

Present:
Barb Lewis, President - Absent
Jeff Benton, Vice President
Gary Merrell, Commissioner

WHEREAS, the Board of County Commissioners has passed Resolution No. 25-640 to reduce the real property tax collection rate from 1.8 mills to 1.3 mills, effective only for tax year 2025, collected in 2026, pursuant to R.C. 5705.313(A); and

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WHEREAS, the Budget Commission of Delaware County, Ohio has certified to this Board its actions in accordance with R.C. 5705.31 and R.C. 5705.34, together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill tax limitation;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delaware County, Ohio, that the amounts and rates as determined by the Budget Commission in its certification are hereby accepted; and

BE IT FURTHER RESOLVED that the following tax levies, within and without the ten mill limitation, are hereby authorized and levied on the tax duplicate of Delaware County at the rates specified herein:

SCHEDULE A				
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET				
COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
DELAWARE COUNTY	Amount	Amount	County Auditor's	
TAX YEAR 2025	Approved by	to Be Derived	Estimate of Tax Rate	
	Budget Commission	from levies	to be Levied	
FUND	Inside 10 M.	Outside 10 M.	Inside 10 M.	Outside 10 M.
	Limitation	Limitation	Limit	Limit
General Fund	17,899,342		1.30	
Permanent Improvement Fund	1,376,872		0.10	
Developmental Disabilities Fund		20,556,081		2.40
9-1-1- Operations Fund		5,265,584		0.68
Senior Citizens		12,068,887		1.40
Debt Service				
TOTAL	19,276,214	37,890,552	1.40	4.48

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby directed to certify a copy of this Resolution to the Delaware County Auditor.

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Absent

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RESOLUTION NO. 25-766

IN THE MATTER OF AUTHORIZING THE SUBMITTAL OF A LOCAL SPONSOR
APPLICATION TO THE OHIO DEPARTMENT OF AGRICULTURE OFFICE OF FARMLAND
PRESERVATION FOR 2026 FUNDING:

It was moved by Mr. Merrell, seconded by Mr. Benton, to approve the following:

WHEREAS, the Ohio Department of Agriculture Office of Farmland Preservation offers matching grants for the acquisition of farmland preservation easements through local sponsors; and

WHEREAS, the Delaware County Board of Commissioners, in cooperation with the Delaware Soil and Water Conservation District, wishes to submit an application for Delaware County to serve as a local sponsor for the program; and

WHEREAS, the Board hereby declares that Resolution No. 17-1131 (approving a memorandum of understanding between Delaware County, Ohio and the Ohio Department of Agriculture for The Local Agricultural Easement Purchase Program), shall remain in full force and effect;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby authorizes the County Administrator to complete a local sponsor application to the Ohio Department of Agriculture Office of Farmland Preservation and authorizes the President of the Board to sign and submit the application.

Vote on Motion Mrs. Lewis Absent Mr. Merrell Aye Mr. Benton Aye

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RESOLUTION NO. 25-767

IN THE MATTER OF ADOPTING UPDATES TO THE DELAWARE COUNTY PERSONNEL POLICY MANUAL (SICK LEAVE POLICY; FAMILY AND MEDICAL LEAVE ACT POLICY; VACATION AND PERSONAL LEAVE POLICY; AND AUDITOR OF STATE FRAUD REPORTING SYSTEM POLICY):

It was moved by Mr. Merrell, seconded by Mr. Benton, to approve the following:

WHEREAS, Delaware County has incorporated and/or revised management practices, procedures, and policies to appropriately manage federal, state, and civil service laws and regulations and to administer and set employment standards, and provide for the general management of employees, based upon best practices recommended by the County Risk Sharing Authority; and

WHEREAS, the Delaware County Personnel Policy Manual encompasses general employment practices, procedures, and guidelines for employees, directors and supervisors in the day-to-day direction and performance of their duties; and

WHEREAS, the Director of Human Resources and the Deputy County Administrator recommends adopting updates to Sections XXXI, XXXII, XXXIV and XL of the Delaware County Personnel Policy Manual;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby adopts the following updates to Sections XXXI, XXXII, XXXIV and XL of the Delaware County Personnel Policy Manual, effective immediately upon adoption of this Resolution:

XXXI. SICK LEAVE

All employees shall be entitled to sick leave in accordance with §§ 124.38 and 124.39 of the Ohio Revised Code as follows:

A. Accumulation

Each employee shall be entitled for each completed eighty (80) hours of service to sick leave of four (four) and six-tenths (6/10) hours of pay, and unused sick leave may be accumulated without limit. Previous accumulated sick leave of an employee who has separated from public service shall be re-credited if reemployment in public service takes place within ten (10) years of the last termination from public service and the employee provides proof of the prior leave balance. An employee is expected to provide proof of a prior sick leave balance within ninety (90) days of commencing employment with the County. An employee who transfers from one public agency to another shall be credited with up to the maximum of sick leave accumulation permitted in the public agency to which the employee transfers.

B. Use

Sick leave may be used by employees and upon approval of the County for absences due to the following:

1. Illness, injury, or pregnancy-related medical condition of the employee.
2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
3. Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate licensed medical practitioner.
4. Death of a member of the employee's immediate family. Such usage shall be limited to reasonably necessary time, not to exceed five (5) days. The County may grant additional time off on a case by case basis.
5. Illness, injury, or pregnancy-related medical condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
6. Medical, dental or optical examinations or treatments of an employee or of a member of an employee's immediate family where the employee's care and attendance is reasonably required.

Elective cosmetic surgeries or other procedures that are not medically necessary do not constitute an appropriate usage of sick leave. Other appropriate leaves of absence, such as vacation, may be requested for such purposes.

For purposes of sick leave, immediate family is defined as: grandparent; great- grandparents; brother; sister; brother-in-law; sister-in-law; daughter-in-law; son- in-law; father; mother; father-in-law; mother-in-law; spouse; child; step-child; step-parent; grandchild; legal guardian; or other person who stands in place of a parent.

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Grandparent-in-law, aunts and uncles shall also be considered immediate family for bereavement leave purposes. Such usage shall be limited to reasonably required time, not to exceed one (1) day. The County may grant additional time off on a case by case basis not to exceed three (3) days.

C. Employee Notification

When an employee is unable to report to work due to illness or other acceptable sick leave reason, the employee shall notify their supervisor by calling the supervisor and speaking directly with the supervisor or, if unavailable, with another supervisor in their department. Employees are not permitted to leave messages, text or email their supervisor when notifying them of their absence. Absences must be reported at least one-half hour prior to the employee's scheduled shift. An employee must continue such notification each succeeding day of absence except in cases of prolonged illness or absence where the employee has been granted a set period of leave. Failure of an employee to make proper notification may result in denial of sick leave and/or appropriate disciplinary action.

D. Written Statement

Proof of illness, such as a doctor's excuse, may be required when the County believes the absence(s) to be excessive, chronic, patterned, or abusive. A satisfactory licensed medical practitioner's certificate may be required at any time but will generally be required in each case when an employee has been absent more than three (3) consecutive days. When a licensed medical practitioner's certificate is required, it must be submitted to Human Resources before an employee will be permitted to return to work from leave. The licensed medical practitioner's certificate must be signed personally by the treating practitioner, and must verify the nature of the illness, and that the employee was unable to work during the period in question, not simply that the employee was "under the doctor's care." For absences where a licensed medical practitioner's certificate is not required, the employee must submit a written statement to Human Resources explaining the nature of the illness.

E. Sick Leave Abuse

Application by an employee for sick leave through fraud or dishonesty will result in denial of such leave together with disciplinary action up to and including termination. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation, days off and/or weekends or excessive sick leave usage may result in sick leave denial and appropriate disciplinary action. The County reserves the right to investigate allegations of sick leave abuse. The County reserves the right to question employees concerning their sick leave use. Whenever an employee is on sick leave the employee must be at home during the employee's scheduled work hours or obtaining treatment or medication.

F. Uses of Other Leave

Other accumulated unused leaves may be used for sick leave purposes, at the discretion of the Appointing Authority.

G. Sick Leave Charge

Sick leave shall be charged in minimum increments of one-quarter (1/4) hour. When sick leave is used it shall be deducted from the employee's credit on the basis of one hour of sick leave for every one hour of absence from previously scheduled work. Sick leave payments shall not exceed the normal scheduled workday or workweek earnings. Employees may utilize sick leave only for the hours and days on which they are scheduled to work.

Sick leave may only be used after it has been accrued and is available in the employee's leave balance. The use of sick leave in advance of accrual is not permitted. All sick leave usage must comply with applicable policies and departmental procedures.

H. Sick Leave Upon Retirement

An employee may elect at the time of disability or service retirement under the Public Employees Retirement System, to be paid in cash for one-fourth of the value of their accrued, but unused, sick leave balance accumulated with Delaware County. The total value of the sick leave paid, earned with Delaware County, as severance pay shall not exceed the value of 60 days paid leave. The payment shall be based on the employee's rate of pay at the time of retirement.

An employee, who has a sick leave balance that has accumulated with the state of Ohio, or any other political subdivision of state, may elect at the time of disability or service retirement under the Public Employees Retirement System, to be paid in cash for one-fourth of the value of the employee's accrued, but unused, sick leave. The total value of the sick leave paid, earned with another political subdivision, as severance pay shall not exceed the value of 30 days paid leave. The payment shall be based on the employee's rate of pay at the time of retirement.

To qualify for this severance benefit, the employee must meet the requirements for a disability or service retirement and have at least 10 years of service with the state, any political subdivision of the state, or any combination of such service.

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The total value of the sick leave paid under this policy, earned with Delaware County and another political subdivision combined, as severance pay shall not exceed the value of 60 days paid leave. Payment for sick leave will eliminate all sick leave credit accrued by the employee at that time.

I. Sick Leave Upon Death

Upon the death of an employee in the active service with Delaware County, unused accumulated sick leave shall be paid to the employee's spouse, children, or parents, if any, in that order or to the employee's estate. Payment for sick leave accumulated while in the employ of Delaware County shall be based on the employee's straight- time hourly rate at the time of death and will be paid in cash for one-fourth of value of the employee's accrued, but unused sick leave balance, with no limit.

J. Medical Information

The County will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to the Director of Administrative Services by calling (740) 833-2120.

XXXII. FAMILY MEDICAL LEAVE ACT ("FMLA")

A. Statement of Policy.

Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993.

B. Definitions.

As used in this policy, the following terms and phrases shall be defined as follows:

1. "Family and/or medical leave of absence": An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
 - a. Upon the birth of an employee's child and in order to care for the child.
 - b. Upon the placement of a child with an employee for adoption or foster care.
 - c. When an employee is needed to care for a family member who has a serious health condition.
 - d. When an employee is unable to perform the functions of his/her position because of the employee's own serious health condition.
 - e. Qualifying service member leave.
2. Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on "covered active duty" or receiving a "call to covered active duty." In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a "single twelve (12)-month period" to care for a service member with a "serious injury or illness" sustained or aggravated while in the line of duty on active duty. The "single twelve (12)-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.
3. "Per year": A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four weeks beginning June 1, 2009, and four weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.
4. "Serious health condition": Any illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care.
 - b. Any period of incapacity of more than three consecutive calendar days that also involves:

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- i. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
 - ii. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
 - c. Any period of incapacity due to pregnancy or for prenatal care.
 - d. A chronic serious health condition which requires at least two “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
 - e. Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer’s disease, etc.).
 - f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).
5. “Licensed health care provider”: A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
6. “Family member”: Spouse, child, parent or a person who stands “in loco parentis” to the employee.
7. “Covered Service Member”: Means either:
- a. A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
 - b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.
 - i. Note: An individual who was a member of the Armed Forces (including National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period of October 28, 2009 and March 8, 2013, shall not count toward the determination of the five-year period for covered veteran status.
8. “Outpatient Status”: The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.
9. “Next Of Kin”: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.
10. A “serious injury or illness”, for purposes for the twenty-six (26)-week military caregiver leave means either:
- a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,
 - b. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered

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the service member unable to perform the duties of the service member's office, grade, rank, or rating; or

- ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- 11. "Covered Active Duty" or "call to covered active duty":
 - a. In the case of a member of a Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. (Active duty orders of a member of the Regular components of the Armed Forces generally specify if the member is deployed to a foreign country.)
 - b. In the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to specific sections of the U.S. Code, as outlined in 29 CFR § 825.126.
- 12. "Deployment to a foreign country" means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.
- 13. "Qualifying Exigency": (For purposes of the twelve (12)-week qualifying exigency leave) includes any of the following:
 - a. Up to seven days of leave to deal with issues arising from a covered military member's short notice deployment, which is a deployment on seven (7) or fewer days notice.
 - b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
 - c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
 - d. Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.
 - e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
 - f. Rest and recuperation leave of up to fifteen (15) days to spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. This leave may be used for a period of 15 calendar days from the date the military member commences each instance of Rest and Recuperation leave.
 - g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by

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the military, as well as addressing issues arising from the death of a covered military member.

- h. Qualifying parental care for military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age, when the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living, as described in 29 C.F.R. § 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.
- i. Any qualifying exigency which arose out of the covered military member's covered active duty or call to covered active duty status.

C. Leave Entitlement.

To be eligible for leave under this policy, an employee must meet all of the following conditions:

- 1. Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.
- 2. Actually worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
- 3. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius. County health districts and the County are not considered a single employer for purposes of FMLA leave entitlement.
 - a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.
 - b. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

D. Use of Leave.

The provisions of this policy shall apply to all family and medical leaves of absence as follows:

- 1. Generally: An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc.) in conjunction with/concurrent to their use of accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.
- 2. Birth of An Employee's Child: An employee who takes leave for the birth of his/her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust all of her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. (*Note: See section E below for information on disability leaves.*)
- 3. Placement of a Child for Adoption or Foster Care: An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.
- 4. Employee's Serious Health Condition or Family Member's Serious Health Condition: An employee who takes leave because of their serious health condition or the serious health condition of their family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

E. FMLA and Disability/Workers' Compensation.

An employee who is eligible for FMLA leave because of his/her own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using workers'

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compensation benefits, the Employer may designate the absence as FMLA leave and count it against the employee's twelve (12) week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the workers' compensation program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor can the employer require the employee to do so, while the employee is receiving compensation from such a program.

F. Procedures for Requesting FMLA Leave.

Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. If the employee fails to provide thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the employer receives notice. The employee must follow the regular reporting procedures for each absence.

FMLA requests must be submitted on a standard leave form prescribed by the Employer. The Employer will determine whether the leave qualifies as FMLA leave, including instances of Family Medical Leave that are not requested by the employee, and designate any leave that counts against the employee's twelve (12) week entitlement, and notify the employee that the leave has been so designated.

When an employee needs foreseeable FMLA leave, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the Employer's operations.

G. Certification of Need for FMLA Leave for Serious Health Condition.

An employee requesting FMLA leave due to their family member's serious health condition must provide a doctor's certification of the serious health condition, which must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or if the need for leave is not foreseeable, as soon as practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.

The Employer, at its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

The Employer may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the Employer. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the Employer. If the first and second opinions differ, the Employer, at its own expense, may require the binding opinion of a third health care provider approved jointly by the Employer and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

Employees who request and are granted FMLA leave due to serious health conditions may be required to provide the Employer periodic written reports assessing the continued qualification for FMLA leave. Further, the Employer may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.), or if the employer receives information that casts doubt on the employee's stated reason for the absence. The employee must provide the requested additional reports to the Employer within fifteen (15) days.

H. Certification for Leave Taken Because Of A Qualifying Exigency.

The Employer may request that an employee provide a copy of the military member's active duty orders to support the request for qualifying exigency leave. Such certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; appropriate contact information for the third party if the qualifying exigency requires meeting with a third party and a description of the meeting; and, if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

I. Intermittent/Reduced Schedule Leave.

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an

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intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee unless specifically authorized in writing by the Department Director and County Administrator or designee. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or, as soon as practicable.

To be entitled to intermittent leave, the employee must, at the time such leave is requested, submit additional certification as prescribed by the Employer establishing the medical necessity for such leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts supporting the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave may be required to meet with the Department Director and County Administrator or designee to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the Employer's operations.

J. Employee Benefits.

Except as provided below, while an employee is on FMLA leave, the Employer will continue to pay its portion of premiums for any life, medical, and dental insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts he would have been required to pay had he not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

The Employer will not continue to pay the Employer portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for their portion of the premium is late by more than thirty (30) days. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the Employer may seek reimbursement from the employee for any amounts paid by the Employer for insurance benefits the employee received through the Employer during any period of unpaid FMLA leave. Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, specific leaves times (i.e. sick, vacation, and personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

K. Reinstatement.

An employee on FMLA leave must give the Employer at least two business days notice of their intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the Employer.

An employee will not be laid off as a result of exercising their right to FMLA leave. However, the Employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the agency, the employee would not otherwise be employed at the time reinstatement is requested. An employee on FMLA leave has no greater or lesser right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during their FMLA leave.

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Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee’s health care provider that the employee is able to perform the essential functions of their position, with or without reasonable accommodation.

L. **Records.**

All records relative to FMLA leave will be maintained by the Employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee’s regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential. Records and documents created for purposes of FMLA containing family medical history or genetic information as defined by the Genetic Information Nondiscrimination Act of 2008 (GINA) shall be maintained in accordance with the confidentiality requirements of Title II of GINA, which permit such information to be disclosed consistent with the requirements of FMLA.

XXXIV. VACATION AND PERSONAL LEAVE

A. Vacation Leave Accrual

- 1. Full-time permanent County employees shall accrue and be entitled to vacation leave, to be credited each bi-weekly pay period, at rates as established in the following schedule:

Completed Years of Service	Vacation Leave Earned Per Eighty (80) Hours Worked	Annual Vacation Hours Accrued
Less than 4 years	3.1	80
4 but less than 9 years	4.6	120
9 but less than 14 years	6.2	160
14 but less than 19 years	6.9	180
19 years or more	7.7	200

- 2. An employee who is not in active pay status for part of a bi-weekly pay period shall earn a pro-rated amount of vacation leave for that period. Employees who are regularly scheduled to work less than eighty (80) hours in a pay period will accrue vacation at a prorated amount of the standard rate multiplied by the ratio of the employee’s regular scheduled hours in a pay period to eighty (80) hours. Under no circumstances will an employee accrue vacation at a greater rate than the standard rate.
- 3. Vacation leave will accrue during periods of authorized paid leaves of absence but will not accrue while an employee is on unpaid leave status.
- 4. In accordance with O.R.C. § 9.44, employees may be entitled to prior service credit for time spent with the State of Ohio or any political subdivision of the State. It is the employee’s responsibility to provide necessary documentation of prior service.
- 5. An employee will not be entitled to marry his/her prior service time if he/she has retired from public service with his/her prior employer.

B. **Vacation Leave Use**

- 1. Vacation leave must be taken within twelve (12) months following an employee’s anniversary date. An Appointing Authority, at its sole discretion, may permit an employee to accumulate vacation for a period not to exceed three (3) years. Accrued vacation leave that is not taken within the time period permitted under this policy is forfeited.
- 2. Vacation requests should generally be received by the employee’s immediate supervisor in advance. Vacation requests will be granted per departmental procedure and are subject to operational needs. Vacation time may be taken in one-quarter (1/4) hour increments.
- 3. Vacation leave may only be used after it has been accrued and is available in the employee’s leave balance. The use of vacation leave in advance of accrual is not permitted. All vacation leave usage must comply with applicable policies and departmental procedures.

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4. The County may revoke approval of the use of vacation leave if required by operational reasons.

C. Unused Vacation Leave

Upon separation from service with at least one (1) year of recognized public service, an employee is entitled to compensation at their current rate of pay for accrued but unused vacation leave. In the case of the death of a county employee, the unused vacation leave to the credit of the employee shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate.

D. Personal Leave

Each payroll calendar year, all non-bargaining unit employees shall be entitled to one eight (8) hour workday of personal leave which shall be deducted from the employee's sick leave balance. To be eligible, the employee must have the appropriate balance of sick leave at the time the personal leave is taken. Personal leave deducted from sick leave that is not used during the calendar year is forfeited and will remain in the employee's accrued sick leave balance.

In addition, all non-bargaining employees shall be entitled to up to a maximum of two (2) eight (8) hour days of personal leave not to be deducted from the employee's sick leave balance.

Personal leave may be taken in one-quarter (1/4) hour increments up to a full 8 hour work day.

Personal leave may only be used once it has been granted and is available in the employee's leave balance, as reflected on the employee's pay stub. Use of personal leave prior to its availability is not permitted. All personal leave usage must comply with applicable policies and departmental procedures.

Personal leave used shall not exceed a total of three (3) eight (8) hour working days. Personal leave not used during the calendar year is forfeited.

Personal leave is subject to the approval of the employee's supervisor based upon the operational needs of the department. The County may revoke approval of the use of personal leave if required by operational reasons.

At no time shall an employee receive a payout for unused personal leave with the exception of applicable sick leave pay out provisions established by policy.

XL. AUDITOR OF STATE FRAUD REPORTING SYSTEM

The Ohio Auditor of State's Office maintains a system for reporting fraud, including the misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, or the United States mail. Contact information is as follows:

Telephone: 1-866-FRAUD OH (1-866-372-8364) US Mail: Ohio Auditor of State's Office
Special Investigations Unit
65 East State Street
P.O. Box 1140
Columbus, OH 43215
Web: www.ohioauditor.gov

Vote on Motion Mr. Benton Aye Mrs. Lewis Absent Mr. Merrell Aye

7
RESOLUTION NO. 25-768

IN THE MATTER OF AMENDING RESOLUTION NO. 24-140 TO REVISE THE AMOUNT OF
MONEY ACCUMULATED IN THE CAPITAL FACILITY FUND, APPROVING A
SUPPLEMENTAL APPROPRIATION AND TRANSFERS OF FUNDS:

It was moved by Mr. Merrell, seconded by Mr. Benton, to approve the following:

WHEREAS, on February 22, 2024, the Delaware County Board of Commissioners (the "Board") adopted Resolution No. 24-140, establishing a capital projects fund (Fund 424 – Capital Facility Fund), pursuant to section 5705.13(C) of the Revised Code, to pay for the costs of acquiring, constructing, or improving fixed assets of the County; and

WHEREAS, a resolution creating a capital projects fund, pursuant to section 5705.13(C) of the Revised Code, shall identify the source of the money to be used to acquire, construct, or improve the fixed assets identified in the resolution, the amount of money to be accumulated for that purpose, the period of time over which that amount is to be accumulated, and the fixed assets that the Board intends to acquire, construct, or improve with the money to be accumulated in the fund; and

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WHEREAS, the Board desires to amend Resolution No. 24-140 to revise the amount of money to be accumulated in the Capital Facility Fund established therein from \$25,000,000 to \$55,000,000;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio, that:

Section 1. The Board hereby amends Resolution No. 24-140 by declaring that the amount of money to be accumulated in the Capital Facility Fund (Fund 424) shall not exceed \$55,000,000.00, unless and until the Board amends this Resolution to provide for additional amounts to be accumulated in Fund 424 for the purposes stated in Resolution No. 24-140. All other sections and provisions of Resolution No. 24-140 not amended herein shall remain in full force and effect.

Section 2. The Board hereby approves the following supplemental appropriation and transfers of funds:

Supplemental Appropriation		
10011102-5801	Commissioners General/Cash Transfer	32,875,972
Transfer of Funds		
From:	To:	
10011102-5801	42011438-4601	3,819,000
Commissioners General/Cash Transfer	Capital Improvement Reserve/Interfund Revenues	
10011102-5801	42411477-4601	28,156,972
Commissioners General/Cash Transfer	Capital Facility/Interfund Revenues	

Section 3. The Board hereby directs the Clerk to certify a copy of this Resolution to the County Auditor.

Section 4. This Resolution shall take immediate effect upon adoption.

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Absent

8
RESOLUTION NO. 25-769

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS AND A TRANSFER OF APPROPRIATIONS:

It was moved by Mr. Merrell, seconded by Mr. Benton, to approve the following:

Supplemental Appropriation		
10011102-5602	Commissioners General/Community Enhancements	206,996.00
10011105-5201	Land & Buildings/Gen Supplies & Equip < 1,000	30,000.00
10013101-5101	Recorder/Health Insurance	6,700.00
10016101-5201	Board of Elections/Gen Supplies & Equip <1,000	315,000.00
20315101-5321	Data Center/Software and Computer Services	130,000.00
24026326-5319	Juv Crt Restitution/Reimbursements-Refund	6,000.00
24113102-5001	County Recorder Equipment/Compensation	21,850.00
24113102-5101	County Recorder Equipment/Health Insurance	29,950.00
24113102-5102	County Recorder Equipment /Workers Comp	850.00
24113102-5120	County Recorder Equipment /County Share/OPERS	7,950.00
24113102-5131	County Recorder Equipment /County Share/Medicare	800.00
40311487-5301	Slate Lick Lateral #1/Contracted Prof Services	34,794.00
Transfer of Appropriation		
From:	To:	
21411306-5260	21411306-5321	98,208.00
911/Inv Tool, Equip, Furn 1000-4999	911/Software Licenses-Subscription	

Vote on Motion Mrs. Lewis Absent Mr. Merrell Absent Mr. Benton Absent

9
RESOLUTION NO. 25-770

IN THE MATTER OF APPOINTING A MEMBER TO THE DELAWARE COUNTY TRANSIT BOARD:

It was moved by Mr. Merrell, seconded by Mr. Benton, to approve the following:

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WHEREAS, on October 25, 1999, the Delaware County Board of Commissioners (the “Board of Commissioners”) created the Delaware County Transit Board (the “Transit Board”) and made the necessary appointments to the Transit Board, pursuant to section 306.01 and 306.02 of the Revised Code; and

WHEREAS, as necessary, the Board of Commissioners has made appointments to the Transit Board to fill vacancies in both unexpired and expired terms; and

WHEREAS, Ferzan Ahmed has resigned from the DCT-2 seat effective October 24, 2025; and

WHEREAS, Darlene Magold has applied for appointment to the DCT-2 seat, the term for which expires on October 24, 2027;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio:

Section 1. The Board of Commissioners hereby appoints Darlene Magold as a member of the Transit Board to the DCT-2 seat, the term for which expires October 24, 2027.

Section 2. The appointment approved herein shall take effect on October 25, 2025.

Vote on Motion Mr. Benton Aye Mrs. Lewis Absent Mr. Merrell Aye

**10
ADMINISTRATOR REPORTS**

CA Davies, DCA Huston and Attorney Hochstettler – Nothing to report

**11
COMMISSIONERS’ COMMITTEES REPORTS**

Commissioner Merrell – attended a CCO meeting on 09/24/25

Commissioner Benton – attended the Kroger groundbreaking on 09/24/25, also attended and Investment Committee Meeting on 09/23/25. He will be attending the Chamber of Commerce State of the School event, Regional Planning meeting, Donna Meyer’s retirement party and a CCAO meeting on 09/25/25

***RECESS AT 9:45 A.M. / RECONVENE AT 10:15 A.M. ***

**12
RESOLUTION NO. 25-771**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF
COMPENSATION OF A PUBLIC EMPLOYEE OR A PUBLIC OFFICIAL, TO CONSIDER THE
SALE OF PROPERTY AT COMPETITIVE BIDDING AND FOR COLLECTIVE BARGAINING:**

It was moved by Mr. Merrell, seconded by Mr. Benton, to approve the following:

WHEREAS, pursuant to section 121.22(G) of the Revised Code, a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters specified in section 121.22(G)(1)–(7) of the Revised Code; and

WHEREAS, pursuant to section 121.22(G)(8) of the Revised Code, a public body may hold an executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project; and

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio:

Section 1. The Board hereby adjourns into executive session for consideration of Compensation of a Public Employee or a Public Official, to consider the Sale of Property at Competitive Bidding and for Collective Bargaining.

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Section 2. The Board hereby adjourns into executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance.

Section 3. The Board hereby finds and determines that the information listed in Section 2 is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

Section 4. The Board hereby finds and determines that the executive session held pursuant to Section 2 is necessary to protect the interests of an applicant for economic development assistance or the possible investment or expenditure of public funds to be made in connection with the economic development project.

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Absent

13
RESOLUTION NO. 25-772

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Benton, seconded by Mr. Merrell, to adjourn out of Executive Session.

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell

Jennifer Walraven, Clerk to the Commissioners