

XENIA COMMUNITY SCHOOLS EMPLOYEE HANDBOOK



*Provided by the Treasurer's Office
Rev. 07/08*

Preface

This handbook is designed to assist you with every day questions concerning various procedures within the district such as purchases, travel expense reimbursement, and payroll. Hopefully, this will be a living document, which will change as the need arises. If you have any questions about items contained herein, or any ideas about something else that could be included, please do not hesitate to contact me.

*Rosalie A. Townsend
Treasurer*

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PURCHASING PROCESS

The Ohio Revised Code specifies that any expenditure of the Board must be “set-aside” (encumbered) prior to the purchase. Therefore, a purchase order encumbered and certified by the Treasurer, prior to purchase, is required for any order to be considered a legal expenditure of funds. Any expenditure of funds without a purchase order is not the district’s responsibility. ***It is illegal to purchase in the name of the school without a purchase order.*** The following process details the procedures established to assure compliance with the law.

Follow these steps to legally expend funds:

1. ***Prepare a requisition/request to order*** listing the quantity, unit, description and price of items--including shipping and/or handling charges. Total the order deducting any applicable discount per item. Verify that prices listed are current by contacting the vendor directly. Also, inquire about charges for shipping and/or handling and be sure to include these charges in the order’s total.
2. ***Submit the requisition/request to order to the Principal/Supervisor for approval.***
3. Once approved, the principal/supervisor will ***code*** the order with the appropriate ***expenditure account (budget) number*** and ***submit to the secretary*** for typing an online requisition. The secretary will check that shipping and handling charges were included, any applicable discounts were noted and verify the total for accuracy. The secretary will indicate on the requisition the individual who requested the requisition. Once the requisition is entered into the computer, the secretary will print the requisition, which will be signed by the principal/supervisor.

****Shipping and handling charges must be included or the requisition request will be returned, delaying the order process.**

4. The requisition is ***directed to Central Office*** for the Superintendent’s signature.
5. The Superintendent’s office will forward the approved requisition to the Treasurer’s Office to generate the purchase order. The purchase order will be generated once the treasurer verifies that there are available funds for this order.
6. The purchase order is printed, separated and distributed as follows:
 - White Copy (original) - mailed to vendor
 - Gold Copy - sent back to school or person originating the order. This copy should be sent to the Treasurer’s Office showing your signature, indicating that the merchandise/services have been received and that it is ok for the Treasurer’s office to pay.
 - Blue Copy is kept in the treasurer’s offices as our active copy on each order. Upon receiving the gold copy from the building, payment will be made. After payment is processed, the blue copy will be sent back to the building showing the actual amount paid on that order.
 - Yellow Copy - numerical copy kept in the Treasurer’s office.

- Pink Copy – goes to the receiving department at Central office. If merchandise is received at Central Office, this copy will be forwarded to the building ordering the merchandise.
- White Copy – (last) goes to receiving in Central office as their numerical file copy of all purchase orders.

If you would like the white copy returned to you, please indicate this on the Requisition Form. You will receive back the gold copy. This notifies you that the purchase order has been processed. When all of the items or services have been received to your satisfaction, please sign, date and return this copy of the purchase order to the Treasurer’s Office. **This copy is very important since it is the authorization for the Treasurer’s Office to issue payment. We CANNOT issue payment without your approval!**

If your order included equipment, please complete and return the inventory form, which we will send to you after the invoice for the equipment has been paid.

When you are filling out the Requisition and/or an Order Blank, please remember that all invoices MUST be sent to the Board Office. Ohio Revised Code requires us to issue payment from original invoices only. We cannot issue payment from statements nor receipt stubs - it must be an itemized invoice. Payment of bills/invoices will be completed as soon as possible after the receiving report (signed gold copy of the purchase order indicating that all items have been received and accepted) and the invoice has been received in the Treasurer’s Office.

NOTE: Processing a purchase order can take between 5-10 working days depending on the schedules of all parties. Please allow time for completion of this process. The completion of a purchase order alone DOES NOT generate payment. If a check needs to be sent by a certain time, or made available for pick-up, please notify the Treasurer’s office at least two weeks prior to that date. It should be noted and hi-lited on the requisition.

NOTE: Goods and services may be ordered ONLY with a purchase order approved by the Superintendent and certified by the Treasurer. Pursuant to the Ohio Revised Code, purchases must be encumbered prior to ordering to be considered a legal expenditure. Please be advised, employees who order goods and services without obtaining proper approval and certification MAY BE PERSONALLY RESPONSIBLE FOR ANY FINANCIAL OBLIGATION. A requisition is NOT a purchase order.

We understand that *occasionally* circumstances occur that warrant an emergency order. The Treasurer’s office will assist anyone with questions regarding the expenditure process and will do everything we can to expedite emergency situations. However, the purchase order’s encumbrance is still required by law. Therefore, you may be directed to “walk” the requisition/purchase order through the necessary channels for obtaining appropriate approval, signatures, and generation of the purchase order. Once generated, the order may be faxed or called in. **Please contact our office for assistance if you are unsure about the process.**

It should also be noted that no expenditure of funds is permitted that would be of personal benefit to any board employee or create a conflict of interest.

PROFESSIONAL MEETING PROCEDURES

Pursuant to the provisions of Section 3313.20 Ohio Revised Code, any employee of the district may receive compensation and expenses for days which he/she is excused by the Superintendent or his/her designated representative for the purpose of attending professional meetings such as conferences, workshops, and seminars at the local, state, and national level which are designated for the improvement of instruction or management of the school district, and for other travel necessary for the conduct of official school district business, in accordance with the following stipulations:

A. Approval must be obtained in writing from the Principal/Supervisor and the Superintendent or his/her designee prior to travel and/or attendance at a meeting, on the *Application for Leave* form. (See *Appendix B*)

B. Reimbursement will be paid for the necessary and reasonable expenses of:

1. Use of privately owned automobile on a cent-per-mile basis that shall coincide with the rate of reimbursement approved by the IRS.
2. Common Carrier fare, which is supported by receipts*.
3. Based on the XEA negotiated agreement, meals on a per diem basis for certificated employees shall coincide with the rate of reimbursement currently in effect for State of Ohio employees not on overnight lodging (See *Appendix A*). Administrative and classified employees shall be reimbursed up to \$50.00 per day, based on Travel Expense Guideline (See *Appendix A-1*). Receipts* are required. When some meals are included in conference registration, then partial per diem rates shall apply.
4. Lodging which is supported by hotel receipts*.
5. Miscellaneous expenses such as taxi and ferry fares, bridge, highway, and tunnel tolls, baggage storage, telephone calls, conference registration and meals, rental fees, and other expenses necessary to the conduct of official school district business which is supported by receipts.

***All receipts must be itemized receipts - credit card receipts, unless itemized, are NOT acceptable!!**

Procedures for reimbursement of attendance at Professional Meetings:

1. Complete a Professional Meeting Request Leave Form (See *Appendix B*) for the conference or workshop and submit it to the building Principal or appropriate Supervisor for authorization. The form is then forwarded to the Director of Personnel for his approval.
2. Attach a copy of the agenda for the conference or workshop to the request form. If a registration fee is required, prepare a requisition for the registration. The vendor's name

on the requisition should be the same as the name that is to appear on the registration check. For instance, an OSBA conference that specifies the check be made payable to Greene County Educational Service Center would show Greene County Educational Service Center as the vendor name on the requisition/purchase order.

3. To receive reimbursement for meals, mileage, hotel, etc. complete the requisition with the vendor name as the employee's name, and an approximate reimbursement total. This must be submitted prior to attendance at the meeting and should be submitted at the same time as the Professional Leave form.
4. All claims for reimbursement of expenses must be submitted in writing for approval by the Superintendent, or his designee, on forms provided by the Superintendent's office, along with appropriate receipts (*See Appendix C*).

ALL receipts, lodging statements, meals, parking, etc. must be attached to this form (these must be itemized – credit card slips are not acceptable unless itemized).

Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed. Unauthorized expenses include but are not limited to alcohol, movies, supplemental insurance on rental cars, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

Accrual of personal frequent-flyer miles, hotel "bonus points", credit card "rewards", or any other reward under similar affinity programs (including credit points or rewards directed to non-profit organizations) is strictly prohibited.

PAYROLL PROCEDURES

Your paycheck/pay stub is distributed each payday to your respective building during the school year when school is open. During the summer months, and when school is closed, only central office employees will be able to pick up their checks; all other checks will be mailed to your current address, the day before payday. If you wish to have your check mailed somewhere else during the summer, you must provide us with self-addressed envelopes.

Please make sure that you contact the Treasurer's Office if you have moved during the school year to update your address. You must submit a change of address form which can be obtained from the treasurer's office or on the district's web site.

PAY STUB INFORMATION

Your pay stub contains very important information. Some of the things included on your pay stub are: 1) Extra pay on a particular paycheck, 2) details of your payroll deductions, and , 3) your personal leave, sick leave, and vacation balances. One example of a section of your pay stub/direct deposit form follows:

USE-PER BAL .500/2.500

This shows that you have used .500 days of personal leave for this payroll period and that your balance is 2.50 days. Your sick leave and vacation are indicated in the same manner as your personal leave. **Uses of these leaves are posted two to four weeks behind.**

Please be aware of your leave balances. **YOU ARE RESPONSIBLE IF YOU USE LEAVE THAT YOU HAVE NOT EARNED.** Please keep your copy of all leave forms for easy reference.

Service Days refers to the retirement systems' service credit you have accumulated for STRS/SERS. 10/30 indicates that 10 days were earned for this payroll period and that 30 days have been accumulated since July 1.

PAYROLL DIRECT DEPOSIT

Direct deposit is required for all District Employees. This service is available for up to five (5) different accounts per employee. For each pay date, an employee's salary shall be paid by electronic transfer to a bank, credit union, brokerage firm, or savings and loan institution of the employee's choosing. Appropriate applications forms are available in the office of the Treasurer (*See Appendix D*) and on the district's website.

NOTE: The FIRST payroll of direct deposit will generate a check, but will set a 'trial' process in motion for submitting the payroll information to the financial institution(s) you have selected. If the 'trial' numbers submitted are accepted by the bank(s), the subsequent payrolls will be directly deposited.

You are responsible for any change in banks or closing of accounts. The Treasurer's office must be notified in writing of these changes immediately (2 weeks prior to payroll distribution). Failure to do so may result in your funds being delayed for as long as two (2) weeks until the error can be corrected.

Your funds will be available by 8:00 a.m. the day of payroll.

PAYROLL DEDUCTIONS

Along with the mandatory payroll deductions (Federal, State, City & School District Tax, Medicare & STRS/SERS) the following deductions are available at employees' request:

Pre-Tax:

Section 125:

Dependent Care

Flexible Benefits (for those not eligible for an HSA)

Hospitalization**

AFLAC Insurances**

403 (B) Annuities (List of companies currently available to Xenia employees are listed below.)

Service Credit Purchase**

After-Tax:

County-Wide Credit Union
United Way
AFLAC Insurances**
Xenia-Greene County YMCA
Xenia City Schools Educational Endowment Fund
Service Credit Purchase**
Hospitalization**
XEA/XESP Union Dues and fees
Court Ordered Deductions
OEA/NEA Educators Political Action Committee

NOTE: Amounts paid by the board appear on your check stub with an asterisk (*). Those amounts are solely informational and are NOT deducted from your pay.

** These can either be pre-tax or after-tax at the employee's discretion.

APPROVED 403(b) (Tax Sheltered Annuity) VENDORS

The currently approved vendors are as follows:

- MetLife Investors
- Great American Life Insurance Co. (GALIC)
- ING Life Ins & Annuity Co.
- Vanguard Fiduciary Trust Co.
- Security/ Nationwide Life Ins. Co.
- American Funds
- AXA Equitable Life
- Putnam Investment (aka Franklin National)
- Ameriprise Financial

Although these are the currently approved vendors, you may use any agent or representative from any of these companies.

There will be major changes taking effect January 1, 2009. All employees will be apprised of the changes to the district's 403(b) plan prior to that date.

MEDICAL AND DENTAL INSURANCE

Open Enrollment (for current employees) - You may enroll in health care benefits during the month of November, if you are not currently participating, or if you need to add someone to your plan. November is the only time that you may do this unless you have a qualifying event (e.g. birth of child, marriage, divorce, etc.). In the case of a qualifying event, you only have 31 days from that qualifying event.

Medical Insurance is through Anthem Blue Cross/Blue Shield.

- XEA/XESP employee contributions for the family plan and for the single plan per month are as follows:

	<u>Effective 9/1/09</u>	<u>Effective 9/1/10</u>
○ XEA - \$64/\$24	\$79/\$29	10% of premium
○ XESP - \$50/\$24	\$60/\$29	7.5% of premium

- The district offers a High Deductible Health Plan (HDHP) along with a Health Savings Account (HSA). The current deductible is \$4,000 for family coverage and \$2,000 for single coverage. The board also contributes \$3,200 for family coverage and \$1,600 for single coverage each January to an HSA at Key Bank.
- See your XEA/XESP agreement for further details.
- You can contact Anthem with problems at (800)224-4902 or you can contact Shelly at Montgomery Insurance at 372-7646, ext 121.

Dental Insurance is through Superior Dental.

- The board, at no cost, provides coverage for employees.
- Coverage is as follows: \$25.00 deductible single, \$50.00 deductible family. 100% on preventive; 80% on Basic services; 50% on major services and orthodontic service; \$1,500 per person per calendar year, maximum benefit.
- See your XEA/XESP agreement for further details.
- You can contact Superior Dental with problems at (800)762-3159 or you can contact Shelly at Montgomery Insurance at 372-7646, ext 121.

EMPLOYEE ASSISTANCE PROGRAM

The Board provides at no cost to the employee an Employee Assistance Program for all employees. This service is provided by Greene Memorial Hospital. The location for this service is in the Herman Menapace Center for Health Education at Greene Memorial Hospital, Suite 212, 1141 North Monroe Drive, Xenia. They can be reached **24 hours every day** at (800) 371-3701.

See your XEA/XESP agreement for details

LEAVES - SICK, PERSONAL, VACATION, UNPAID

The misuse of any leave could be grounds for dismissal and possible criminal charges for theft in office could be filed against you.

Please refer to you XEA/XESP agreements for more detailed and specific guidelines for uses of sick leave, personal leave, vacation leave, and unpaid days (must have prior board approval).

SICK LEAVE

Once you return from sick leave, please sign the deviation form in your building indicating your use of sick leave.

PERSONAL LEAVE

An Application for Leave Form (*Appendix B*) needs to be filled out as soon as you are aware that you need a certain day off for personal reasons. Your Principal/Supervisor must approve the leave. It is then forwarded to the Director of Personnel for his approval. Once the leave has been approved, you will receive the white copy back.

VACATION LEAVE (11 and 12 month employees only)

An Application for Leave Form (*Appendix B*) needs to be filled out within the appropriate guidelines per the XESP agreement. Your Principal/Supervisor must approve the leave. It is then forwarded to the Director of Personnel for his approval. Once the leave has been approved, you will receive the signed white copy.

UNPAID LEAVE

Unpaid leave can only be used when you have depleted personal days and/or vacation (if applicable). An Application for Leave Form (*Appendix B*) needs to be filled out. Permission to use unpaid leave is at the discretion of the Superintendent and only with approval of the Board of Education.

A signature from your Supervisor/Building Principal DOES NOT GUARANTEE THAT YOU HAVE PERSONAL LEAVE, SICK LEAVE, OR VACATION DAYS AVAILABLE. It is your responsibility to be aware of your balances. Posting of leave may take two to four weeks after use to appear on your pay stub.

If you need to cancel or change a requested leave, **this must be done in writing and forwarded to the Treasurer's Office.**

FAMILY MEDICAL LEAVE

To be eligible for FMLA leave, an employee must have one (1) year of service with the Board and must also have actually worked a total of 1,250 hours for the Board during the 12 months immediately preceding the date on which the FMLA leave would begin (rolling year).

Each eligible employee is entitled to up to a combined total of twelve (12) weeks of unpaid FMLA leave per leave year for any one, or more, of the following reasons:

- (1) The birth of the employee's son or daughter, and to care for the newborn child;
- (2) The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;
- (3) To care for the employee's spouse, son, daughter, or parent with a serious health condition;
- (4) Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job

An eligible employee is not entitled to a separate 12 weeks of FMLA leave for each of these four reasons, but only up to 12 weeks among these four reasons for any given year (July 1 through June 30).

Please refer to:

- Certificated Employees:
 - 8.10 Family and Medical Leave (XEA Negotiated Agreement)
 - 3430.01 Family Medical Leave Act - Board of Education Policy (APPENDIX K)
- Classified Employees:
 - 6.11 Family and Medical Leave (XESP Negotiated Agreement)
 - 4430.01 Family Medical Leave Act - Board of Education Policy (APPENDIX K)

When an employee has requested to be absent for one of the above listed conditions, the employer is required to notify the employee of his/her rights under FMLA. Board Policy and the Family Medical Leave Act, allows the district the right to place an employee, who is eligible, on FMLA even if the employee has not so requested.

The following steps will be taken:

- The Treasurer's Office will mail the Application for Family Medical Leave Act (see APPENDIX E) to the employee as soon as it is aware that the employee is eligible or as soon as the employee has requested FMLA.
- When the form is completed by the employee, the application will go to the Director of Personnel for approval, and then forwarded to the Treasurer's Office.
- The Treasurer's Office will complete the Employer Response for Family and Medical Leave letter and mail it to the employee.

STAFF DEVELOPMENT GUIDELINES

May 31st is the last day to earn staff development credit for a year. All green sheets for any Staff Development to be credited to an employee MUST be turned in to the staff development office by the end of the first business day in June. Lists are in each buildings office, as well as on MyPDC, and should be checked to ensure that proper credit has been received. The final list of those whose pay must be docked will be forwarded to the treasurer's office at that time. **No exceptions will be made.** (See Appendix F)

JURY DUTY PROCEDURES

Prospective jurors must serve jury duty and cannot be excused because of their profession. Employees will receive regular pay when absent for jury duty.

STUDENT ACTIVITIES

If you are a student activity advisor, there is a short handbook for easy reference outlining procedures. Please check with your principal or building secretary. **If you don't have a copy of these handbooks and you are an activity advisor, please contact the Treasurer's Office for a copy or they are available online at <http://www.xenia.k12.oh.us/treasurer/>**

CHILD ABUSE

Any school employee having a reason to believe that a child has suffered an injury or other condition of such nature as to reasonably indicate abuse or neglect, must, by law, immediately report such information to the Children's Services Board or the County Department of Human Services exercising the children's services function, or a municipal or county peace officer in the county in which the child resides or where the abuse or neglect was incurred. Failure to report child abuse is a fourth degree misdemeanor. When a school employee reports a suspected incident or child abuse to children's services, the incident shall be reported to the building principal or the employee's supervisor as soon as possible.

ACCIDENTS ON THE JOB

Accidents on the job are covered by Worker's Compensation. In case of an accident the most important thing is to receive appropriate medical attention as quickly as possible. If it is a medical emergency seek treatment at the nearest medical facility. **You must notify the Building Principal, Supervisor or Building Secretary immediately or as soon as practical, in the case of a medical emergency, of your injury.** Please obtain an Employee Injury Reporting Packet from your building and complete the First Report of an Injury, Occupational Disease or Death and the front of the Employee Accident Report (*Appendix G*) as soon as possible and have your Principal or immediate supervisor complete the reverse side and forward them to the personnel office. There is also information in the Employee Injury Reporting Packet on where to seek treatment as well as a Workers' Compensation MCO Identification Card and a report which must be completed by your provider. You can call CorVel at 888.794.4040 to help you select a provider, or to answer any other questions that you may have.

Failure to notify your Building Principal, Supervisor or Building Secretary could result in your Workers Comp claim being denied. Should you have any questions about this process, please contact Personnel.

EMPLOYEE SAFETY

Please be aware that the school district's safety committee is functioning and meets periodically during the school year. Should you have safety concerns or questions, please relay them to your building representative, so that they may forward them to the safety committee.

E-MAIL AND INTERNET ACCESS

The Xenia Community Board of Education is committed to providing an environment that encourages the use of computers and electronic information as essential tools to support the educational program of the district. It is the responsibility of each employee to ensure that this technology is used for proper educational purposes and in a manner that does not compromise the confidentiality of proprietary or other sensitive information. (*See Appendix H*)

OHIO ETHICS LAW

Section 102.9(D) of the Ohio Revised Code, says that “All public officials and employees must receive a copy of the Ethics Law within fifteen days of hire, election, or appointment, and sign for the copy”. (See *Appendix I*)

SEXUAL HARASSMENT

Board of Education Policy 3362 & 4362 states in part that it is the policy of the Board of Education to maintain an education and work environment which is free from all forms of unlawful harassment, including sexual harassment. (See *Appendix J*)

EQUAL EMPLOYMENT OPPORTUNITY

Xenia Board of Education Policy 3122 states in part that the Xenia Community Board of Education is committed to equal opportunity and participation of all it's employees and applicants for employment consistent with applicable federal state and local laws. (See *Appendix K*)

TEACHER LICENSURE/LPDC

Per Section 15.017 (XEA Negotiated Agreement), Teacher individual Professional Development Plan: In accordance with ORC 3319.22 and the Department of Education Regulation, each educator who desires to fulfill the license renewal is responsible for the design of an Individual Professional Development Plan subject to approval of the LPDC. The plan shall be based on the needs of the educator, the students, the school, and the District.

Continued employment with the district is contingent upon LPDC approval of a Professional Development Plan by the Professional Development Committee by April 1st of the year of license/certification expiration and sign off of completed plan by LPDC by July 10th.

SOCIAL SECURITY BENEFITS

As employees of Xenia Community Schools you are covered by either State Teachers Retirement System (STRS) or by School Employees Retirement System (SERS). Therefore, your earnings from this job are not covered under Social Security. When you retire, or if you become disabled, you may receive a pension based on earnings from employment with Xenia Community Schools. If you do, and you are entitled to a benefit from Social Security, your pension may affect the amount of the Social Security benefit you receive. Please see *Appendix L* in reference to the Government Pension Offset and Windfall Elimination Provision.

PUBLIC RECORDS

Board of Education Policy 8310 states in part that the Board of Education recognizes its responsibility to maintain the public records of this District and to make such records available to residents of Ohio for inspection and reproduction (*Appendix M*).

WHO TO CALL

If you have questions – who do you call or (Email)????

Teacher Certification/ Transcripts	Brenda Langford	Personnel 372-6301 xe_blangford@mveca.org
Staff Development & Teacher Licensure/ LPDC	Pam Bottoroff	Board Office 374-4210 pbottorf@xenia.k12.oh.us
Bus Routes	Laura Smith	Transportation 372-5461 lmsmith@xenia.k12.oh.us
Insurance Questions	Melissa Kraemer	Treasurer's Office 372-0161 xe_mkraemer@mveca.org
Purchase Orders & Payment of Bills	Mina Rife	Treasurer's Office 372-0161 xen_mina@mveca.org
Payroll Information	Joyce Lewis or Ruby Rector	Treasurer's Office 372-0161 xen_joyce@mveca.org xen_ruby@mveca.org
Student Activities	Dotty Bevis or Rosalie Townsend	Treasurer's Office 372-0161 xe_dbevis@mveca.org xen_townsend@mveca.org
Leave Requests	Bldg Admin/ Supervisor first, then Personnel	Edward Stidham 372-6301 estidham@xenia.k12.oh.us
Leave Accruals	Ruby Rector	Treasurer's Office 372-0161 xen_ruby@mveca.org
Curriculum	Dr. Randy Overbeck Joyce Smith Yvonne Craft	Instructional Svc. 374-4208 roverbec@xenia.k12.oh.us jesmith@xenia.k12.oh.us ycraft@xenia.k12.oh.us

APPENDICES

- Appendix A - Certificated travel reimbursement rates
- Appendix A-1 - Travel Expense Guidelines
- Appendix B - Application for Leave Form
- Appendix C - Expense Report
- Appendix D - Authorization for Direct Payroll Deposit
- Appendix E - Family Medical Leave Act
- Appendix F - Staff Development Criteria
- Appendix G- Employee Accident Report
- Appendix H - E-Mail and Internet Access Policy
- Appendix I - Ohio Ethics Law
- Appendix J - Anti Harassment Policy
- Appendix K - Equal Employment Opportunity Policy
- Appendix L - Social Security Benefits
- Appendix M - Public Records Policy

126-1-02 Rates and requirements for reimbursement of travel expenses of state agents.**Meal Per Diem**

Effective February 1, 2008, the rule establishes a statewide daily maximum for meal reimbursement. Reimbursement for meals for state agents is authorized only when overnight lodging is required.

Standard meal reimbursement rates (including tips) are set forth below:

Breakfast \$6

Lunch \$9

Dinner \$12

Incidentals \$4

Total \$31

OBM may update the per diem annually to adjust to the revisions to the Federal per diem schedule. The per diem is designed to offset the additional cost of travel, not to entirely pay for the traveler's meal. The amount of reimbursement shall be adjusted on departure and return days based on the time of departure and return. Travelers are expected to pro-rate per diem on travel days based upon their travel schedule. Please refer to the OBM travel rule for the prorated meal reimbursement schedule.

Note: With the adoption of the new policy, \$31 is the maximum amount that can be reimbursed to a traveler. If a traveler spends more than \$31 and has receipts to document the expense, he/she will only be reimbursed at the per diem rate. Additionally, the traveler cannot be reimbursed for more than he/she spent.

- (a) Per diem up to a maximum rate of ten dollars if the state agent is on travel status any time after midnight but no later than ten a.m.;
- (b) Per diem up to a maximum rate of thirteen dollars if the state agent is on travel status any time after ten a.m. but no later than four p.m.;
- (c) Per diem up to a maximum rate of sixteen dollars if the state agent is on travel status any time after four p.m. but no later than midnight;
- (d) On the day of departure or return, if the state agent is on travel status for more than one of the above specified time periods, meal reimbursement is authorized in the amount of the total of the individual meal amounts specified for those time periods, plus incidentals. Reimbursement of that total amount does not require an allocation for breakfast, lunch, and dinner. Meal reimbursement in that total amount may be allocated for meals as the state agent chooses.

TRAVEL EXPENSE GUIDELINES

The Board of Education recognizes the importance of professional development for administrators, staff, and members of the Board. To that end, the Board of Education believes that these personnel should be reimbursed for reasonable and customary expenses while on business for the school district.

Purchase orders for travel, registration and lodging expenses must have prior approval from the Superintendent. The Treasurer shall reimburse all authorized travel expenses upon presentation of proper receipts in accordance with this policy.

Travel

- A. Travel within Ohio shall be reimbursed at the authorized mileage rate or common carrier. When the traveler uses Board-owned transportation, the traveler will be reimbursed for out-of-pocket vehicle expenses.
- B. Travel outside of Ohio shall be reimbursed at the authorized mileage rate or common carrier, not to exceed the cost of the common carrier.
- C. Travel out-of-state shall have prior Superintendent approval.
- D. When the travel is by common carrier the traveler may contract for a mid-size or compact rental car at the meeting site. This expense shall be reimbursed.
- E. Partial mileage may be advanced up to 75% of the published destination distance for Board members by automobile for out-of-state travel.

Lodging

The most economical lodging shall be reimbursed at the published convention rate.

Meals

Meals shall be reimbursed on a per diem based at the rate not to exceed \$50.00 (Classified Staff and Administrators) per day. Reimbursement for partial day travel and meals will be prorated based on the circumstances of the travel or time of day and approved by the Superintendent or his/her designee.

When meals are included in conference registration, reimbursement for meals shall be based on the published rates for the conference.

When some meals are included in conference registration, then partial per diem rates shall apply.

Registration

All registration costs shall be paid by the Board of Education based upon the approval of the Superintendent.

Miscellaneous Expenses

Miscellaneous expenses such as baggage handling, tolls (highway, bridge, ferry, tunnel, etc.) shall be itemized and reimbursed with receipt, upon the approval of the Superintendent.

Cancellations

Should the administrator or Board member cancel the trip, except for emergency reasons, he/she shall be responsible for expenses incurred. This could require reimbursement to the Board of Education.

Expense Vouchers

Expense vouchers shall be filed with the appropriate supervisor or Treasurer as soon as practical following return from the conference.

Costs Minimized

Travelers are encouraged to help minimize the costs of travel by sharing transportation and lodging with other travelers when possible.

Travel Arrangements for Board Members

The Board member is encouraged to make arrangements as early as possible to achieve the lowest possible rates. Members of the Board are encouraged to travel together or have hotel accommodations where appropriate

Per Board Policy 2.17 (February 11, 2002)

**XENIA COMMUNITY SCHOOLS
APPLICATION FOR LEAVE**

Name _____ Date _____

Building _____ Certified Non-certified

Check type of leave requested:

Vacation Professional Meeting Number of days requested _____
 Personal Business Absence Without Pay
 Other Dates _____

Personal Business - Check reason:

- To obtain services for legal or financial counsel
- Medical services not chargeable to sick leave or as an extension of sick leave when sick leave is exhausted
- Family obligation that cannot be scheduled otherwise (vacations, trips, etc. not covered)
- Emergency leave due to circumstances beyond the control of the employee
- Personal commitments to political subdivisions at local/state/national level
- Other necessary business as approved by the superintendent or his designee

Explain: _____

Employee reimbursement will be taken from account _____

Substitute cost will be taken from account _____

Professional Meeting - Nature and purpose:

Professional Meeting - Reimbursement Cost:

Meals _____ Travel _____ Lodging _____ Miscellaneous _____ **TOTAL REIMBURSEMENT \$** _____

Absence without pay. Reason:

I certify that the reasons and information provided on this form are in compliance with Board Policy and state statutes and that willful submittance of false information is grounds for disciplinary action or dismissal.

Signature of Applicant _____

Immediate Supervisor _____ Approved Disapproved Date _____

Superintendent or Designee _____ Approved Disapproved Date _____

EMPLOYER

This form may not be used to submit leave requests. Please obtain originals from your building office.

**EXPENSE REPORT
Xenia Community Schools**

DAY & MONTH	PLACE VISITED	MILEAGE	FARE*	MEALS*	HOTEL*	OTHER* (Detail)
			\$	\$	\$	\$
	TOTALS					

* Receipts Required

I hereby certify the above to be a true and accurate account of expenses incurred as indicated.

Signed: _____

_____ Miles @ _____ ¢ \$ _____
 Fare _____
 Meals _____
 Hotel _____
 Other Expenses _____

 Approved by: _____
 Date: _____

TOTAL AMOUNT DUE \$ _____

Authorization Agreement for Direct Payroll Deposit

Xenia Community Board of Education

I hereby authorize Xenia Community Board of Education to initiate DEBIT (Payment) entries and to initiate, if necessary, credit entries and adjustments for any debit entries in error to the following account(s):

1. Financial Institution Name _____ City _____ State _____
 Institution Transit/ABA Number _____ Account # _____
 Recurring Bi-Weekly Amount/Percent of Pay _____ Checking Savings

2. Financial Institution Name _____ City _____ State _____
 Institution Transit/ABA Number _____ Account # _____
 Recurring Bi-Weekly Amount/Percent of Pay _____ Checking Savings

3. Financial Institution Name _____ City _____ State _____
 Institution Transit/ABA Number _____ Account # _____
 Recurring Bi-Weekly Amount/Percent of Pay _____ Checking Savings

4. Financial Institution Name _____ City _____ State _____
 Institution Transit/ABA Number _____ Account # _____
 Recurring Bi-Weekly Amount/Percent of Pay _____ Checking Savings

5. Financial Institution Name _____ City _____ State _____
 Institution Transit/ABA Number _____ Account # _____
 Recurring Bi-Weekly Amount/Percent of Pay _____ Checking Savings

This authority shall remain in full force and effect until Xenia Community Board of Education has received written notification from me of its termination in such time and in such manner as to afford Xenia Community Board of Education and FINANCIAL INSTITUTION(S) a reasonable opportunity to act upon such notice.

I would like to receive my direct deposit notice via email. My email address(s) is:

NAME _____ SOCIAL SECURITY # _____

SIGNATURE _____ DATE _____

Note: Please attach a voided check.

All new Direct Deposits will start as "prenotes" to insure that account numbers are correct. A check will be issued for the first pay, and provided that the prenote goes through without problem, all subsequent pays will be direct deposited.

3430.01 & 4430.01- FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

In accordance with Federal law, the Board of Education shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible professional staff members for the following reasons:

- A. the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;
- B. the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;
- C. the staff member is needed to care for a spouse, son, daughter, or parent if such individual has a serious health condition; or
- D. the staff member's own serious health condition prevents him/her from performing the functions of his/her position.

Staff members are "eligible" if they have worked for the Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time professional staff members are deemed to meet the 1,250 hour requirement.

Twelve (12) month period is defined as a fixed twelve (12) month period from July 1st through June 30th.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- A. Inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
- B. Continuing treatment by a health care provider, including:
 - 1. a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves either treatment two (2) or more times by a health care provider, or treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a health care provider;
 - 2. any incapacity due to pregnancy or for prenatal care;
 - 3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
 - 4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
 - 5. any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- C. Conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

The Superintendent may allow a staff member to take FMLA leave intermittently or on a reduced-leave schedule for reason (A) or (B) above. A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary as indicated in reasons (C) and (D) above. Regardless, the taking of such leave results in the total reduction of the twelve (12) weeks only by the amount of leave actually taken. If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment, the Superintendent may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties.

Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

Whenever the leave is necessitated by the serious health condition of the staff member or his/her immediate family member, and is foreseeable based on planned medical treatment, the staff member shall provide the Superintendent with thirty (30) day's notice. If there is insufficient time to provide such notice because of the need for treatment, the staff member shall provide such notice as early as practicable. When planning medical treatment, the staff member must consult with the Superintendent and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the District, subject to the approval of the health care provider.

The Board may require the staff member or the staff member may request to substitute any of his/her earned or accrued paid vacation leave, personal leave or family leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for either reason (A) or (B) above or the Board may require the staff member or the staff member may request to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for either reason (C) or (D) above.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) week period of FMLA leave, the additional weeks of leave to obtain the twelve (12) weeks of FMLA leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave, such leave counts toward the twelve (12) week maximum leave allowance provided by this Policy.

The Superintendent or his/her designee will notify the staff member when the District intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing. When verbal notice is given, it will be followed by written notice within ten (10) business days (see Form 3430.01 F3). In the case of intermittent or reduced-leave schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Superintendent does not have sufficient information about the reason for an employee's use of paid leave, the Superintendent may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent learns that a paid leave is for an FMLA leave-qualifying reason, the Superintendent or his/her designee will promptly notify the staff member that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement.

In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child.

When FMLA leave is taken for either reason (C) or (D) above, the staff member must provide medical certification from the health care provider of the eligible staff member or his/her immediate family member (see Form 3430.01 F2). The staff member may either:

- A. submit the completed medical certification to the Superintendent or his/her designee; or
- B. direct the health care provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the health care

provider with a HIPAA-compliant authorization.

In the event the staff member fails to provide medical certification, any leave taken by the employee is not FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to obtain, at its expense, the opinion of a second health care provider and, in the event of conflict, the opinion of a third health care provider whose decision shall be binding and final. The staff member may either:

- A. submit the opinion of the second health care provider, and the opinion of the third health care provider if applicable, to the Superintendent or his/her designee; or
- B. direct the second or third health care provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third health care provider, if applicable, any leave taken by the employee is not FMLA leave.

A staff member who takes leave for reason (D) above, prior to returning to work, must provide the Superintendent with a statement from his/her health care provider that s/he is able to resume work (see Form 3430.01 F4 or Form 4430.01 F4).

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students' program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition of the staff member or of the staff member's immediate family member, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

The Superintendent shall provide a copy of the policy upon the request of a staff member.

Xenia Community Schools
Application for Family Medical Leave Act

Name: _____ Building: _____ Job Title: _____

Current Address: _____

Start Date of Anticipated Leave: _____ Expected Date of Return to Work: _____

Reason for Leave (Explain): _____

I, _____ have read the enclosed agreement for Family and Medical Leave as written in the negotiated agreement.

Employee's Signature: _____ Date: _____

Approved by: _____ Date: _____

Edward Stidham, Personnel Director

Submit application at least 30 days in advance to personnel for approval.

***See reverse side of application for leave provisions and protection of employment and insurance.**

Personnel will forward to Treasurer's office when approved.

STAFF DEVELOPMENT CRITERIA GUIDELINES

Certificated (XEA) Guidelines

- 10.041 The STAFF DEVELOPMENT COMMITMENT is a total of seven hours, which can be earned in various increments, for example, one hour, two hours, etc.
- 10.042 Staff Development credit can be earned if one or more of the following criteria are met:
- A. The program relates to the teacher's subject area and/or goals of the school.
 - B. The program is related to the individual's educational, professional growth including PDP, if any.
 - D. The program should meet on regularly scheduled staff development days or at a time that extends beyond the paid 183 days. All work should be completed outside the regularly scheduled workday.
- 10.043 Presenters receive double credit toward their seven-hour requirement.
- 10.044 The STAFF DEVELOPMENT COMMITTEE and ADMINISTRATORS will determine appropriate staff development programs when questions arise.
- 10.045 One day (7 hours) of staff development is required each year for all certified/licensed staff members.
- 10.046 The year will begin in June and end in May. Credit must be used during the year when it is earned and cannot be carried over into the next year.
- 10.047 Teachers can earn staff development credit for curriculum committee work done beyond the 183 paid workdays.
- 10.048 The requirement for seven (7) hours of staff development is part of the contractual year. All certificated personnel are expected to fulfill their commitment.
- 10.049 Subject to the prior approval of the Superintendent or his designee, graduate course work may be used in lieu of a workday.

Classified (XESP) Staff Development Criteria Guidelines - Section 4.11

- A. The STAFF DEVELOPMENT COMMITMENT is a total of one day or the number hours an employee regularly works which can be earned in various increments, for example one hour, two hours, etc.
- B. Staff Development credit can be earned if one or more of the following criteria are met:
 - 1. The program relates to the employee's area of work and/or goals of the school.
 - 2. The program is related to the individual's educational/professional growth.
 - 3. The program is of benefit to Xenia Schools.
 - 4. The program should meet on regularly scheduled staff development days or at a time that extends beyond the employee's regular work schedule.
 - 5. Inservice presenters receive double credit toward their seven hour requirement.
- C. The STAFF DEVELOPMENT COMMITTEE and ADMINISTRATORS will determine appropriate staff development programs when questions arise. Two (2) classified employees will be appointed by the Association president to the Staff Development Committee.
- D. One contractual day of staff development is required each year for all bargaining unit members.
- E. The year will begin in June and end in May. Credit must be used during the year when it is earned and cannot be carried over into the next year.
- F. The requirement for one contractual day of staff development is part of the contractual year. All bargaining unit members are expected to fulfill their commitment.
- G. Subject to the prior approval of the Superintendent or his/her designee, course work may be used in lieu of a workday.
- H. With the exceptions noted below, annually, the staff development day shall be determined by the administration after input from employee groups, faculty advisory council, non-public schools, and other Greene County superintendents. In addition, each 9 and 10 month employee can individually request an alternate staff development day be approved by his/her immediate supervisor. An additional work day will be added to the calendar for food service personnel, beginning with the 1996-97 school year. If bus drivers who drive non-public routes have completed their staff development requirement they are not required to work on staff development day. They may choose to drive their route at the substitute rate of pay which will not be counted toward overtime.

XENIA COMMUNITY SCHOOLS
EMPLOYEE ACCIDENT REPORT

Employee Name _____ Birth Date _____

Job Assignment _____ Building _____

Date of Accident _____ Time of Accident _____ AM/PM

Exact location of accident (e.g. classroom #B203) _____

Witnesses _____

Date/Time Accident Reported _____ To Whom _____

Describe what you were doing when the accident occurred and how the accident occurred: _____

What type of injury occurred and to what body parts (be specific, e.g. burn on left ring finger)? _____

Describe any environmental conditions that may have contributed to the accident (e.g. wet floor): _____

Did you seek medical treatment for this accident? _____ Yes _____ No

If yes, date first consulted _____ Hospital/Doctor _____

Did you miss any work? _____ Yes _____ No

If yes, how much? (hours, days) _____

Signature _____ Date _____

Home Address _____

Home Phone Number _____ Social Security Number _____



Please have principal or immediate supervisor complete the reverse side of this form. Then send form to the Superintendent's Office as soon as possible. Action on any Workers' Compensation Claim cannot be processed until this form is received. Make a copy of this form for your records.

ACCIDENT INVESTIGATION REPORT

(To be completed by Principal or Immediate Supervisor)

Describe accident, as you know it _____

Describe the injury and body part injured: _____

Was the accident preventable? _____ Yes _____ No

If yes, describe: _____

What should be done to prevent similar accidents? _____

What have you done/who have you notified for corrective actions? _____

Signature _____ Date _____ Position _____

Further Investigation of Slips/Trips/Falls

Type of shoes worn: _____ Condition of soles: _____

Any long clothing/loose laces _____

Packages/materials being carried _____

What was the person doing just prior to the accident? _____

Describe condition of walking surface, including normal and temporary or unusual conditions: _____

If walking surface was wet, greasy, icy or hazardous in any way, how long had this condition existed? _____

Signature _____ Date _____ Position _____

RETURN COMPLETED FORM TO THE SUPERINTENDENT'S OFFICE

Incident reported to OSHA: _____ Yes _____ No

Signature of District Safety Coordinator _____ Date _____

7540.03 - E-MAIL AND INTERNET ACCESS

Purpose

The purpose of this policy is to define the proper use of electronic mail (e-mail) and Internet services in the Xenia Community School District.

Policy

The Xenia Community Board of Education is committed to providing an environment that encourages the use of computers and electronic information as essential tools to support the educational program of the District. It is the responsibility of each employee to ensure that this technology is used for proper educational purposes and in a manner that does not compromise the confidentiality of proprietary or other sensitive information.

Coverage

This policy applies to all users of the School District's computer systems.

E-mail Procedures

- A. All e-mail correspondence is the property of the School District and is for business or educational purposes only.
- B. Employee e-mail communications are not considered private despite any such designation either by the sender or the recipient.
- C. Messages sent to recipients outside of the School District over the Internet and not encrypted, are not secure. Encryption requires prior approval.
- D. The School District will monitor its e-mail system-including an employee's mailbox-through the Miami Valley Educational Computer Association. In certain situations, the Board may access and disclose messages sent over its e-mail system.
- E. The existence of passwords and "message delete" functions do not restrict or eliminate the Board's ability or right to access electronic communications. The delete function does not eliminate the message from the system.
- F. Employees shall not share an e-mail password, provide e-mail access to an unauthorized user or access another user's e-mail box without authorization.
- G. Employees shall not post, display or make easily available any access to their account.
- H. Offensive, demeaning or disruptive messages are prohibited. This includes, but is not limited to, messages that are inconsistent with the Board's policies concerning equal employment opportunity and sexual harassment and other harassment.
- I. Global e-mails require prior approval by an appropriate member of the administration.

Internet Procedures

- A. The School District's network, including its connection to the Internet, is to be used primarily for business or education-related purposes and not for personal use. Any unauthorized use of the Internet is strictly prohibited. Unauthorized use includes, but is not limited to: connecting, posting or downloading pornographic material; engaging in computer - "hacking" and other related activities; attempting to disable or compromise the security of information contained on the School District's computers; or otherwise using the computers for personal use or in a manner inconsistent with the educational goals and objectives of the School District.
- B. Internet messages should be treated as non-confidential. Anything sent through the Internet passes through a number of different computer systems, all with different levels of security. The confidentiality of messages may be compromised at any point along the way, unless the messages are encrypted with prior company approval.

- C. Because postings placed on the Internet may display the School District's address, make certain before posting information on the Internet that the information reflects the standards and policies of the Board. Under no circumstances shall information of a confidential, sensitive or otherwise proprietary nature be placed on the Internet.
- D. Subscriptions to news groups and mailing lists are permitted when subscription is for a work-related purpose. Any other subscriptions are prohibited.
- E. Information posted or viewed on the Internet may constitute published material. Therefore, reproduction of information posted or otherwise available over the Internet may be done only by express permission from the author or copyright holder.
- F. Unless the prior approval of the Superintendent has been obtained, users may not establish Internet or other external network connections that could allow unauthorized persons to gain access to the School District's systems and information. These connections include the establishment of hosts with public modem dial-ins, World Wide Web home pages and File Transfer Protocol (FTP).
- G. All files downloaded from the Internet must be checked for possible computer viruses. If uncertain whether your virus-checking software is current, you must check with an authorized Information Systems Representative before downloading.
- H. Offensive, demeaning or disruptive messages are prohibited. This includes, but is not limited to, messages that are inconsistent with the Board's policies concerning equal employment opportunity and sexual harassment and other harassment.

Any employee or student who violates this policy may be subject to discipline.

H.R. 4577, P.L. 106-554, Children's Internet Protection Act of 2000
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965,
as amended
18 U.S.C. 2256
18 U.S.C. 1460
18 U.S.C. 2246

Ohio Ethics Law and Related Statutes



The Ohio Ethics Commission

Sarah M. Brown, Chairman
Dr. Robert Browning, Vice Chairman
Merom Brachman
Ben Rose
Prof. Ann Marie Tracey

David E. Freel, Executive Director

October 2007

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

Section 102.01 As used in this chapter:

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

(B) “Public official or employee” means any person who is elected or appointed to an office or is an employee of any public agency. “Public official or employee” does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention. “Public official or employee” does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.

(C) “Public agency” means the general assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a county, city, village, or township, the five state retirement systems, or any other governmental entity. “Public agency” does not include a department, division, institution, board, commission, authority, or other instrumentality of the state or a county, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated.

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

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

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

(1) For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, and candidates for the office of member of the general assembly, the joint legislative ethics committee;

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

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

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

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

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

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

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

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

Section 102.02

(A) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed pursuant to section 105.41 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement board who is a state retirement system investment officer licensed pursuant to section 1707.163 of the Revised Code; the members of the Ohio retirement study council appointed pursuant to division (C) of section 171.01 of the Revised Code; employees of the Ohio retirement study council, other than employees who perform purely administrative or clerical functions; the administrator of workers' compensation and each voting member of the workers' compensation oversight commission; the chief investment officer of the bureau of workers' compensation; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the tobacco use prevention and control foundation; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

The disclosure statement shall include all of the following:

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

(2)(a) Subject to divisions (A)(2)(b), and (c) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(a) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee

knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

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

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

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

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

(5) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(5) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

(6) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(3) of this section, who owe more than one thousand dollars to the person filing the

statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(6) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

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

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

(9) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(10) If the disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on. A person who holds elective office shall file the statement on or before the fifteenth day of April of each year unless the person is a candidate for office. A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office. Other persons shall file an annual statement on or before the fifteenth day of April or, if appointed or employed after that date, within ninety days after appointment or employment. No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

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

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

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the

Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement on or before the fifteenth day of April under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement by the fifteenth day of February of each year the filing is required unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

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

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

(D) No person shall knowingly file a false statement that is required to be filed under this section.

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of forty dollars.

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

For state office, except member of the state board of education.....	\$65
For office of member of general assembly.....	\$40
For county office	\$40
For city office	\$25
For office of member of the state board of education	\$25
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$20
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$20

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

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

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

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

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

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

Sec. 102.021

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

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

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

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

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

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

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

(4) If the former state elected officer or staff member directly or indirectly made, either separately or in combination with another, any expenditure or gift for transportation, lodging, or food or beverages to, at the request of, for the benefit of, or on behalf of any public officer or employee, and if the former state elected officer or staff member would be required to report the expenditure or gift in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, if the former state elected

officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made, the statement referred to in division (A)(1) of this section shall include all information relative to that gift or expenditure that would be required in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made.

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

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

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

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

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

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

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

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

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

(3) No fee shall be required for filing an initial statement under division (D)(1) of this section. The person filing a statement under division (D)(2) of this section that is required to be filed on or before the last calendar day of January, May, and September shall pay a ten dollar filing fee with each such statement not to exceed thirty dollars in any calendar year. The joint legislative ethics committee may charge late fees in the same manner as specified in division (G) of section 101.72 of the Revised Code.

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

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

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

Sec. 102.022

Each person who is an officer or employee of a political subdivision, who receives compensation of less than sixteen thousand dollars a year for holding an office or position of employment with that political subdivision, and who is required to file a statement under section 102.02 of the Revised Code, and each member of the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code, shall include in that

statement, in place of the information required by divisions (A)(2), (7), (8), and (9) of that section, the following information:

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

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

Section 102.03

(A)(1) No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the public official or employee personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

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

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

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

(5) As used in divisions (A)(1), (2), and (3) of this section, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes, resolutions, or constitutional amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

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

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

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

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

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

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

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

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

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

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

section 3345.011 of the Revised Code, pays membership dues. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

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

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

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

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

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

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

Sec. 102.031

(A) As used in this section:

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

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

(3) "Employee" does not include a member of the general assembly whose nonlegislative position of employment does not involve the performance of or the authority to perform administrative or supervisory functions; or whose nonlegislative position of employment, if the member is a public employee, does not involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or execution of other public trusts.

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

(1) An employee;

(2) A business associate;

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

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

(1) The payment of any expenses for travel or lodging except as otherwise authorized by division (H) of section 102.03 of the Revised Code;

(2) More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member at a meeting at which the member participates in a panel, seminar, or speaking engagement, at a meeting or convention of a national organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or at a dinner, party, or function to which all members of the general assembly or all members of either house of the general assembly are invited;

(3) A gift of any amount in the form of cash or the equivalent of cash, or a gift of any other thing of value whose value exceeds seventy-five dollars. As used in division (C)(3) of this section, "gift" does not include any contribution or any gifts of meals and other food and beverages or the payment of expenses incurred for travel to destinations either inside or outside this state that is received by a member of the general assembly and that is incurred in connection with the member's official duties.

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

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

Section 102.04

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

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

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

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

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

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

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

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

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

Section 102.05

There is hereby created the Ohio ethics commission consisting of six members, three of whom shall be members of each of the two major political parties, to be appointed by the governor with the advice and consent of the senate. Within thirty days of the effective date of this section, the governor shall make initial appointments to the commission. Of the initial appointments made to the commission, one shall be for a term ending one year after the effective date of this section, and the other appointments shall be for terms ending two, three, four, five, and six years, respectively, after the effective date of this section. Thereafter, terms of office shall be for six years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term.

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

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

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

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

Section 102.06

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

(B) The appropriate ethics commission shall investigate complaints, may investigate charges presented to it, and may request further information, including the specific amount of income from a source, from any person filing with the commission a statement required by section 102.02 or 102.021 of the Revised Code, if the information sought is directly relevant to a complaint or charges received by the commission pursuant to this section. This information is confidential, except that the commission, in its discretion, may share information gathered in the course of any investigation with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate ethics commission. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, or is a voting member of the workers' compensation oversight commission the appropriate ethics commission, in its discretion, also may share information gathered in the course of an investigation with, or disclose the information to, the attorney general and the auditor of state. The person so requested shall furnish the information to the commission, unless within fifteen days from the date of the request the person files an action for declaratory judgment challenging the legitimacy of the request in the court of common pleas of the county of the person's residence, the person's place of employment, or Franklin county. The requested information need not be furnished to the commission during the pendency of the judicial proceedings. Proceedings of the commission in connection with the declaratory judgment action shall be kept confidential except as otherwise provided by this section. Before the commission proceeds to take any formal action against a person who is the subject of an investigation based on charges presented to the commission, a complaint shall be filed against the person. If the commission finds that a complaint is not frivolous, and there is reasonable cause to believe that the facts alleged in a complaint constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a hearing. If the commission does not so find, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of its finding. The person against whom the complaint is directed shall be given reasonable notice by certified mail of the date, time, and place of the hearing and a statement of the charges and the law directly involved, and shall be given the opportunity to be represented by counsel, to have counsel appointed for the person if the person is

unable to afford counsel without undue hardship, to examine the evidence against the person, to produce evidence and to call and subpoena witnesses in the person's defense, to confront the person's accusers, and to cross-examine witnesses. The commission shall have a stenographic record made of the hearing. The hearing shall be closed to the public.

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

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

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

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

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

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

(G)(1) When a complaint or charge is before it, the Ohio ethics commission or the appropriate prosecuting authority, in consultation with the person filing the complaint or charge, the accused, and any other person the commission or prosecuting authority considers necessary, may compromise or settle the complaint or

charge with the agreement of the accused. The compromise or settlement may include mediation, restitution, rescission of affected contracts, forfeiture of any benefits resulting from a violation or potential violation of law, resignation of a public official or employee, or any other relief that is agreed upon between the commission or prosecuting authority and the accused.

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

(3) If a settlement agreement is breached by the accused, the commission or prosecuting authority, in the commission's or prosecuting authority's discretion, may rescind the agreement and reinstitute any investigation, hearing, or prosecution of the accused. No information obtained from the accused in reaching the settlement that is not otherwise discoverable from the accused shall be used in any proceeding before the commission or by the appropriate prosecuting authority in prosecuting the violation. Notwithstanding any other section of the Revised Code, if a settlement agreement is breached, any statute of limitations for a violation of this chapter or section 2921.42 or 2921.43 of the Revised Code is tolled from the date the complaint or charge is filed until the date the settlement agreement is breached.

Section 102.07

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

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

Section 102.08*

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

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

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

(B) The Ohio ethics commission may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and may render advice with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the Ohio ethics commission renders a written formal or staff advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 285, effective 03-02-94.]

Section 102.08*

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

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

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

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

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

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

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

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

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

** R.C. 102.08 was amended by Am. Sub. H.B. 285 (eff. 03-02-94) and Am. Sub. H.B. 492 (eff. 05-12-94). Harmonization pursuant to R.C. 1.52 is in question. Both versions are presented here.*

Section 102.09

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

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

(C) The public agency or appointing authority that employs, appoints, or promotes any public official or employee who, as a result of such employment, appointment, or promotion, is required to file a financial disclosure statement by section 102.02 of the Revised Code, shall, within fifteen days of the employment, appointment, or promotion, furnish the public official or employee with a financial disclosure form, and shall notify the appropriate ethics commission of the name and position of the public official or employee and the date of employment, appointment, or promotion. The public official or employee shall acknowledge receipt of the financial disclosure form in writing.

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

Section 102.99

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

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

CHAPTER 2921.

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

(A) "Public official" means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.

(B) "Public servant" means any of the following:

(1) Any public official;

(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;

(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.

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

(D) "Official proceeding" means any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.

(E) "Detention" means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state by a private person or entity, pursuant to a contract entered into under division (E) of section 311.29 of the Revised Code or division (B) of section 5149.03 of the Revised Code. For a person confined in a county jail who participates in a county jail industry program pursuant to section 5147.30 of the Revised Code, "detention" includes time spent at an assigned work site and going to and from the work site.

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

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

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

(I) "Provider agreement" and "medical assistance program" have the same meanings as in section 2913.40 of the Revised Code.

Sec. 2921.42.

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

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

(2) Authorize, or employ the authority or influence of the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the public

official, a member of the public official's family, or any of the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) As used in this section:

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

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

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

Sec. 2921.421

(A) As used in this section:

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

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

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

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

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

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

(a) Authorizes the furnishing of services as required under division (B)(1) of this section;

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

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

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

Section 2921.43

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

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

(2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(B) No public servant for the public servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

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

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

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

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

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

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

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

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

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

**OHIO ETHICS COMMISSION
8 East Long Street
10th Floor
Columbus, Ohio 43215-2940
Phone: (614) 466-7090
Fax: (614) 466-8368
www.ethics.ohio.gov**

[Rev. 10/07]

3362 & 4362- ANTI-HARASSMENT

General Policy Statement

It is the policy of the Board of Education to maintain an education and work environment which is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against harassment based on sex, race, color, national origin, religion, disability, or any other unlawful basis, and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

Definitions:

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Physical assault.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Consensual sexual relationships where such relationship leads to favoritism of a student or subordinate employee with whom the teacher or superior is sexually involved and where such favoritism adversely affects other students and/or employees.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery" as set forth in R.C. 2907.03. The issue of consent is irrelevant in regard to such criminal charge.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Reports and Complaints of Harassing Conduct

Members of the School District community and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's informal and/or formal investigation and complaint processes. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file an informal or a formal complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The Coordinator of Student Services shall be the Anti-Harassment Complaint Coordinator with whom complaints of sexual and other forms of unlawful harassment should be filed.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Complaint Coordinators. Thereafter, the Complaint Coordinator must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Complaint Coordinator or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Privacy/Confidentiality

The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

Informal Process for Addressing Complaints of Harassment

An informal complaint process to provide members of the School District community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Members of the School District community or third parties who believe that they have been unlawfully harassed are encouraged to initiate their complaint through this informal complaint process, but are not required to do so. Those members of the School District community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Process for Addressing Complaints of Harassment

While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty-one (31) calendar days of the complaint being received).

Although not required, members of the School District community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the Complaint Coordinators identified in the Administrative Guidelines. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the Complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate Complaint Coordinator identified in the Administrative Guidelines.

After a complaint is filed, the Complaint Coordinator or designee shall conduct a prompt and timely investigation. The investigation may include interviews of the complainant, the individual accused of engaging in harassing behavior, and any other witness who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

At the conclusion of the investigation the Complaint Coordinator or designee will prepare and deliver to the Superintendent a written report summarizing the evidence gathered during the investigation and providing his/her recommendations regarding whether or not the complaint of unlawful harassment has been substantiated. The written report must be based on the totality of the circumstances involved in the complaint, the nature of the alleged conduct, the context in which the alleged conduct occurred, and the ages and maturity of the individuals involved. Upon review of the written report the Superintendent will either issue a final decision regarding whether or not the complaint of unlawful harassment was substantiated, or request that further investigation be conducted. A copy of Superintendent's action will be delivered to both the Complainant and the individual accused of the harassing conduct.

A Complainant who is dissatisfied with the Superintendent's decision may appeal it to the Board of Education by submitting written notice to the Superintendent within ten (10) days of the date of the Superintendent's decision. Upon receipt of a notice of appeal, the Board shall meet in executive session at its next regularly scheduled meeting, which is scheduled to occur at least ten (10) days after the Superintendent's receipt of the appeal notice, to review the complaint and the summary of the investigation. Following the meeting, the Board will issue a decision either affirming, modifying, or rejecting the Superintendent's decision. The decision of the Board shall be final.

The Complaint process set forth in the policy and in the administrative guidelines is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Ohio Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the harassment pursues the complaint.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to eliminate such conduct in the future.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines and harassment in general, will be age and content appropriate.

R.C. 4112.02

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

29 U.S.C. 621 et seq.

29 U.S.C. 794

42 U.S.C. 12101 et seq.

20 U.S.C. 1681 et seq.

42 U.S.C. 1983

Ratification - 9/26/05

Revised 2/13/06

3122 & 4122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Xenia Community Schools Board of Education is committed to equal opportunity and participation of all its employees and applicants for employment consistent with applicable Federal, State, and local laws. In order to insure that each employee, and applicant will be accorded equal treatment with respect to all terms, conditions, and privileges of employment, including recruitment, selection, placement, and opportunities for advancement, the Xenia Board of Education affirms its policy of Equal Opportunity and is hereby adopting an Affirmative Action Plan applicable to all levels of the school system to ensure that all employment and promotion decisions are made without regard to sex, race, religion, color, age, national origin, marital status, number of dependents, or handicap.

R.C. 4112.02

A.C. 3301-35-03(A)

42 U.S.C., 2000e, et seq., Civil Rights Act of 1964

42 U.S.C., 12112, Americans with Disabilities Act of 1990

29 U.S.C. 701 et seq., Rehabilitation Act of 1973

20 U.S.C. 1681 et seq., Title IX

Ratification - 9/26/05

Statement Concerning Your Employment in a Job Not Covered by Social Security

Employee Name _____ Employee ID # _____

Employer Name _____ Employer ID# _____

Your earnings from this job are not covered under Social Security. When you retire, or if you become disabled, you may receive a pension based on earnings from this job. If you do, and you are also entitled to a benefit from Social Security based on either your own work or the work of your husband or wife, or former husband or wife, your pension may affect the amount of the Social Security benefit you receive. Your Medicare benefits, however, will not be affected. Under the Social Security law, there are two ways your Social Security benefit amount may be affected.

Windfall Elimination Provision

Under the Windfall Elimination Provision, your Social Security retirement or disability benefit is figured using a modified formula when you are also entitled to a pension from a job where you did not pay Social Security tax. As a result, you will receive a lower Social Security benefit than if you were not entitled to a pension from this job. For example, if you are age 62 in 2005, the maximum monthly reduction in your Social Security benefit as a result of this provision is \$313.50. This amount is updated annually. This provision reduces, but does not totally eliminate, your Social Security benefit. For additional information, please refer to the Social Security publication, "Windfall Elimination Provision."

Government Pension Offset Provision

Under the Government Pension Offset Provision, any Social Security spouse or widow(er) benefit to which you become entitled will be offset if you also receive a Federal, State or local government pension based on work where you did not pay Social Security tax. The offset reduces the amount of your Social Security spouse or widow(er) benefit by two-thirds of the amount of your pension.

For example, if you get a monthly pension of \$600 based on earnings that are not covered under Social Security, two-thirds of that amount, \$400, is used to offset your Social Security spouse or widow(er) benefit. If you are eligible for a \$500 widow(er) benefit, you will receive \$100 per month from Social Security, $\$500 - \$400 = \$100$. Even if your pension is high enough to totally offset your spouse or widow(er) Social Security benefit, you are still eligible for Medicare at age 65. For additional information, please refer to the Social Security publication, "Government Pension Offset."

For More Information

Social Security publications and additional information, including information about exceptions to each provision, are available at www.socialsecurity.gov. You may also call toll free 1-800-772-1213, or, for the deaf or hard of hearing, call the TTY number 1-800-325-0778, or contact your local Social Security office.

I certify that I have received Form SSA-1945 that contains information about the possible effects of the Windfall Elimination Provision and the Government Pension Offset Provision on my potential future Social Security benefits.

Signature of Employee _____ Date _____

**Information about Social Security Form SSA-1945,
Statement Concerning Your Employment in a Job Not Covered by Social Security**

New legislation [Section 419(c) of Public Law 108-203, the Social Security Protection Act of 2004] requires State and local government employers to provide a statement to employees hired January 1, 2005 or later in a job not covered under Social Security. The statement explains how a pension from that job could affect future Social Security benefits to which they may become entitled.

Form SSA-1945, **Statement Concerning Your Employment in a Job Not Covered by Social Security**, is the document that employers should use to meet the requirements of the law. The SSA-1945 explains the potential effects of two provisions in the Social Security law for workers who also receive a pension based on their work in a job not covered by Social Security. The Windfall Elimination Provision can affect the amount of a worker's Social Security retirement or disability benefit. The Government Pension Offset Provision can affect any possible Social Security benefit entitlement as a spouse or an ex-spouse.

Employers must:

- Give the statement to the employee prior to the start of employment;
- Get the employee's signature on the form; and
- Submit a copy of the signed form to the pension paying agency.

Social Security will not be setting any additional guidelines for the use of this form.

Copies of the SSA-1945 are available online at the Social Security website, www.socialsecurity.gov/form1945. Paper copies can be requested by email at oplm.oswm.rqct.orders@ssa.gov or by fax at 410-965-2037. The request must include the name, complete address and telephone number of the employer. Forms will not be sent to a post office box. Also, if appropriate, include the name of the person to whom the forms are to be delivered. The forms are available in packages of 25. Please refer to Inventory Control Number (ICN) 276950 when ordering.

Xenia Community School District Bylaws & Policies

8310 - PUBLIC RECORDS

The Board of Education recognizes its responsibility to maintain the public records of this District and to make such records available to residents of Ohio for inspection and reproduction.

The Board will utilize the following procedures regarding the availability of public records. "Public records" are defined as any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of the Board or its employees, which is kept by the Board and which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the District. "Public records" do not include medical records, trial preparation records, confidential law enforcement investigatory records, records the release of which is prohibited by State or Federal law, and any other exceptions set forth in R.C. 149.43. Confidential law enforcement investigatory records, medical records, and trial preparation records are as defined in R.C. 149.43.

Any person may inspect the public records of this District at all reasonable times during the regular business hours of the office in which such records are maintained. In addition, upon request, a person may receive copies of public records, at cost, within a reasonable period of time. While the District's public records shall be promptly prepared and made available for inspection, a reasonable period of time may be necessary for the District to review and redact non-public/confidential information contained in the record and/or to fulfill extensive/voluminous requests for copies. At the time of the public records request, if the request cannot be complied with immediately, the records custodian shall inform the person making the request of the reason for the delay and provide an estimate of the time needed to comply with the request. The Superintendent is authorized to grant or refuse access to the records of this District in accordance with the law.

A person may purchase copies of the District's public records upon payment of a fee. A person who chooses to purchase a copy of a public record may request to have said record duplicated on paper, on the same medium on which the District keeps the record, or on any other medium on which the custodian of records determines that said record reasonably can be duplicated as an integral part of normal operations. A person who chooses to purchase a copy of a public record may also choose to have that record sent to him/her by United States mail within a reasonable period of time following the request, provided the person making the request pays in advance for said record as well as costs for postage and supplies used in the mailing. The number of mail requests for public records by any one (1) person shall be limited to ten (10) per month, unless the person certifies, in writing, that said records, or information in them, will not be used for commercial purposes. No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

Nothing in this policy shall be construed as preventing a Board member, in the performance of his/her official duties, from inspecting any record of this District, except student records and certain portions of personnel records.

A School District Records Commission shall be established consisting of the Board President, Treasurer, and Superintendent of Schools in accordance with law to judge the advisability of destroying District records. The Commission shall meet at least once every twelve (12) months.

R.C. 9.01, 102.03(B), 149.011, 149.41, 149.43, 1347 et seq., 3313.26, 3315.07(B)

R.C. 3319.32, 3319.321

20 U.S.C. 1232g