Public and Student Record Requirements

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

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

19.5.3. Additionally, wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or MRSC official using a cell phone may constitute public records if the content of the message concerns District business, or an education record if the content includes personally identifiable information about a student. Wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Council policy. Wireless communications that are student records will also be maintained pursuant to Council policy. Finally, wireless communications and other electronically stored information (ESI) stored on the staff member's personal WCD may be subject to a Litigation Hold. Staff are required to comply with Council requests to produce copies of wireless communications in their possession that are either public records or education records, or that are subject to a litigation hold.

19.5.4. Except in emergency situations, employees are prohibited from using devices, including cell phones to capture, record or transmit the words (i.e. audio) and/or images (i.e. pictures/video) of any student, staff member or other person in a school or while attending a Council-related activity, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a device to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the Executive Director.

196. Potential Disciplinary Action/Termination of the Cell Phone Allowance

19.6.1. Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a cell phone in any manner contrary to local, State or Federal laws will constitute misuse, and will result in immediate termination of the allowance.

19.7. Employee Use of Board-Owned Devices

19.7.1. The Council will provide Board-owned devices to certain employees who require specific equipment or similar technology to perform Council functions (e.g., school safety, physical plant maintenance, etc.) and expect never to use these devices for personal use. The Executive Director must approve such provisions.

20. ANTI-FRAUD

20.1. The Board of Directors expects all its employees to be honest and ethical in their conduct and to refrain from engaging in activities which may be fraudulent, illegal, or otherwise unethical. The Board will not tolerate such activities, and will investigate claims of suspected fraud or fraudulent activity and implement appropriate disciplinary measures, when necessary.

20.1.1. Scope

20.1.1.1. This policy applies to any fraud, or suspected fraud, involving employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties having a business relationship with the Council.

20.1.2. Policy

20.1.2.1. Fraud and fraudulent activity are strictly prohibited.

20.1.2.2. Each employee or agent of the Council shall be responsible for reporting any observed or suspected fraud or fraudulent activity to his/her immediate supervisor. If the employee's immediate supervisor is not available, responsive, or is the employee whose behavior is in question, the employee may report such information to the Executive Director. If the reported conduct relates to the Executive Director, the report may then be filed directly with the Board President.

20.1.2.3. All administrators shall attempt to investigate and verify any conduct that appears to constitute fraud within the areas of their responsibility.

20.1.2.4. All reporting and investigation shall be done in accordance with the Council's Whistleblower's AG 1411 (see also AG 3211 and AG 4211).

20.1.2.5. In addition to or instead of filing a written report with the supervisor or other Council authority, the employee may file a report using the Auditor of State's system for reporting fraud in accordance with Ohio law.

202. Notification

20.2.1. The Council shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee at the time of his/her employment. Each new employee shall confirm receipt of such information within thirty (30) days of beginning employment. Such information shall be included in the Council's Employee Handbook.

203. Fraud – Definitions

20.3.1. "Fraud" is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his/her legal injury. For purposes of this policy, fraud includes the misuse and/or misappropriation of public money by any Board employee member or official, or any office or Department of the Council.

20.3.2. The following are examples of prohibited acts:

- A. falsification of any Council record (particularly financial records) with the intent to conceal information to the Council's detriment or the individual's advantage
- B. forgery of a check, bank draft, wire transfer, or any other Council financial document
- C. unauthorized alteration of a financial document or account belonging to the Council
- D. misappropriation of funds, supplies, or other assets of the Council
- E. impropriety in handling or reporting money or financial transactions
- F. disclosing confidential and proprietary information to outside parties for personal gain (either directly or indirectly)
- G. asking for or accepting anything of material value from contractors, vendors, or persons providing services or materials to the Council, except as provided in gift policies
- H. unauthorized destruction, removal, or use of records, furniture, fixtures and/or equipment for personal gain (either directly or indirectly)
- I. misuse of State or Federal funds for other than their designated purposes

This list is meant to illustrate the types of activities that are prohibited. It is not comprehensive. Other misconduct of a similar nature is prohibited.

204. Confidentiality

20.4.1. The Council will maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with

the conduct of an appropriate investigation and its obligations under the Public Records Act. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

20.4.2. Except as authorized by the Executive Director or his/her designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other Council employees or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated allegations that are not privileged could harm an innocent individual's reputation and result in potential civil liability.

20.5. Non-Retaliation

20.5.1. Those who, in good faith, report suspected fraudulent activity will not be subject to any retaliation as a result of bringing the suspected misconduct forward. They will be subject to protection of the Whistleblower's Protection Act.

Metropolitan Regional Service Council
PART C: Employment Policies & Manual

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1. **Employee Policies**

11. The following policies shall be made available to employees of the Metropolitan Regional Service Council (hereinafter referred to as “MRSC”). These policies are subject to amendment, revision and/or deletion by the MRSC Assembly at any time. The policies will be posted to the NEOnet website.

2. **Job Descriptions**

21. MRSC shall create and maintain job descriptions for employment positions with MRSC. Such job descriptions shall not be considered to describe all possible duties an employee may be required to perform. Employees may be assigned duties consistent with, but not contained in the job description pertaining to their position.

3. **Staff Evaluations**

Staff performance will be evaluated by an employee’s immediate supervisor annually based on the performance factors and criteria selected by the Executive Director. Factors and criteria will be selected with the intent to provide constructive feedback to the employee that fosters professional growth and improvement. Evaluations will also be used by the Board of Directors and Executive Director to make future employment and operational decisions. Employees will receive written results of the evaluation for review and reflection. Evaluations shall not create an expectation of continued employment for any employee.

4. **Background Check Requirement**

41. All employees and volunteers shall be required to undergo fingerprinting and a criminal background check in accordance with R.C. 3319.39; 3319.31 and 109.574, as may be applicable, prior to initial employment or placement in a volunteer assignment. A background check shall thereafter be required every five years.

42. Applicants for employment who have a conviction for or have plead guilty to any offense listed in R.C. 3319.39(B)(1) shall not be employed. Employees who are convicted of or plead guilty or no contest to any offense listed in 3319.39(B)(1) shall be released from employment.

43. Volunteers who may have unsupervised access to children and who have been convicted of or have pleaded guilty or no contest to any offense listed in R.C. 109.572(A)(1) shall not be utilized as a volunteer.

44. Employees and volunteers must immediately notify their direct supervisor in the event that such employee or volunteer is arrested or charged with any offense listed in R.C. 3319.39(B)(1) or R.C. 109.572 as may be applicable.

5. Sick Leave

- 51.** Sick days for employees hired by MRSC shall be earned at the rate of one and one-quarter (1.25) days per month to a total accumulation of fifteen (15) days per year.
- 52.** In the event of personal illness, illness caused by pregnancy and illness or death in the employee's family, employees shall be able to utilize sick leave with pay for a reasonable number of days to the maximum number of days which he/she has accumulated.
- 53.** An employee wishing to utilize sick leave must complete the appropriate sick leave request for that purpose and when requested, provide medical evidence satisfactory to the Executive Director to justify the use of sick leave. Employees who are on sick leave for extended periods of time may be required to furnish a full return to work signed by the employees treating physician. MRSC reserves the right to obtain a second opinion or to require a fitness for duty exam for any employees returning from a leave of absence.

6. Vacation Leave

- 61.** Full time MRSC employees who work twelve (12) months per year are entitled to annual vacation with pay as follows:

New Hire (0-12 months)	Up to twelve (12) days pro-rated
1-5 years of service	Twelve (12) days
6 – 10 years of service	Seventeen (17) days
11- 20 years of service	Twenty (20) days
20+ years of service	Twenty-two (22) days
Administrative	Twenty-two (22) days

- 62.** Vacation for new hire employees shall be provided on a monthly basis beginning with each employee's hire date. After the first fiscal year of employment, vacation will accrue monthly based on the years of service vacation allotment as outlined above.
- 63.** If the Employee has taken less than their prorated vacation, the Employee will receive additional pay for up to one year of accumulated vacation time with the final pay check upon separation from employment.
- 64.** On an annual fiscal year basis, the employee may receive a one-time payment for up to ten (10) days of their accrued, unused vacation leave, in lieu of utilizing those vacation days. Such election must be made in writing to the Fiscal Officer by April 30 of the current fiscal year. Payment for accrued, unused vacation leave shall be based upon the employee's per diem rate of pay for the contract year at issue.

65. Vacation leave must be approved in advance by the employee's supervisor. The Executive Director, at his/her sole discretion, may deny vacation leave if it interferes with the organization's operations.

7. **Professional Leave**

71. With the advance written approval of the Executive Director, employees may be released from their duties with pay to attend professional meetings, conventions, workshops, etc., which are for the purposes of professional development or in furtherance of the operational objectives of MRSC.

72. An employee wishing to attend a professional meeting shall request leave in writing at least ten (10) days in advance of the meeting, including the nature and location of the meeting and submit said request to the Executive Director. Travel time should be included on the request for leave. The written request shall include an estimate of associated expenses involved with the conference, including registration, travel, lodging and meals, if applicable. The written request shall be made on the form provided.

73. The employee attending an approved professional meeting shall be reimbursed for expenses approved in advance by the Executive Director upon providing the Fiscal Officer actual itemized receipts documenting expenses advanced by the employee for attendance at said meeting, subject to expense reimbursement policies and guidelines of MRSC. Under no circumstances will expenses for alcohol be reimbursed.

8. **Military Leave**

MRSC complies with the Uniformed Services Employment and Reemployment Rights Act and Ohio laws regarding paid military leave for eligible full time employees. U.S. military reserve activities, including the Ohio National Guard, Ohio Defense Corps, Ohio Naval Militia or other reserve components of the military are entitled to an annual leave of absence for such activities pursuant to Ohio law. Employees entitled to such leave must give prior notice (thirty days if possible) to their immediate supervisor of impending military service as soon as reasonably possible and certification from the military authority issuing the orders. Military leave is unpaid, but benefits such as medical, disability insurance, and other benefits for which the employee is eligible are provided during the leave. Employees must contribute the same amount they ordinarily contribute for such benefits. Employees will be restored to their same position at the conclusion of leave, and no retaliation for the use of such leave will occur.

9. **Jury Duty**

Employees will receive their regular pay and benefits while serving on jury duty. Any payment made to the Employee for jury duty service must be remitted to MRSC. MRSC may require the Employee to provide official court documentation to verify an Employee's service on jury duty.

Employees must notify their supervisor in advance upon receipt of a summons or notice for jury duty. Employees must report their absence in accordance with Board policy and procedures before the start of each day that they will be absent for jury duty and must return to work if dismissed from duty for a day or more.

10. Unpaid Leave of Absence

10.1. Employees who have exhausted all paid leave available to such employee may be granted, with the approval of the Executive Director and at the sole discretion of the Board of Directors, an unpaid leave of absence up to two consecutive years, which may be extended or renewed upon approval of the Board of Directors. Employees who are granted an unpaid leave of absence may be permitted to maintain their health and dental insurance obtained through their employment but shall be responsible for the full amount of the premium being paid by the applicable deadline each month.

10.2. If a position is available, employees who are granted such leave of absence may return to work at their former position or a similar position for which such employee is qualified, at the direction of the Executive Director.

10.3. Employees for whom a leave of absence is granted under this Section due to serious illness or disability shall be required to provide a full duty release to work before they may be permitted to return. MRSC reserves the right to obtain a second opinion or to require a fitness for duty exam for any employees returning from a leave of absence. In the event MRSC requires a fitness for duty exam before an employee may return to work from an approved leave of absence, the employee shall be paid for time spent attending the examination at the employee's then current daily rate of pay. The cost of such exam shall be paid by MRSC.

10.4. Employees who are determined to be unable to perform the essential functions of their job, with or without a reasonable accommodation, may be required to take an unpaid leave of absence. Any involuntary unpaid leave of absence shall be in compliance with the requirements of R.C. 3319.13 and related statutes.

11. Involuntary Leave

An employee may be placed involuntarily on an unpaid leave of absence if the Board of Directors determines that the employee is unable to perform the essential functions of his/her job, with or without a reasonable accommodation. Involuntary leave may be for up to two (2) years in length.

The employee may be required to submit to a fitness for duty examination with a health care provider selected and paid for by the Board prior to being placed on an unpaid leave. The results of the examination will be maintained as a confidential medical record.

The employee will meet with the Executive Director/designee before being placed on involuntary leave. At the meeting, the employee will be provided with an opportunity to discuss the reason(s) for being placed on leave. The results of a fitness for duty will be

discussed at the meeting and considered by the Executive Director. After the meeting, the employee will be provided with written notice of the Executive Director's decision and the initial length of the leave.

Upon conclusion of the leave, the employee will return to a position with equivalent pay and benefits.

12. FMLA

121. MRSC follows the requirements of the Family Medical Leave Act ("FMLA"). The Board reserves its right pursuant to FMLA to designate qualifying leave as FMLA leave, including to retroactively designate FMLA leave in accordance with law.

122. Eligible employees may take up to twelve (12) work weeks of FMLA leave. While on FMLA leave, an employee will be placed on an unpaid status but will receive job protection and insurance benefits unless the employee has paid leave available. Employees must timely pay their portion of any health care premiums as applicable. Employees taking FMLA leave shall be required to use any available paid leave concurrently. The use of sick leave concurrently with FMLA must have a qualifying reason for the leave which also justifies the use of sick leave.

123. Employees are eligible to take FMLA leave if they have worked for the Board for at least twelve (12) months and for at least 1,250 hours over the past twelve (12) months prior to the leave request.

124. The twelve (12) month leave period is calculated by measuring forward from the date the staff member's first FMLA leave begins.

125. An employee may request FMLA leave to care for or bond with an infant, or for placement with the employee of a child for adoption or foster care. FMLA child care leave must be taken during the first twelve months after the child's birth or placement for adoption/foster care. The employee must request such leave as far in advance as possible, but no later than thirty (30) days prior to the anticipated date of the birth or adoption of the child. Said leave shall commence the day the employee is medically able to return to work and may continue for a period not to exceed 3 months or until the employee's contract expires, whichever occurs first. Child care leave must be taken for a continuous block of leave. Time taken off due to pregnancy-related complications will be counted as part of the employee's FMLA leave entitlement.

126. Intermittent leave for a single qualifying reason or reduced schedule leave may be taken in certain circumstances as provided in the FMLA and subject to all applicable approval processes provided in the law.

- 127. Eligible employees also may take up to twelve weeks of unpaid leave for any qualifying exigency arising out of the employee's spouse, son, daughter, or parent being notified of an impending active duty deployment or deployment in the United States military service branches.
- 128. Eligible employees may take up to twenty-six weeks of leave in a twelve month period to care for a covered service member with a serious injury or illness.
- 129. Administration of the military leave entitlements provided in 12.6 and 12.7 is in accordance with the FMLA.
- 1210. Notice of the need for FMLA leave must be given thirty (30) days in advance or as soon as is practicable, and must comply with MRSC's usual notice of leave requirements.
- 1211. MRSC may require appropriate certification of the need for leave, recertification, and second or third opinions as provided by law and regulation.
- 1212. Employees will be reinstated to the same or equivalent position upon returning from FMLA leave.

13. Holidays

Employees shall be entitled to the following holidays with pay provided they are scheduled to work and to do work the day immediately preceding the holiday and immediately following the holiday:

- | | |
|------------------------|----------------------------|
| New Year's Day | Labor Day |
| Martin Luther King Day | Thanksgiving Day |
| President's Day | Day after Thanksgiving Day |
| Good Friday | Christmas Eve |
| Memorial Day | Christmas Day |
| Juneteenth | New Year's Eve |
| Independence Day | |

14. Expense Reimbursement

141. Ordinary and necessary expenses incurred during job-related activities, travel or attendance at approved professional development will be reimbursed to employees, which includes travel expenses, meals, reasonable gratuity, lodging and transportation incident to travel. Original itemized receipts for all meals and travel related expenses must be submitted for reimbursement to be approved, along with a travel expense form according to established MRSC procedures. Alcohol will under no circumstances be reimbursed.

142. Travel must be booked in the most cost-effective and expeditious manner, and lodging should be within the cost of mid-range, reasonable hotels for the area of job-related travel. Travel and lodging requests to book must be pre-approved by

the Executive Director. Rental vehicles may be secured if other transportation is not cost-effective or available, and must be pre-approved by the Executive Director.

143. Any personal travel occurring before or after job-related travel expenses are the responsibility of the employee. Entertainment expenses not directly related to the job-related purpose of travel will not be reimbursed. The validity of any requested reimbursement for job-related expenses shall be determined by the Executive Director.

144. In the event a specific situation, event or meeting related to the work of MRSC arises, and is not covered by this general policy, pre-approval by the Executive Director is required.

15. **Insurance Benefits**

Employees shall receive health, dental and life insurance benefits in accordance with the terms of their individual employment agreement.

16. **Mileage Reimbursement**

MRSC reimburses employees for mileage on behalf of MRSC at IRS rate. On days on which an employee travels directly from home to a meeting; the employee is entitled to reimbursement for the lesser of the miles from home to meeting or the miles from MRSC to the meeting.

17. **Tuition Reimbursement**

17.1. MRSC employees may be reimbursed for the cost of tuition to complete coursework directly related to the employee's work assignment as determined by the Executive Director. Reimbursement will not exceed \$1,200 per fiscal year.

17.2. An employee shall provide an invoice that summarizes the cost of tuition and proof of payment, as well as an official transcript for each course in order to be reimbursed. The Employee must successfully complete the course with a C or higher, or pass a pass/fail course to be eligible for reimbursement. Payment for reimbursement shall be provided within 30 days after MRSC receives the required documentation. Reimbursement will be payable only while Employee remains currently employed by the Board.

17.3. If either MRSC or the employee terminate the employee's employment for any reason within two years after the date the employee receives reimbursement, the employee shall be responsible for paying MRSC back for the cost of tuition.

As a condition of accepting tuition reimbursement, the employee agrees to authorize MRSC to withhold any tuition owed from the employee's last paycheck.

174. An employee must receive pre-approval from the Executive Director for tuition reimbursement prior to enrolling in a course.

18. Severance

181. Each employee who is or was employed by MRSC for at least five (5) years and who elects to retire contemporaneously through the applicable State retirement system, while in the employ of MRSC, shall be paid one-quarter (1/4) of the employee's accumulated but unused sick leave to a maximum of 75 days.

182. The rate of pay for these days shall be the per diem rate of pay of the employee at the time of retirement. The per diem rate shall be computed by dividing the employee's annual salary as of the employee's last working day by the number of days the employee was contracted to work during the contract immediately preceding retirement. Overtime and other compensation earned in the year of retirement shall not be considered in calculating the per diem rate. For deceased employees who were eligible for severance at the time of death, the Board will pay the severance payment to the estate of such employee.

183. To be eligible for severance pay, the employee must be eligible to retire from the State retirement system as of his/her last date of employment and must actually retire from such State retirement system as evidenced by the receipt of retirement benefits from the State retirement system.

184. Employees must submit proof of retirement in order to receive severance pursuant to this policy. Severance benefits must be requested within 12 months of the employees last day of employment.

185. Receipt for retirement severance shall extinguish all accumulated sick leave the employee had accumulated in excess of the applicable severance days to be paid under this policy. Each employee may receive only one severance regardless of a subsequent return to employment with MRSC after retirement.

19. Attendance, Absence and Tardiness

191. Except for illness or emergencies, employees not on authorized leave are expected to be at work each scheduled workday. Any employee who is unable to report to work shall inform his or her supervisor prior to his or her scheduled starting time, unless circumstances make such reporting impossible. Calling off the same day of the absence is discouraged and may be subject to discipline if done more than once per year.

192. Any employee who does not report to work as scheduled and fails to notify his or her supervisor of an absence prior to his or her scheduled starting time shall be considered on an unauthorized absence and subject to disciplinary action, up to and including discharge.

193. Employees are expected to be at work on time and ready to work. Employees who are tardy may be subject to disciplinary action.

194. Weather Day Guidelines

194.1. As a service organization, it is important for MRSC to remain open in all but the worst weather conditions. In the event of inclement weather, the Executive Director, or a member of the leadership team, will notify employees whether there is an option to work from home rather than coming into MRSC. It is the employee's responsibility to check their email first thing in the morning to determine the operational status of MRSC for the day. If a "work from home day" is declared, employees are expected to log in per usual, as if they were in the office, and be responsible for monitoring their area of work responsibility for the employee's entire scheduled work day.

194.2. An employee may use his or her available vacation leave if his/her assigned office remains open in inclement weather and s/he cannot make it into the office. If no vacation leave is available, the employee will be docked for any such absence.

194.3. Working from Home

194.3.1. If you are working from home either on a weather day, or other approved "work from home day," you are expected to comply with the following guidelines:

194.3.2. Log in as you normally would as you work in the office.

194.3.4. Have a computer at home set up as a soft phone so you may be reached at your regular MRSC telephone number and conduct business on an MRSC number.

194.3.5. Monitor your area of responsibility and respond to issues accordingly.

194.3.6. The Executive Director reserves the right to vary from the above guidelines if a situation necessitates such variation.

20. Essential Operation Personnel (on call 24/7)

20.1. As a requirement to successfully execute the job responsibilities of staff designated as Essential Operational Personnel, MRSC requires that such

employees maintain a mobile smart phone device that supports voice and data messaging.

- 202. MRSC also requires Essential Operational Personnel to maintain a secure high-speed broadband Internet connection to enable the employee to access MRSC intranet in a timely and effective manner from home.
- 203. The cost of broadband internet access is the full responsibility of the employee.
- 204. Employees may be designated as Essential Operational Personnel by the Executive Director.

21. **Acceptable Use**

21.1. MRSC provides access to computer networks, electronic mail (“e-mail”), the internet, cellular phones, text messaging, and other information and communication technologies to certain employees to assist them in the performance of their jobs and to advance the operational mission of MRSC. MRSC systems do not serve as an open public forum. This policy is designed to help employees understand MRSC’s expectation for the use of those resources and to use those resources wisely.

21.2. **Ownership & Privacy**

21.2.1. MRSC’s network, e-mail and internet system (including any software and files downloaded via the internet into MRSC’s network), cellular telephone services, and other information and communication technologies (“MRSC technologies”) are the property of MRSC, subject to any previously existing trademark or copyright of the originator. Computer files, e-mail messages, browsing histories, text messages, and other information created, downloaded, uploaded or accessed on MRSC’s internet systems or other networks owned by MRSC are not the private property of any employee. **Employees should not have any expectation of privacy in their use of MRSC technologies.**

21.2.2. MRSC may limit network, e-mail, cellular service, and internet access to those employees who demonstrate a legitimate, job-related need for such use.

21.2.3. MRSC reserves the right to monitor, access, read, disclose, and use e-mail, texting, and internet browsing history on any MRSC-owned technologies or on any private devices used during the course of business without prior notice to the originators and

recipients of such communication. In addition, such communications may be monitored and reviewed by authorized personnel of MRSC to review for any violations of the law or Board policy, communications harmful to MRSC and its Board members, and staff, or for any other reason.

21.24. MRSC reserves the right to install software and systems that can monitor and record all network, e-mail, cellular phone, internet and any other usage of technologies owned by MRSC. MRSC reserves the right to do so at any time. Additionally, MRSC may inspect any and all files stored in private areas of the network or on cellular phones/other communication devices to ensure compliance with this Policy. Employees are prohibited from using any means to circumvent such measures including but not limited to privacy filters, counter surveillance programs and any other device or software which would interfere with monitoring by MRSC.

21.25. All existing Board policies apply to an employee's conduct with regard to the use of MRSC's network, e-mail, internet system, cellular telephone services, and other information and communication technology systems.

21.3. Network, E-mail, Internet, Cellular Telephone, and other Information and Communication Technology Use

21.3.1. MRSC technologies are to be used to advance the mission of MRSC and for job-related purposes, and not for an employee's personal use.

21.3.2. Notwithstanding the foregoing, incidental use of MRSC technologies by staff members is permitted as long as such use is limited in frequency and duration, does not interfere with the primary intended use of the system, and is initiated during non-work periods. Notwithstanding the provisions of this agreement, on an individual basis, some employees may be allowed to use cellular telephone services for both business and personal use. Such employee's personal use is subject to the same monitoring and review as described for other technologies in this agreement.

21.3.3. E-mail and attachments may be scanned for viruses at the mail server.

21.3.4. MRSC has installed a variety of security systems to assure the safety and security of MRSC's network. Any employee who attempts to disable, defeat, modify or circumvent any MRSC

security system will be subject to disciplinary action up to and including termination and possible criminal prosecution.

- 2135.** User ID's, passwords and e-mail addresses maintain individual accountability for network, e-mail and internet usage. Any employee who obtains an ID for network, e-mail or internet access must keep that password confidential. Sharing of user ID's or passwords is prohibited.

214. Prohibited Conduct

- 2141.** Employees may not use MRSC technologies to view, archive, store, distribute, edit, or record material that is threatening, harassing, fraudulent, pornographic, sexually explicit, profane, obscene, lewd, vulgar, intimidating, defamatory, discriminatory, a violation of civil rights, or is otherwise unlawful or inappropriate.
- 2142.** Employees may not use MRSC technologies to violate the law (including copyright law) or Board policy.
- 2143.** Employees may not access, transmit or otherwise disseminate confidential student information in violation of State or Federal law.
- 2144.** MRSC may use software, data, and records review to identify inappropriate or sexually explicit internet sites. Access from within MRSC's network may be blocked to all such sites that are known. If you find yourself connected inadvertently to a site that contains sexually explicit, offensive or other content that violates this Policy, you must disconnect from that site immediately. Inadvertent access to sites containing such content should immediately be reported to your immediate supervisor.
- 2145.** Employees may not use MRSC technologies to deliberately propagate any virus, worm, Trojan horse, trap door, or any other malicious program code.
- 2146.** Employees may not use MRSC technologies to knowingly disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- 2147.** Employees may not use MRSC technologies to download images or videos, software, programs, or applications unless there is a legitimate, job-related use for the material. Employees may not download entertainment software or games, or play games against opponents over the internet.

21.4.8. Employees may not participate in chat rooms or news groups except for those having a legitimate, job-related or educational purpose.

21.4.9. Employees may not use MRSC technologies for personal commercial or profit-making activities.

21.4.10. Employees shall not connect any wireless devices to MRSC network without prior authorization from MRSC's network administrator.

21.5. Discipline

21.5.1. Misuse of MRSC technologies in violation of this or any other Board policy, or in violation of the law may result in the revocation of access to MRSC technologies, along with appropriate disciplinary action, up to and including termination from employment and possible criminal prosecution.

22. Social Media Policy

22.1. Definition

22.1.1. The term "social media" includes, but is not limited to:

22.1.1.1. Social Networking Sites (Facebook, Myspace, Foursquare, LinkedIn)

22.1.1.2. Micro-blogging Sites (Twitter)

22.1.1.3. Blogs (including MRSC and personal blogs, as well as comments)

22.1.1.4. Video and Photo Sharing Websites (Flickr, YouTube)

22.1.1.5. Forums and Discussion Boards (Google Groups, Yahoo! Groups)

22.1.1.6. Online Encyclopedias (Wikipedia, Sidewiki)

22.2. Purpose

22.2.1. Social media is a powerful communication tool that has a significant impact on organizational and professional reputations. Because social media blurs the lines between personal voice and institutional voice, MRSC has created the following policy to clarify how best to enhance and protect personal and professional reputations when participating in social media for those who choose to use it.

22.2.2. It is your decision whether you will create or participate in on-line social media, social networking or other online publishing or discussion. MRSC prohibits participation in social media for an employee's personal use during the work day. Social media may be used to advance the mission of MRSC or otherwise for job-related purposes, but only with MRSC administration's knowledge and consent. All information posted by a MRSC employee on behalf of MRSC must comply with MRSC's personnel regulations, including regulations regarding use of MRSC's computers and network, and must be approved by the Executive Director's office. Employees are personally liable for anything they post to social media sites (except for approved postings as part of MRSC employment).

22.3. No Expectation of Privacy

22.3.1. Except as otherwise provided in MRSC's Data Security Policy, MRSC's network, email and Internet system (including any software and files downloaded via the Internet onto MRSC's network), cellular telephone services, and other information and communication technologies are the property of MRSC. Employees should not have any expectations of privacy in computer files, email messages, browsing histories, text messages, and other information created, downloaded, uploaded or accessed on MRSC's Internet systems or other MRSC-owned networks are not the private property of any employee. Employees are prohibited from using software or other methods to prevent monitoring of their use of MRSC's network.

22.4. Policies for All Social Media Sites

22.4.1. Employees have the right to participate in social media using personal equipment on their own time. MRSC prohibits all conduct, including online activity, disrupts MRSC's operations, or that may negatively impact MRSC's reputation, the reputation of its employees, or its municipal interests, or that may negatively impact the community at large. Such activity, even if engaged in on an employee's own time, may result in discipline up to and including termination of employment.

22.4.2. Separate Personal and Professional Accounts. MRSC employees should maintain separate personal and professional accounts while using all forms of social media. Employees must never use their MRSC e-mail account or password in conjunction with a personal social networking or social media site. When you might be perceived online as an agent of MRSC, you need to be

clear that you are sharing your views as an individual and not as a representative of MRSC.

- 2243. Do Not Use MRSC Logo or Make Endorsements.** Employees may not use MRSC logos, wordmarks, athletic logos, or any other marks or images on personal online sites, or use MRSC's name to promote or endorse any product, cause or political party or candidate.
- 2244. Protection of Confidential Information.** Employees shall not post confidential or proprietary information about MRSC, citizens, those served by MRSC services (especially, but not limited to, emergency or police services where information may be particularly sensitive), or MRSC employees. Employees shall use good ethical judgment and follow MRSC policies, as well as state and federal privacy laws.
- 2245. Be Respectful.** Employee may not use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in MRSC community.
- 2246. Respect Copyright and Fair Use Laws.** When posting, Employees must not infringe upon the copyright and intellectual property rights of others and of MRSC.
- 2247. Be Aware of Liability.** Employees are responsible for what they post on their own site and on the sites of others. Individual bloggers have been held liable for commentary deemed to be copyright infringement, defamatory, proprietary, libelous, or obscene. Increasingly, employers are conducting Web searches on job candidates before extending offers.
- 2248. Comply With any Applicable Codes of Conduct.** Various trades and professions have codes of conduct to govern the behavior of members. Online behavior deemed unbecoming will be reported as appropriate.

23. Employee Safety and Security

- 231.** It is the policy of MRSC to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements established by MRSC or by Federal, State or Local regulations. Employees must consistently use applicable safety equipment, wear safety belts and follow all Ohio traffic regulations. In the event of a workplace injury, report immediately in writing using provided forms.

232. Job Performance

232.1. Each employee of MRSC will be responsible for performing his or her job in a safe and efficient manner. Employees must wear appropriate safety devices when performing duties where the wearing of such safety apparel is required.

232.2. Employees who are aware of unsafe equipment or operating conditions must immediately report such conditions to their supervisors. Upon notification, the supervisor shall immediately, or as soon as practical, take action to correct the unsafe equipment or condition.

232.3. Employees who are on medication for treatment of an illness or health condition are required to report to their supervisor prior to operating any equipment or performing their assigned duties any potential side effects of such medication which may present an unsafe condition in the performance of his or her duties for the employee, for other employees, or the public.

233. Seat Belt Requirements. All employees operating or serving as passengers in vehicles pursuant to the performance of duties for MRSC will be required to consistently wear occupant restraining devices available in those vehicles.

234. Motor Vehicle Accident Reporting. Any employee operating a vehicle in the performance of duties for MRSC must immediately report all accidents, property damage, or liability claims to his or her supervisor. Failure to immediately report such accidents may result in disciplinary action.

234.1. Within 24 hours of the accident, the employee shall complete an accident report and submit it to their supervisor.

234.2. Any employee involved in an accident shall remain at the scene of the accident, cooperate with the directives of law enforcement officials and render assistance to others, if able or needed. Employees are not permitted to discuss an accident with any third parties other than law enforcement officers, nor are they permitted to admit fault or negligence or sign statements or releases of any kind.

234.3. Use of vehicles in the performance of duties for MRSC obligates an employee to adhere strictly to state and local traffic laws. Violations of any traffic law by an employee while operating a vehicle in the performance of duties for MRSC is subject to disciplinary action. Uninsurability as a result of excessive traffic violations may result in release from employment if driving is an essential part of the employee's responsibilities on behalf of MRSC.

24. Reporting Workplace Injury

- 241.** If an employee sustains any workplace injury, no matter how minor, he or she must report it to their supervisor immediately. In emergency situations, employees should seek immediate medical attention and complete the forms as soon as they are able to do so. Inform the medical provider that you were injured on the job.
- 242.** Employees must promptly fill out an accident reporting form and the first report of an injury, occupational disease or death (FROI) Bureau of Worker's Compensation form within twenty-four hours. This form must be filled out even if the injury is minor and the employee does not intend to seek medical attention.
- 243.** Employees will be given a list of preferred medical providers in the area.
- 244.** Injured employees must work closely with MRSC, the medical provider and the managed care organization to complete any required forms or examinations and follow up.

25. Ethics Policy

- 251.** The Ethics laws of the State of Ohio are applicable to the staff of MRSC. It is imperative that each staff member understand what ethical limitations are in place so that they may conform their behavior accordingly. MRSC staff should avoid even the appearance of ethical impropriety. If any staff member has a question about whether any particular action is in compliance with the ethics laws, that person should speak with their immediate supervisor. All MRSC officers and employees must adhere to the following standards in this policy.

252. Nepotism

- 252.1.** Staff members may not hire family members. For purposes of this policy, "family "member" includes a staff member's spouse; parents and step-parents; grandparents; children and step-children; grandchildren; and siblings and any other person related to the staff member by blood or by marriage who resides in the same household with the staff member.
- 252.2.** That an employee is related to another employee of MRSC is not in and of itself, a violation. This policy requires that no MRSC staff member have any influence or participation in the decision to hire a family member covered by this policy. Staff should not recommend family members for employment positions with MRSC. If a family member of a MRSC staff applies for a position, the conflicted staff member should have no involvement or input whatsoever into the matter.

253. Conflicts of Interest

253.1. Staff members are prohibited from having an interest in or using the authority or influence of their position to obtain an interest in a contract of MRSC that provides a benefit for themselves, their family members (defined above) and business associates. “Business associates” includes any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. Examples of a public official’s business associates include, but are not limited to, the official’s: (1) partners in a partnership; (2) co-owners of a business; (3) outside employer; and (4) co-members of an LLC.

253.2. Staff members are prohibited from selling goods or services to MRSC, in which the staff member has an interest. Staff members may sell goods or services to MRSC, if all of the following are met:

1. The goods or services are necessary goods or services for MRSC’s operations; and
2. Either the goods or services are part of a continuing course of dealing with the staff member that began prior to the employment relationship, or they are unobtainable elsewhere for the same or lower cost; and
3. The treatment that the staff member provides to MRSC is the same as, or better than, the treatment that the staff member provides to other customers or clients in similar transactions; and
4. The transaction is conducted at arm’s length, the agency has full knowledge of the staff member’s interest in the sale of goods or services, and the staff member has taken no part in the deliberations or decision with respect to the transaction.
5. MRSC desires to avoid even the appearance of impropriety and so it shall not purchase goods and services from staff members, even when the above factors are satisfied, unless it is determined to be in the best interests of MRSC to do so.

254. Gifts and Other Items of Value

254.1. MRSC officers and employees are prohibited from

254.1.1. Soliciting, accepting, or using the authority of the staff member’s public position to secure a gift,

meal, entertainment, or any other thing of value if it is of a substantial nature and is provided by someone that is regulated by, interested in matters before, or doing or seeking to do business with MRSC; and

25.4.1.2. Accepting anything, regardless of its value, if the item is provided to the staff member as compensation for the performance of the staff member's public duties.

25.4.2. Staff members who are offered a gift meal, entertainment, or any other thing of value by someone that is regulated by, interested in matters before, or doing or seeking to do business with MRSC, shall alert their immediate supervisor for consultation.

25.4.3. Employees who are required to file a financial disclosure statement with the Ohio Ethics Commission will do so in accordance with the law.

26. Outside Employment and Free Speech

26.1. An employee may engage in outside employment, including self-employment, as long as the particular employment does not interfere or conflict with the best interests of MRSC. Full-time employees, must obtain prior approval from the Director before any outside employment or other work is actually undertaken. Permission may be denied or rescinded for outside employment for any of the following reasons:

26.1.1. It requires the employee to be late or to leave early or otherwise interferes with work.

26.1.2. There would be a real or perceived conflict of interest.

26.1.3. It interferes with the employee's job performance.

26.1.4. In any other way results in a disadvantage to MRSC.

26.2. If an employee is granted permission to engage in some particular outside employment and it is determined by his or her supervisor that such employment is interfering with his or her job performance at MRSC, the employee will be required to resign immediately from the outside employment.

26.3. Employees may not use work equipment, supplies, vehicles, bandwidth, time, systems, processes, databases, or any other resource of MRSC to operate another business or solicit business for a private enterprise.

26.4. Employees may not use their position with MRSC to obtain financial benefits and may not accept honoraria for speaking or attending event on behalf of MRSC.

265. Employees may not use any confidential information obtained in the course of their employment to achieve a personal or professional benefit unrelated to their employment with MRSC.

266. Solicitation of any business, event or activity, or the expression of political views that cause disruption to the workplace or otherwise intimidates or harasses other employees is prohibited. Employees are cautioned in the expression of their personal beliefs and views not to imply that MRSC endorses or supports any particular issue, candidate, or cause. MRSC's name, letterhead, and logo may not be used for any solicitation or other outside activity without express written permission of the Executive Director.

267. The right of free speech is available to all citizens on matters of public concern, but does not extend to employee's speech pursuant to their official duties on behalf of MRSC.

27. Standards of Dress and Grooming

27.1. Employees are expected at all times to present a professional image to the public. In order to project an appropriate public image, employees shall wear proper attire and have an appropriate, well-groomed appearance. At its discretion, MRSC may allow employees to dress in a more casual fashion than is normally required. Such deviations for normal dress standards shall be at the discretion of the Director and shall indicate appropriate standards.

28. Drugs, Narcotics and Alcohol

28.1. Prohibitions and Requirements.

28.1.1. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent to provide a work environment that is free from the effects of drug and alcohol abuse. It is strictly prohibited to use or possess illegal drugs, controlled substances, narcotics, or alcohol on MRSC premises. Violations of this policy will result in disciplinary action, up to and including discharge, and may have legal consequences.

28.1.2. Employees must, as a condition of employment, abide by the terms of this policy and immediately report any charge or conviction(s) for alcohol or drug offenses occurring on or off duty. A report of a conviction or Alford plea must be made within five (5) days after the conviction

28.1.3. An employee that sustains a workplace injury accident while under the influence of alcohol or drugs not prescribed by his/her physician may be disqualified from worker's compensation

benefits. Employees may be required to submit to testing for the presence of drugs or alcohol after a workplace accident or injury.

282. Right to Search.

282.1. MRSC reserves the right to search all areas and property it fully controls or jointly controls with an employee.

283. Return to Duty Testing.

283.1. Any employee who is abusing drugs or alcohol may request a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to the Executive Director that the employee is capable of performing his or her job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other MRSC policies.

284. Tobacco. The use of any form of tobacco or nicotine delivery device including, but not limited to, vaporizers and electronic cigarettes is prohibited in all areas of buildings and premises owned or leased by MRSC and is also prohibited in all vehicles owned or leased by MRSC.

29. Weapons and Violence in The Workplace

29.1. Weapons.

29.1.1. It is unlawful and against MRSC policy for any person, other than a peace officer, to carry a firearm into any building owned, leased, occupied, or controlled by MRSC. This prohibition applies to all firearms, whether concealed or unconcealed, licensed or unlicensed.

29.1.2. No employee may have in his or her possession a weapon of any kind unless acting within the scope of employment. For purposes of this policy, weapon is defined to include, but is not limited to, a firearm, ordnance, knife with more than a three inch blade, stun gun, pepper spray or any other device or item commonly understood to be designed for inflicting bodily harm or damage.

29.2. Violence in the Workplace.

29.2.1. MRSC will not tolerate any acts of violence to either persons or property. An act of violence will be dealt with promptly utilizing administrative, managerial, and legal disciplinary actions to minimize risk to employees, citizens and property.

29.2.2. Aggressive or violent behavior will not be tolerated. Some examples of such behavior are: swearing at others; spreading

harmful rumors; threatening others; damaging MRSC property; vandalizing facilities; attacking or assaulting others; arson; sexual assault, etc.

2923. If you witness an aggressive or violent act, you must report the incident promptly to a supervisor. All threats and aggressive incidents will be taken seriously and promptly investigated. Such behavior may also be reported by a representative of MRSC to local law enforcement authorities.

2924. Employees are responsible for reporting to their Supervisor any threatening or dangerous situations occurring within the workplace.

30. Code of Conduct

30.1. The following actions by any employee are a violation of the code of conduct required of MRSC employees and shall be a ground for disciplinary action. Disciplinary action may include suspension, reprimand, or termination as warranted in the sole determination of MRSC. It is not possible to describe all behavior for which an employee could be subject to discipline, therefore, the following is meant as a guide and not as an exhaustive list.

30.1.1. Discourteous treatment of the public, member district or MRSC staff.

30.1.2. Failure to arrive on time to work or leaving work prior to the end of the work shift without authorization.

30.1.3. Failure to properly report an absence.

30.1.4. Falsifying a sick leave report, any doctor's or medical excuse, or any verbal or written statement that is used to obtain sick leave benefits.

30.1.5. Falsifying time sheets or payroll information.

30.1.6. Neglect or carelessness in signing in or out.

30.1.7. Unauthorized or excessive absence from work.

30.1.8. Failing to maintain a safe and orderly work environment.

30.1.9. Causing a disruption on the job.

- 30.1.10.** Engaging in malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language on MRSC property.
- 30.1.11.** Threatening, intimidating, coercing, or interfering with subordinates or other employees.
- 30.1.12.** Failure to cooperate with other employees as required by job duties.
- 30.1.13.** Unauthorized use of MRSC property and equipment or failure to use reasonable care of MRSC property or equipment.
- 30.1.14.** Wanton or willful neglect in the performance of assigned duties or in the care, use or custody of any MRSC property or equipment.
- 30.1.15.** Abuse or deliberate destruction in any manner of MRSC property, tools, equipment, or the property of MRSC staff.
- 30.1.16.** Unauthorized posting or removal of notices or signs from bulletin boards or MRSC property.
- 30.1.17.** Use or possession of another employee's working equipment without authorization.
- 30.1.18.** Intentionally or carelessly violating safety rules and practices.
- 30.1.19.** Obligating MRSC for any expense, service, or performance without authorization.
- 30.1.20.** Failure to report accidents, injury, or equipment damage.
- 30.1.21.** Disregarding job duties or neglect of work.
- 30.1.22.** Unsatisfactory work or failure to maintain required standard of performance.
- 30.1.23.** Insubordination by refusing to perform assigned work or to follow the reasonable directives of supervisors.
- 30.1.24.** Failure to maintain proper Federal and State licenses or certifications deemed by MRSC to be necessary for the position held.
- 30.1.25.** Unauthorized use of telephone for other than business purpose.

- 30.126.** Sleeping during working hours.
- 30.127.** Reporting for work or working while unfit for duty.
- 30.128.** Reporting for work while under the influence of drugs or alcohol or consuming drugs or alcohol while on work premises. This includes consuming prescription drugs which render the employee unable to perform job duties safely.
- 30.129.** Performing private or personal work on MRSC time during working hours.
- 30.130.** Solicitation on MRSC premises without authorization.
- 30.131.** The making or publishing of false, unlawful, vicious, or malicious statements concerning employees, supervisors, MRSC, or its operations.
- 30.132.** Falsifying testimony when accidents are being investigated, falsifying or assisting in falsifying or destroying any MRSC records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment.
- 30.133.** Making false claims or misrepresentation in an attempt to obtain any MRSC benefit.
- 30.134.** Willful failure to make required reports.
- 30.135.** Giving false testimony during a complaint or grievance investigation, or a pre-disciplinary conference.
- 30.136.** Use of abusive or threatening language toward MRSC employees or third parties.
- 30.137.** Unauthorized political activities on MRSC property.
- 30.138.** Gambling during working hours.
- 30.139.** Stealing or similar conduct, including destroying, damaging, or concealment of any property of MRSC or of other employees.
- 30.140.** Fighting or attempting injury to other employees, supervisors, or other persons.

- 30.141. Carrying or possession of firearms on MRSC property at any time without proper authorization and/or in violation of the law.
- 30.142. Misuse or removal of MRSC records or information without prior authorization.
- 30.143. Dishonesty or any dishonest action. Some examples of what is meant by “dishonesty” or “dishonest action” are: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or other property of MRSC or other employees without authorization; inserting slugs in vending machines without paying the proper charge therein; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms “dishonesty” or “dishonest action in any way.”
- 30.144. Any other act which is substantially similar to the above which involves the failure to serve the public or disrupt the functions of MRSC.
- 30.145. Violation of any provision of this Policy Manual or any other policy adopted by MRSC.

302. MRSC may take disciplinary action against any behavior including but not limited to the above that in MRSC’s sole discretion interferes with operations.

31. **Whistleblower Protections**

31.1. Ohio law protects employee who report certain criminal activity to their employers. MRSC does not tolerate criminal activities within its organization and encourages employees to report any criminal activities which an employee reasonably believes have occurred.

Employees must make an oral report to their immediate supervisor in the event the employee, in the course of his or her employment becomes aware of:

1. a violation of any state or federal statute or any local ordinance or regulation **that MRSC has the authority to correct**; and
2. which the employee reasonably believes is
 - a. a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety;
 - b. a felony; or
 - c. an improper solicitation for a contribution.

- 312.** After making the oral report, the employee shall, as soon as possible provide to that supervisor a written report that provides sufficient detail to identify and describe the violation.
- 313.** If MRSC does not correct the violation or make a reasonable and good faith effort to correct the violation within twenty-four hours after the oral notification or the receipt of the report, the employee may file a written report that provides sufficient detail to identify and describe the violation with any of the following which may be appropriate under the circumstances:
1. the prosecuting authority of the county or municipal corporation where the violation occurred;
 2. A police officer;
 3. the Inspector General if the violation is within the Inspector General's jurisdiction; or
 4. any other appropriate public official or agency that has regulatory authority over MRSC.
- 314.** Any supervisor or other MRSC official receiving such a report shall convey the report to the Executive Director or Assistant Executive Director immediately, unless the report concerns either the Executive Director or Assistant Executive Director. The supervisor or other MRSC official receiving the report shall, within 24 hours, notify the reporting employee, in writing, of any effort to correct the alleged violation or hazard or of the absence of the alleged violation or hazard.
- 315.** If an employee becomes aware in the course of the employee's employment of a violation of Chapter 3704 (air pollution), 3734 (solid and hazardous wastes), 6109 (safe drinking water), or 6111 (water pollution) of the Revised Code that is a criminal offense, the employee directly may notify, either orally or in writing, any appropriate public official or agency that has regulatory authority over MRSC.
- 316.** In the event an employee becomes aware that a **fellow employee** has committed a violation of any state or federal statute or any local ordinance or regulation, or any work rule or MRSC policy; and the employee reasonable believes that the violation is:
1. a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety;
 2. a felony; or
 3. an improper solicitation for a contribution.

Such employee shall immediately orally notify his or her supervisor or other responsible officer of the violation and shall provide a written statement that provides enough detail to identify and describe the violation as soon as possible after the oral report.

31.7. MRSC, its officers and supervisors shall not take any disciplinary or retaliatory action against an employee for making any report under this policy, so long as such reporting employee has made a reasonable and good faith effort to determine the accuracy of any information so reported, or as a result of the employee's having made any inquiry or taken any other action to ensure the accuracy of any information reported under this policy. MRSC, its officers and supervisors shall not take any disciplinary or retaliatory action against an employee for making any report under this policy concerning a fellow employee so long as such reporting employee has made a reasonable and good faith effort to determine the accuracy of any information so reported, or as a result of the employee's having made any inquiry or taken any other action to ensure the accuracy of any information reported under this policy.

For purposes of this policy, disciplinary or retaliatory action by the employer includes, without limitation, doing any of the following:

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

31.8. Employees about whom reports are made are forbidden from retaliating in any way against the reporting employee. Employees who engage in retaliation in violation of this policy shall be subject to discipline up to and including termination.

31.9. Employees must make a reasonable and good faith effort to determine the accuracy of any information they intend to report pursuant to this policy. Employees who submit false reports will be subject to discipline up to and including termination.

32. Unlawful Discrimination and Harassment

32.1. Unlawful Discrimination Prohibited

32.1.1. MRSC is an Equal Opportunity Employer and adheres to all laws prohibiting unlawful discrimination in employment practices. It is unlawful to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. It is also unlawful to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. Such acts shall not be tolerated by MRSC under any circumstances.

32.1.2. MRSC shall not consider an applicant's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information in making hiring and firing decisions, in advertising available work, in making work related referrals, in its recruitment efforts, or in making decisions regarding retention and promotion, pay and benefits, job assignments, and other terms and conditions of employment. MRSC shall not permit unlawful discrimination to take place in its operation and shall not permit retaliation against those who file a complaint about unlawful discrimination or discrimination or take part in investigations or other processes regarding the same. MRSC shall not engage in any workplace or job segregation based on membership in a protected class.

32.2. Definitions. The Following definitions apply to this Discrimination Policy. These definitions are not intended to be exhaustive lists of all possible examples of prohibited discrimination, and do not exclude from the reach of this policy such instances of discrimination which may not be particularly described below:

32.2.1. Race or Color

32.2.1.1. Race discrimination involves treating someone unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion.

32.2.1.2. Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color.

32.2.1.3. Discrimination can occur when the victim and the person who inflicted the discrimination are the same race or color.

32.2.2. National Origin

32.2.2.1. National origin discrimination involves treating an individual unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).

32.2.2.2. National origin discrimination also can involve treating people unfavorably because they are

married to (or associated with) a person of a certain national origin.

32.2.2.3. Discrimination can occur between individuals who are (or perceived to be) of the same national origin.

32.2.3. Religion

32.2.3.1. Religious discrimination involves treating a person unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs.

32.2.3.2. Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion.

32.2.3.3. Religious discrimination can occur between members of the same religion.

32.2.3.4. Unless doing so would cause more than a minimal burden on MRSC operations, MRSC will work with employees to reasonably accommodate their needs with regard to religious beliefs and other matters for which employees are entitled to a reasonable accommodation to enable such employee to perform his or her job. Where more than one accommodation would work, MRSC may choose the one that is less costly or that is easier to provide.

Examples of reasonable religious accommodations include, but are not limited to: flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices regarding dress & grooming and other matters.

32.2.3.5. Employees who may need an accommodation must request one from MRSC. This can be accomplished by contacting the Human Resources Coordinator.

32.2.3.6. Employees who are unable to perform the essential functions of their job, either with or without a reasonable accommodation will not be permitted to continue in that position and may have to separate from employment.

32.2.4. Age

32.2.4.1. Age discrimination involves treating someone less favorably because of his or her age.

32.2.4.2. Discrimination can occur even when the victim and the person who inflicted the discrimination are both over 40.

32.2.5. Disability

32.2.5.1. Disability discrimination occurs when an employer treats a qualified individual with a disability who is an employee or applicant unfavorably because she has a disability. Disability discrimination also occurs when an employer treats an applicant or employee less favorably because he or she has a history of a disability (such as cancer that is controlled or in remission) or because he or she is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he or she does not have such an impairment). The law also protects people from discrimination based on their relationship with a person with a disability (even if they do not themselves have a disability). For example, it is illegal to discriminate against an employee because his or her husband has a disability.

32.2.5.2. An “**individual with a disability**” is a person who is qualified for the job at issue and who:

32.2.5.2.1. Has a physical or mental impairment that substantially limits one or more major life activities;

32.2.5.2.2. Has a record of such an impairment;
or

32.2.5.2.3. Is regarded as having such an impairment.

32.2.5.3. A “**qualified employee or applicant**” is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job in question.

32.2.5.4. Upon request, MRSC will provide reasonable accommodations to qualified employees or applicants with a disability where such accommodations do not impose an undue hardship, do not negatively impact quality or production standards, does not require the employer to provide personal use items not required by law. Undue hardship means that the accommodation would be too difficult or too expensive to provide, in light of the employer's size, financial resources, and the needs of the business. Where more than one accommodation would work, MRSC may choose the one that is less costly or that is easier to provide.

Examples of reasonable disability accommodations include but are not limited to: making the workplace accessible for wheelchair users, allowing short breaks for rest, or providing a reader or interpreter for someone who is blind or hearing impaired.

32.2.5.5. Employees who need an accommodation must request one from MRSC. This can be accomplished by speaking with an immediate supervisor, who in turn shall report the request to Human Resources.

32.2.5.6. Employees who are unable to perform the essential functions of their job, either with or without a reasonable accommodation will not be permitted to continue in that position and may have to separate from employment.

32.2.6. Sex

32.2.6.1. Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex.

32.2.6.2. Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation is discrimination because of sex in violation of Title VII of the Civil Rights Act.

32.2.7. Pregnancy

32.2.7.1. Pregnancy discrimination involves treating a woman unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

32.2.7.2. MRSC is compliant with all applicable aspects of the Pregnancy Discrimination Act as well as the Americans with Disability Act as it pertains to pregnancy.

32.2.8. Genetic Information

32.2.8.1. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

32.2.8.2. Genetic information is not appropriate for use in any decision related to hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, or any other term or condition of employment as such information is not relevant to an employee's current ability to perform his or her job.

323. Reporting and Investigating Unlawful Discrimination

323.1. Compliance Coordinators

323.1.1. MRSC designates individuals to serve as compliance coordinators for reports of unlawful discrimination.

323.1.2. The following are the compliance coordinator(s) for MRSC:

Jason Smith, Business Manager
700 Graham Rd.
Cuyahoga Falls, Ohio 44221
330.926.3900, 601115
smith@neonet.org

Michele Baker, Human Resources Coordinator
700 Graham Rd.
Cuyahoga Falls, Ohio 44221
330.926.3900, 601113
baker@neonet.org

323.2. Submission of Reports

323.2.1. Reports and/or complaints of unlawful discrimination are preferably to be made in writing to the compliance coordinator of the of the employee's choosing. Verbal reports or complaints will be reduced to writing by the compliance coordinator receiving the report. Employees may also make reports or complaints to their supervisors. Any supervisor receiving a complaint or report of unlawful discrimination must report the same to a compliance coordinator in writing for further investigation.

323.2.2. The compliance coordinator will promptly contact the complainant to determine whether any steps must be taken immediately to protect the complainant against additional acts of discrimination or retaliation pending the outcome of the investigation.

323.2.3. Reports and/or complaints of unlawful discrimination will be kept confidential to the extent practically possible and permitted by law.

Coordinators shall not discuss reports or complaints received with anyone but the subjects of their investigations and to any agents or authorities to which they may need to report or discuss the complaint, including the Board of Directors, senior administration and legal counsel. Supervisors who receive complaints or reports of unlawful discrimination shall only discuss the matter with the person who made the report or complaint and the coordinator to whom the supervisor reports the matter as required above. EMPLOYEES SHOULD BE AWARE THAT IT MAY BE NECESSARY TO DISCUSS THE CONTENTS OF ANY COMPLAINT OR REPORT, INCLUDING THE IDENTITY OF THE EMPLOYEE, WITH THE ACCUSED PERPETRATOR OR WITNESS(ES) IN ORDER TO CONDUCT A FULL AND FAIR INVESTIGATION.

32.3.2.4. In the event that the Coordinators are conflicted in a way that would jeopardize the integrity of an investigation, or in the event that either or both of the Coordinators are involved in the underlying facts giving rise to the complaint, or are the subject of the Complaint, a third-party shall be designated by the Board of Directors to serve as the Coordinator. Third-Party Coordinators will adhere to MRSC policy when acting as such.

32.3.3. Investigations of Unlawful Discrimination

32.3.3.1. Reports and/or complaints of unlawful discrimination shall be investigated by the Coordinator who receives such report.

32.3.3.2. Investigations shall be done promptly. It is imperative that Coordinator's understand that for the sake of both the complainant and the alleged perpetrator that time is of the essence in completing an investigation.

32.3.3.3. The Coordinator shall periodically update the complainant about the status of the investigation. Such updates shall take into account the confidential nature of the investigation and shall be done in a way which does not compromise such confidentiality to the extent possible.

32.3.3.4. Investigations shall be conducted with respect and dignity for all involved.

32.3.3.5. Coordinators shall not discuss their investigations with disinterested persons or anyone other than the subject of the investigation, the witnesses, the complainant and any person to whom the investigator must report to or needs to discuss the matter with to complete the investigation.

32.3.4. Investigation Outcomes

The findings and determinations of any investigation made pursuant to this Policy shall be shared with the complainant in writing. This provision shall be satisfied by sending the complainant a letter detailing the findings of the investigation and the consequences of such findings for the alleged perpetrator, if any. Any such letter shall remind the complainant that retaliation is completely prohibited and that if the complainant believes he or she has suffered retaliation for making a report of unlawful discrimination, it should be reported immediately and will likewise be investigated.

32.3.5. Retaliation Prohibited

32.3.5.1. All forms of retaliation are strictly prohibited under this policy. Persons against whom complaints are made shall not retaliate against any other person because the complaint was filed, or because a person became involved in the investigation. Supervisors shall not retaliate against persons for making complaints against other employees, community members, or any other person or for being involved in the investigatory process.

32.3.5.2. Employees shall not be disciplined for making reports under this policy which are made in good faith, even if there is ultimately no determination of unlawful discrimination. However, false complaints or reports, or complaints which are made in bad faith and turn out not to be true may subject an employee to discipline.

32.3.6. Consequences for Violation of this Policy

32.3.6.1. The purpose of the investigation process is to provide prompt and effective corrective measures

designed to end the unlawful discrimination and to ameliorate its effects to the extent possible.

32.3.6.2. Employees who are found to have violated this policy shall be subject to discipline up to and including suspension without pay and/or termination as the circumstances may warrant. Discipline may also include a requirement that the offending employee take part in training and education related to unlawful discrimination and discrimination.

32.3.6.3. Where it may be effective, and where both the complainant and the alleged perpetrator, agree to participate, the Coordinator may conduct a mediation between them with the purpose of resolving any conflict between the two and to foster better working relationship moving forward. Where useful, a mediation may be had regardless of whether there is a finding that unlawful discrimination has taken place.

33. Equal Employment Opportunity

MRSC provides equal employment opportunities to all applicants for employment and employees in all terms and conditions of employment, including recruiting and hiring practices, evaluations, training and career development programs and promotion. MRSC does not discriminate on the basis of race, age, sex, parental status, national origin, family medical history or genetic information, disability, religion or military service.

Adopted 2023