



C U Y A H O G A C O U N T Y
Board of Developmental Disabilities

Policy Manual

January 26, 2023

POLICY MANUAL

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CHAPTER 1 – PHILOSOPHY

The mission of Cuyahoga County Board of Developmental Disabilities (Cuyahoga DD) is to support and empower people with developmental disabilities to live, learn, work, and play in the community.

1.1 Values

SELF-DETERMINATION

People with developmental disabilities and their families are the primary decision makers in the management of their lives and are supported to pursue what is important to them.

INCLUSION

People with developmental disabilities are able to access and participate fully in the community where they are welcomed, included, supported and celebrated.

INNOVATION

People with developmental disabilities have access to new and innovative options to meet their needs and help them achieve their goals.

POSITIVE EXPERIENCE

People with developmental disabilities are supported with services that meet their needs. All interactions exceed expectations and satisfaction.

HEALTH & WELL-BEING

People with developmental disabilities have access to needed health care and the best quality of life possible, with zero tolerance of abuse and neglect.

PROFESSIONALISM

People with developmental disabilities will be served by staff who show respect for others and work with integrity, striving to do their very best for all those served.

1.2 Activities Not Supported by Cuyahoga DD

The following is a representative list of items and activities that are not supported by Cuyahoga DD as we seek to achieve our guiding principles:

- Any illegal activity such as drug use, theft, misuse of public funds, fraud (including Medicaid and insurance fraud), abuse/neglect and violations of rules, statutes and laws (including ADA, Fair Housing and IDEA).
- Any choice/action that infringes on the rights of others or results in loss of life or harm/injury to any individual such as choosing to remain in a relationship where one is a victim of abuse, choosing to live in an unsafe environment, or engaging in unsafe health practices.

- Choosing not to work when a person has the physical, mental and emotional capacity to work, unless retirement is appropriate.
- Any strategy, technique, intervention, or equipment that has been shown through professionally accepted research to be ineffective for individuals with developmental disabilities.
- Failure to utilize services, supports, equipment or other programs/options that are accessible through another source such as, when an individual qualifies or is eligible for services, supports or equipment other options through Medicaid, Medicare, insurance, school district or similar resources.
- Any action that intrudes on or limits an individual's right and responsibility to care for him/herself and to live as independently as possible and any action that intrudes on a parent's right and responsibility to care for and raise their child under the age of eighteen.
- Any action/choice that violates a contractual agreement such as a breach of an apartment/house lease.
- Any actions/choices outside the scope of the agency's functions or responsibilities such as the authorization of services that clearly fall under the statutory functions of another entity (e.g. school district, the court system, or other Cuyahoga County human service agencies).
- Any use of the agency's funds beyond assessment and referral for individuals who do not meet Cuyahoga DD eligibility requirements.

1.3 Administration

The execution of Cuyahoga DD policy and the administration of the functions of the Board shall be the responsibility of the Superintendent and designees. There shall be continuous effort by the administration and the Board to improve and refine the agency's policies, assuring clear and precise administrative and operational procedures in accordance with its legal obligations and strategic direction.

1.4 Health and Safety

A core function of Cuyahoga DD is to assure the health, safety, and well-being of individuals with developmental disabilities throughout Cuyahoga County. The health, safety, and well-being of individuals are of primary importance and are continually addressed by Cuyahoga DD staff throughout the process of planning for, and coordinating supports and services.

Cuyahoga DD further assures the health and safety of individuals through the following activities:

- The assessment of needs and coordination of services for eligible individuals,
- The ongoing review and monitoring of services/supports delivered to eligible individuals,
- The investigation and monitoring of reports of abuse, neglect and major unusual incidents by trained investigators,
- The design and implementation of staff development opportunities that enhance the staff's ability to carry out the mission and policies of Cuyahoga DD, and

- The design and implementation of reporting systems that provide information to the Board, the general public, individuals receiving supports, families, and staff regarding progress towards goals and status of the various functions of the agency.

1.5 Compliance Plan

Cuyahoga DD is committed to lawful and ethical conduct throughout its operations and shall always act with honesty, integrity, and fairness. As such, Cuyahoga DD Board members, employees, vendors, providers, and suppliers shall be responsible for conducting themselves in accordance with the *Cuyahoga DD Compliance Plan* and shall report any illegal and wrongful activities they observe. The Superintendent shall appoint a compliance officer to oversee and monitor the implementation of the compliance plan.

1.5.1 Complaints Regarding Ethics Violations

Complaints of unlawful and unethical conduct or illegal and wrongful activities involving Cuyahoga DD employees, vendors, providers, and suppliers shall be reported to the Cuyahoga DD Compliance Officer in accordance with the *Cuyahoga DD Compliance Plan*.

1.5.2 Maintenance of the *Cuyahoga DD Compliance Plan*

The Superintendent is required to maintain and to update the *Cuyahoga DD Compliance Plan* which outlines the ethical practices required of Cuyahoga DD management and non-management employees and which is hereby incorporated by reference in the *Cuyahoga DD Policy Manual*.

CHAPTER 2 – THE BOARD OF DEVELOPMENTAL DISABILITIES

2.1 Authority for Establishing Policies

This *Cuyahoga DD Policy Manual* is adopted by the Board of Cuyahoga County Board of Developmental Disabilities (hereinafter referred to as the Board) under authority granted it by statutes of the state of Ohio, which enumerates among its duties: “The Board shall adopt rules for the conduct of its business and a record shall be kept of Board proceedings which shall be open for public inspection.” (Section 5126.029 of the Ohio Revised Code)

2.2 Members

2.2.1 Qualifications

In compliance with section 5126.022 of the Ohio Revised Code, of the members of the Board appointed by the Cuyahoga County Executive/Council, at least two shall be immediate family members of persons eligible for services provided by the County Board of Developmental Disabilities, and, whenever possible, one shall be an immediate family member of a person eligible for adult services, and the other shall be a relative of a person eligible for early intervention services or services for pre-school or school-age children. Of the two members appointed by the probate judge, at least one shall be an immediate family member of a person eligible for residential services or supported living.

All persons appointed to the Board shall be persons interested in and knowledgeable in the field of developmental disabilities and other allied fields.

The following individuals shall not serve as members of the County Board of Developmental Disabilities:

- A. Elected public officials, except for those excluded from the definition of public official or employee in Division (B) of Section 102.01 of the Ohio Revised Code.
- B. Members of the immediate family of a Board member.
- C. Cuyahoga DD employees and members of the immediate family of Cuyahoga DD employees.
- D. Former Cuyahoga DD employees within one calendar year of the termination of employment with Cuyahoga DD.
- E. A person who, or whose immediate family member as defined in section 5126.01 of the Ohio Revised Code, is a board member of an agency licensed or certified by the Ohio Department of Developmental Disabilities to provide services to individuals with developmental disabilities or a person who or whose immediate family member is an employee of such agency unless there is no conflict of interest. In no circumstance shall a member of a county board vote on any matter before the Board concerning an aforementioned agency of which the member or a member of his/her immediate family is also a board member or an employee. All questions relating to the existence

of a conflict of interest may be submitted to the local prosecuting attorney and the Ohio Ethics Commission for resolution.

- F. An employee of an agency contracting with Cuyahoga DD or a member of the employee's immediate family.
- G. A person with an immediate family member who serves as a county commissioner/executive of the county served by Cuyahoga DD unless the person was a member prior to October 31, 1980.

2.2.2 Term

All appointments shall be for terms of four years. A member who has served during each of three consecutive terms shall not be reappointed until two years after he/she ceases to be a member of the Board, except that a member who has served for ten years or less within three consecutive terms may be reappointed for a subsequent term before becoming ineligible for reappointment for two years. If, however, there are extenuating circumstances that would prevent the Board from being able to fill a pending vacancy, then a member who has served three consecutive terms may be able to serve an additional term in accordance with the provisions in section 5126.026 of the Ohio Revised Code. The membership of a person appointed as a relative of a recipient of services shall not be terminated because the services are no longer received.

2.2.3 Vacancies

Within sixty days after a vacancy occurs, it shall be filled by the appointing authority for the unexpired term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his/her predecessor was appointed shall hold office for the remainder of that term. Appointments other than an appointment to fill a vacancy shall be made no later than the last day of November of each year, and the term of office shall commence on the date of the stated annual organizational meeting in January.

2.2.4 Removal

A Board member shall be removed from the Board by the appointing authority for neglect of duty, misconduct, malfeasance, failure to attend the required hours of in-service training each year, a violation of section 5126.0213 of the Ohio Revised Code, upon the absence of a member within one year from either four Board meetings or from two Board meetings without prior notice, or consistent poor performance. The Board shall supply the Board member and his/her appointing authority with written notice of the charges against the member. The appointing authority shall afford the member an opportunity for a hearing, in accordance with procedures it adopts, and shall, upon determining that the charges are accurate, remove the member and appoint another person to complete the member's term.

2.2.5 Oath of Office

The following oath of office shall be administered to new Board members by the President of the Board or his/her designee:

"Do you solemnly swear that you will support the constitution of the United States and the constitution of the state of Ohio; and that you will faithfully and impartially discharge your duties as a member of the Cuyahoga County Board of Developmental Disabilities to the best of your ability and in accordance with the laws and the rules and regulations of the Board

now in effect and hereafter to be enacted, during your continuance in said office, and until your successor is appointed?”

The answer is: “I do.”

2.3 Organization

2.3.1 Time Limit/Actions

In compliance with 5126.029 of the Ohio Revised Code, the Board of Developmental Disabilities shall hold an organizational meeting no later than the thirty-first day of January of each year and shall elect its officers. Other business may be conducted at the organizational meeting as necessary.

2.3.2 Actions

At its organizational meeting, the Board shall:

- A. Elect its officers which shall include a president, vice president, and recording secretary,
- B. Adopt rules for the conduct of its business,
- C. Plan to meet at least ten times annually, and
- D. Plan to meet in such a manner and at such times as prescribed by rules adopted by the Board.

2.3.3

A majority of the Board constitutes a quorum.

2.4 Officers

2.4.1 Election of Officers

The election of officers shall occur at the annual organizational meeting or at a special meeting called for that purpose. There shall be elected for one year a president, vice president and recording secretary who shall serve until their successors are elected. No member shall hold more than one office during any given year. No member shall hold the same office for more than two consecutive terms. Nominations for the new officers may be brought to the Board by the nominating committee appointed by the President and/or by nominations from the floor. The election may be by ballot or by voice vote.

2.4.2 Removal of Officer

Any officer may be removed by a majority vote by the Board at any regular meeting or at a special meeting called for that purpose.

Any vacancy of an officer’s position shall be filled by the Board at the next regularly scheduled meeting after the vacancy occurs or prior to that at a special meeting called for that purpose.

2.4.3 President

The President of the Board shall be elected from among the members of the Board for one

year and shall serve until a successor is elected. The duties of the President shall be:

- A. To preside at all meetings of the Board,
- B. To appoint committees,
- C. To be a member ex-officio of all committees,
- D. To request an audit of the financial records and accounting assets at appropriate intervals, and
- E. To perform such other duties as may be prescribed by law or by action of the Board.

2.4.4 Vice President

The Vice President of the Board shall be elected from among its members for one year and shall serve until a successor is elected. The duties of the Vice President shall be:

- A. To serve ex-officio on all committees,
- B. To preside in the absence of the President,
- C. To perform the duties of the President in his/her absence, and
- D. To perform such other duties designated by the President.

2.4.5 Recording Secretary

The Recording Secretary of the Board shall be elected from among its members for one year and shall serve until a successor is elected. The duties of the Recording Secretary shall be:

- A. To ensure a complete and correct record of all resolutions and meetings of the Board, including a statement of approved expenditures and resolutions acted upon are kept;
- B. To certify a copy of the Board minutes which shall be filed electronically using the Cuyahoga DD document management software, and
- C. To perform such other duties as may be delegated either by the President of the Board or assigned by the Board.

2.5 Meetings

2.5.1 Date, Time and Place

The Board shall meet at least ten times annually in accordance with the requirements of Ohio Revised Code 5126.029. Board in-service training sessions shall not be considered a regularly scheduled meeting.

2.5.2 Meeting Accommodations

Cuyahoga DD strives to make all Cuyahoga DD-sponsored meetings and events accessible to people with disabilities. If any person needs assistance participating in a Board meeting or event due to a disability as defined under the Americans with Disabilities Act (ADA), Cuyahoga DD's ADA Coordinator should be contacted at least five business days prior to the scheduled meeting or event to request an accommodation.

2.5.3 Special Meetings

"Special Meeting" means a meeting that is neither a regular meeting nor an adjournment of a regular (or special) meeting to another time or day to consider items specifically stated on the original agenda of such regular (or special) meeting. No other business than that listed in the notification may be conducted at special meetings, except in the case of an emergency

requiring immediate official action. In the event emergency action is necessary, the nature of the emergency must be stated in the minutes of the meetings.

A special meeting of the Board may be called by the President or the Superintendent with the knowledge and approval of the President, or by any two members by serving notice of the date and place and subject matter of such meeting upon each member of the Board at least 24 hours prior to the date of such meeting. Special meetings shall be held in accordance with section 121.22 (F) of the Ohio Revised Code.

2.5.4 Public Notice

2.5.4.1 Regular and Organizational Meetings

Public notice of all meetings of the Board including the organizational meeting shall be given in accordance with section 121.22 of the Ohio Revised Code. Notice of all meetings shall be posted on the website of Cuyahoga DD and at all Cuyahoga DD facilities in a conspicuous place.

The Superintendent shall post a statement of the dates and times of the regular meetings of the calendar year of the Board. The Superintendent shall ensure that such statement remains so posted during such calendar year.

Public notification shall include the posting of the agenda and the topics of business under consideration at any regular or special meeting on the Cuyahoga DD website when it is available and in advance of said meeting.

Upon the adjournment of any regular or special meeting to another day, the Superintendent shall promptly post notice of the time and place of such adjourned meeting.

2.5.4.2 Notices to the Public of Special Meetings

Except in the case of emergency, the Superintendent shall, no later than 24 hours before the time of a special meeting of the Board, post a statement of the time, place and purpose of such special meeting. The posting of notice of a special meeting shall state such specific or general purposes then known to the Superintendent as intended for consideration at such special meeting.

All postings for special meetings shall be done in the same place as those postings for the regular and organizational meetings.

2.5.4.3 Notices to Individuals or News Media

Any individual or news organization that desires to be given advance notification of the regular or special meetings of the Board shall file a request with the Superintendent. This may include requests to be provided advance notification of meetings at which specific types of business will be discussed or decided.

Except in the event of an emergency requiring immediate official action, a special meeting shall not be held unless at least 24 hours advance notice of the time, place

and purposes of such special meeting is given to the individual or news media that have requested such advance notification. Requests for such advance notification of regular or special meetings shall specify:

- A. The contact person for the individual or news medium,
- B. The method and contact information that should be used to provide notification.

Any such request shall be effective for one year from the date of the request with the Superintendent or until the Superintendent receives notice from such individual or news medium canceling or modifying such request, whichever is earlier.

The Superintendent shall give written notification to the individuals and news media that have requested such advance notification in accordance with this section of the time, place and purposes of each special meeting at least 24 hours prior to the time of such special meeting.

In the event of an emergency requiring immediate official action, a special meeting may be held without giving 24 hours advance notification thereof to the requesting individual or news media. The persons calling such meeting or any one or more of such persons or the Superintendent on their behalf, shall immediately give oral notification or written notification, or both, as the person or persons giving such notification determine, of the time, place and purposes of such special meeting to such individuals or news media that have requested such advance notification in accordance with this section. The minutes, or the call, or both, of any such meetings shall state the general nature of the emergency requiring immediate official action.

The contents of notification under this section shall be a copy of the agenda of the meeting. Notification under this section may be accomplished by giving advance written notification, by copies of agendas, of all meetings of the Board.

2.5.4.4 Miscellaneous Rules Pertaining to Notification Procedures

Any person may visit the Cuyahoga DD website or telephone the central office, 1275 Lakeside Avenue, Cleveland, (216) 241-8230, during that office's regular hours to determine, based on information available at that office:

- A. The time and place of regular meetings,
- B. The time, place and purposes of any then known special meetings, and
- C. Whether the agenda of any such future meetings has been posted on the Cuyahoga DD website and states that any specific type of public business, identified by such a person, is to be discussed at such meeting.

Any notification provided herein to be given by the Superintendent may be given by any person acting on behalf of or under the authority of the Superintendent.

A reasonable attempt at notification shall constitute notification in compliance with these rules.

The Superintendent, or designee, shall maintain a record of the date and manner of all actions taken with regard to notices and notifications provided in conformity with these rules.

2.5.5 Quorum

Four of seven members of the Board shall constitute a quorum for the transaction of business and approval of a motion or resolution. The President may vote on all matters.

Where a quorum is present, several members' refusal to vote is not sufficient, even if a majority, to defeat the action of those actually voting. Members present, including the President, are obligated to vote, unless they wish to be regarded as assenting to the decision of the voluble majority.

2.5.6 Open Meetings

Under the Ohio Revised Code, 121.22 (C), all meetings of the Board are open to the public at all times. All regular, organizational and special meetings of the Board and any special committees established by the Board shall be open to the public.

2.5.7 Executive Sessions, Procedures for Calling

The Board shall be permitted to hold an executive session at any regular, organizational or special meeting as allowed under section 121.22 (G) of the Ohio Revised Code, following the procedures specified, and for the reasons outlined therein.

An executive session may be held only after a majority of a quorum of the Board determines, by roll call vote, to hold the executive session.

The President or any other member may make a motion to hold an executive session. If the Board holds an executive session, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in that article are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

2.5.8 Participation by Citizens

The President of the Board or a majority of the members may extend to audience members the privilege of addressing the Board, and the order of business at any regular meeting shall include an opportunity for members of the public to address the Board, provided, however, that the Board does not obligate itself to consider any request or proposal unless submitted to the President, in writing, at least seven working days before the meeting.

The Board endorses the principle of open communication between the public and the Board and between the Superintendent and his/her staff and free communication with all staff through recognized channels of communication.

Any individual or group may address the Board concerning any subject that lies within the Board's jurisdiction. The individual or group representative must speak from the podium and state his/her name. Questions are to be directed to the Board as a whole and may not be put to any individual member of the Board or administrative staff. Any matter upon which the

Board may be requested to act must be submitted in writing to the Board not less than seven working days prior to the date of the meeting at which the subject is to be discussed.

It shall be in order for members of the Board to interrupt a speaker at any time to ask questions or make comments in order to clarify the discussion.

Not more than 5 minutes shall be allotted to each speaker and no more than 15 minutes to each subject under discussion, except with the consent of the Board.

No person shall present orally at any meeting of the Board a complaint against an individual employee of Cuyahoga DD. Such charge or complaint shall be presented to the Board in writing and shall be signed by the person(s) making the charge or complaint.

2.5.9 Recess of Meeting

The Board may recess a regular meeting to such a time and place as it deems advisable, and the meeting shall be considered a regular meeting and shall not be subject to review.

2.5.10 Agenda

The Superintendent shall prepare and deliver a copy of the final agenda to the members of the Board and post on the Cuyahoga DD website five days prior to any regular Board meeting. The agenda at each meeting shall include:

- A. Roll call
- B. Minutes
- C. Announcements
- D. Financial Reports
- E. Committee Reports, if any
- F. Old Business, if any
- G. New Business, and
- H. Comments from the floor

2.5.11 Rules of Order

The Board shall observe Robert's Rules of Order, Revised, except as otherwise provided by this policy manual.

2.6 Minutes of Proceedings

2.6.1 Preparation

The original certificate of each resolution shall be certified by the Secretary as being a true, correct and exact copy.

Proceedings of the open meetings of the Board shall be electronically recorded and such electronic audio files shall be preserved permanently at the administrative offices of Cuyahoga DD.

Certified copies of the official minutes of the Board meetings shall be maintained electronically in Cuyahoga DD's document management software at the administrative

offices of Cuyahoga DD and shall be open for public inspection.

2.6.2 Distribution

Copies of all the minutes shall be prepared promptly after each meeting and shall be distributed to the Superintendent and the Board members.

Additional copies of the Board meeting minutes shall be made available to any member of the public upon request.

2.6.3 Approval

The minutes of the preceding meeting(s), with any changes made by a motion properly made and carried, or as directed by the President without objection, shall be approved by the Board and signed by the President and/or Secretary as the first act of each regular meeting. Minutes of a particular Board meeting shall not be considered official minutes until approved and entered into the permanent record by the Board.

2.6.4 Custody and Availability

The official minutes of the Board meetings shall be permanently stored electronically, and shall be made available to any citizen desiring to examine them at a mutually convenient time and place. Facilities at Cuyahoga DD's central administrative offices shall be made available, at a mutually convenient time, for citizens wishing to listen to audio files of Board meetings. Single copies of official minutes or audio files may be obtained, upon request, by any individual at no cost.

2.7 Committees

2.7.1

The Board shall operate as a committee of the whole.

2.7.2 Special Committees

The Board may authorize such special committees as are deemed necessary and the members of such committees shall be appointed by the President. All of the Board's special committee meetings shall be open to the public and public notice of all meetings shall be made in the same manner as regular, organizational and special meetings of the Board. The President and Superintendent shall be members ex-officio of all special committees of the Board. A special committee shall report its recommendations to the Board for appropriate action.

2.7.3 Board Liaisons

Members of the Board may be appointed by the Superintendent as liaisons with major program and/or support areas for the purpose of enhancing communication regarding important issues. Meetings may be called by Board liaisons, the Superintendent, or the designated Cuyahoga DD primary staff contact. The Superintendent shall be notified of all scheduled meetings and will be an ad hoc member in each area and attend meetings if warranted.

2.7.4 Ad Hoc Committees

Members of the Board may be appointed to ad hoc committees that include citizens, administrators or other governmental officials when it is deemed beneficial to the program or to the community.

No committee shall have more than three Board members assigned to it. No more than three members of the Board shall attend any committee meeting.

No legislative or administrative responsibility shall be delegated to a committee. However, a committee may be assigned general duties to study, investigate, consult and make recommendations to the Board.

2.8 Transaction of Business

2.8.1 Method of Voting

Voting may be by voice except that on all questions involving the expenditure of money, the yeas and nays shall be taken and entered in the records of the proceedings of the Board.

2.8.2 Authority of Members

The Board members shall have authority only when acting as a board legally in session.

The Board shall not be bound in any way by any statement or action on the part of any individual Board member or Cuyahoga DD employee, except when such statement or action is in pursuance of specific instructions by the Board. The Board thus acts only as a body, at public meetings, in decisions openly arrived at and formally recorded.

2.9 Power and Duties

The Board takes cognizance of the powers and duties invested in it both by law and by rules adopted by the authority of the Ohio Department of Developmental Disabilities and executes its action in pursuance thereof. Those powers and duties include, but are not limited to:

2.9.1

Administer and operate facilities, programs, and supervise services and supports for the benefit of people who have developmental disabilities and establish policies for such.

2.9.2

Ensure that the facilities, programs, services and supports so administered and supervised conform to the Ohio Revised Code, Ohio Administrative Code and the rules, regulations and standards of the Ohio Department of Developmental Disabilities.

2.9.3

Appoint a superintendent who shall, subject to the regulations of the Board, administer the work of Cuyahoga DD and perform such other duties as are outlined hereinafter.

2.9.4

Keep a record of Board proceedings, which shall be open for public inspection.

2.9.5

Provide services, facilities, transportation and equipment as are necessary to promote the mission and objectives of Cuyahoga DD.

2.9.6

Approve an annual budget to be forwarded to the Cuyahoga County Executive/Council for review and approval.

2.9.7

Provide funds as are necessary and as provided by law, for appropriate services and supports.

2.9.8

Submit an annual report of its work and expenditures to the director of the Ohio Department of Developmental Disabilities at the close of the fiscal year and at other such times as may be requested.

2.9.9

Submit an annual report of Cuyahoga DD's work and expenditures to the Cuyahoga County Executive/Council and the general public.

2.9.10

May require an annual report of audit from any public or non-profit agency or an organization of the same or another county that provides services contracted for by Cuyahoga DD and require that such agencies submit an annual report of progress of the persons served in its program.

2.9.11

Initiate questions of policy for consideration and report by the Superintendent.

2.9.12

Consider the recommendations of the Superintendent in matters of policy and public expenditure.

2.9.13

Receive funds from the state of Ohio and deposit them in a special fund established by the county auditor.

2.9.14

May reappraise annually the effectiveness of services and supports provided by Cuyahoga DD directly or through contracts.

2.9.15

Inform the public concerning the progress and needs of the services and supports provided to people who have developmental disabilities.

2.9.16

Cooperate with the Ohio Department of Developmental Disabilities and the Cuyahoga

County Executive/Council to effectively carry out the duties of Cuyahoga DD as provided by law.

2.9.17

Establish rules and regulations for the provision of services and supports under its control.

2.9.18

Pursuant to its statutory powers and duties, and in order to effectuate the purposes of fulfilling the responsibilities entrusted to the Board, expend any and all funds it deems necessary and appropriate.

2.9.19

Purchase liability insurance on behalf of the Board members, Cuyahoga DD employees and appointees that the Board deems necessary to cover with such protection.

2.9.20

Approve salary schedules, wage rate ranges, fringe benefit contracts, multi-year employment contracts, and employee collective bargaining agreements.

2.9.21

Provide service and support administration in accordance with statute and rule.

2.9.22

Develop and implement an employment first policy and set benchmarks for improving community employment outcomes.

2.9.23

Plan and set priorities based on available resources for the provision of facilities, programs, and other services to meet the needs of individuals with developmental disabilities which may include the provision of early childhood services, supportive home services and adult services.

2.10 Ethical Conduct

2.10.1 Cuyahoga DD Compliance Plan

Members shall abide by ethical rules of conduct appropriate to public officials of the state of Ohio and in accordance with the *Cuyahoga DD Compliance Plan*.

Board members shall oversee the Superintendent and his/her administration and encourage their efforts to operate a program that displays the highest standards of ethical behavior and to assure that employees comply with the *Cuyahoga DD Compliance Plan*, which governs employee ethics.

2.10.2 Conflicts of Interest

No Board member shall have interest in a contract for the purchase of property, supplies or insurance for the use of Cuyahoga DD or of its contracted services. The Board is specifically forbidden to expend public funds to prepare and distribute material for the purpose of promoting a bond issue or tax levy, or promoting or opposing any candidate for political

office. The Board shall not expend public funds for purposes prohibited by the laws of the State of Ohio.

2.10.3 Direct Service Contracts

Cuyahoga DD shall not enter into a direct service contract that would result in payment to a Board member, former Board member, employee, former employee, or member of the immediate family, as defined per section 5126.033 of the Ohio Revised Code. A direct services contract includes any legally enforceable agreement with an individual, agency, or other entity that may result in the payment from the Board to an eligible individual or a member of the eligible individual's family for services provided to the eligible individual. A former Board member and former employee are defined as a person whose service on the County Board or employment with Cuyahoga DD ended less than one year prior to commencement of services under a direct services contract.

Cuyahoga DD shall not enter into a direct services contract for services provided in accordance with section 5126.11 or sections 5126.40 to 5126.45 of the Ohio Revised Code under which an individual, agency, or other entity will employ an individual who is also an employee of that county board unless all of the following conditions are met:

1. The employee is not in a capacity to influence the award of the contract,
2. The employee has not attempted in any manner to secure the contract on behalf of the individual, agency, or other entity,
3. The employee is not a management employee and/or does not provide service and support administration (including any position requiring SSA certification) and/or does not work as an MUI investigator,
4. The employee is not employed by Cuyahoga DD during the period when the contract is developed as an administrator or supervisor responsible for approving or supervising services to be provided under the contract and agrees not to take such a position while the contract is in effect, regardless of whether the position is related to the services provided under the contract,
5. The employee has not taken any actions that create the need for the services to be provided under the contract, and
6. The individual, agency, or other entity seeks the services of the employee because of the employee's expertise and familiarity with the care and condition of one or more eligible persons and other individuals with such expertise and familiarity are unavailable, or an eligible person has requested to have the services provided by that employee.

The entire Board also acting as Ethics Council per Ohio Revised Code 5126.031 (B) will act on all proposed direct service contracts including, but not limited to, those involving Cuyahoga DD employees. Such contracts that exceed \$50,000 will be approved in advance per section 3.1 of this policy manual. Direct service contracts that are less than \$50,000 may be

approved in advance or ratified after approval by the Superintendent. Direct service contracts will be effective for a maximum of 24 months.

2.11 Association of Boards of Developmental Disabilities

The Board may, by majority vote, join an association of boards of developmental disabilities and pay dues to such associations.

2.12 Compensation/Expenses

Members of the Board shall serve their term without compensation. With Board approval, members of the Board shall be reimbursed for necessary expenses in the conduct of Board business.

2.13 Policy for Communications with Public, including the Cuyahoga County Executive/Council and News Media

Cuyahoga DD will honestly portray its programs, operations, finances, practices, and decisions in its communications with the public. Board members, the Superintendent, management employees and other employees will not exaggerate or embellish the facts in written documents or oral presentations for the purpose of giving a false impression of Cuyahoga DD for whatever purpose.

2.14 Policy for Human Resources

The Board members will support the Superintendent and management in providing open and honest communications with Cuyahoga DD employees and their collective bargaining representatives. The Board, Superintendent, and management will endeavor to abide by all federal, state, and local laws governing employment activities; comply with labor agreements; provide good working conditions; treat employees fairly and equitably; and maintain the highest standards of honesty and integrity in the conduct of its relationships with employees.

2.15 Policy for Business Practices

The Board members will support the Superintendent and Cuyahoga DD management in conducting its business relationships in an honest and ethical manner.

CHAPTER 3 – ADMINISTRATION, FACILITY USE, AND NON-DISCRIMINATION

3.1 Superintendent Duties and Responsibilities

The Superintendent is the chief executive officer of Cuyahoga DD. The Superintendent may delegate responsibility to appropriate members of the staff, but he/she shall be responsible to the Board for the overall operation of the organization. Accordingly, any reference to the Superintendent throughout this policy manual may include a designee of the Superintendent.

The specific duties and responsibilities of the Superintendent shall include but not necessarily be limited to:

- A. Observe all applicable legal provisions and all policies of the Board.
- B. Administer the work of Cuyahoga DD.
- C. Attend meetings and participate in all deliberations of the Board.
- D. Administer and supervise the operations of Cuyahoga DD in order to meet the needs of the community and of those with developmental disabilities in conformance with Cuyahoga DD philosophy and goals.
- E. Recommend to the Board changes necessary to increase the effectiveness of programs and services offered to individuals.
- F. Make recommendations to the Board regarding the organization, finance, facility maintenance and all other aspects of Cuyahoga DD's operations.
- G. Take all necessary personnel actions required to operate Cuyahoga DD's programs including, but not limited to:
 - 1. Recruitment, selection and employment of personnel;
 - 2. Employ persons for all positions authorized by the Board;
 - 3. Transfer, suspension, promotion, demotion, contract non-renewal, lay-off and/or termination of individual employees;
 - 4. Establishment of employment procedures and practices that comply with all federal and state laws;
 - 5. Establishment of days and hours of work, position descriptions, work rules and evaluation procedures for all employees; and
 - 6. Approve contracts of employment for management employees that are for a term of one year or less and all other employment contracts and personnel actions as may be necessary for the work of Cuyahoga DD.
- H. Approve compensation for employees within the limits set by the salary schedule and budget set by the Board and ensure that all employees and consultants are properly reimbursed for actual and necessary expenses incurred in the performance of official duties and to award discretionary bonuses for performance or other good reasons which may not exceed 5% of an employee's salary per year. Bonuses shall not be counted against the maximum salary limit provided in the approved salary schedule.
- I. Authorize the payment of Cuyahoga DD obligations by the county fiscal officer.

- J. Supervise the preparation of the annual budget and all construction and supplementary budgets; make recommendations concerning such budgets to the Board and supervise their administration.
- K. Monitor that the policies and operations of Cuyahoga DD are in compliance with applicable standards of the State of Ohio, federal government, Cuyahoga County Executive/Council and such other accrediting agencies as may be required by Ohio law, including taking all actions necessary to comply with its local Medicaid authority requirements.
- L. Keep the Board informed regarding the operations of Cuyahoga DD.
- M. Consult and advise with other administrators or officials, as may be required, regarding state, federal and local requirements of law.
- N. Promote among the employees of Cuyahoga DD an understanding of the *Cuyahoga DD Policy Manual*, an awareness of Cuyahoga DD's accomplishments and needs, and an appreciation of Cuyahoga DD's commitment to carrying out its guiding philosophy and mission.
- O. Direct a public information and communication strategy to enlist the understanding, support and participation of the citizens of the community.
- P. Recommend new policies and changes to the *Cuyahoga DD Policy Manual* for consideration by the Board.
- Q. Become involved in appropriate professional activities designed to promote professional growth and contribute to the advancement of the profession.
- R. Establish such administrative procedures as are necessary to execute the policies outlined in the *Cuyahoga DD Policy Manual* and to carry out his/her responsibilities as the chief executive officer.
- S. Provide members of the Board a current table of administrative organization.
- T. Provide the Board at the appropriate times with recommendations regarding major decisions that the Board will be required to make which will offset the receipts and expenditures of the annual budget. Projections shall include estimates of present commitments affecting future budgets and forecasts of receipts and expenditure schedules.
- U. Authorize requests for professional leave that exceeds annual guidelines including travel in or out of county for purposes of improving the professional skills of employees.
- V. Make purchases necessary to meet Cuyahoga DD's needs in compliance with applicable laws of the State of Ohio and in keeping with the amounts budgeted by the Board in each calendar year for each line account. The Superintendent is authorized to make individual purchases of supplies, equipment and services not to exceed \$50,000 per purchase without prior approval of the Board. The Superintendent is further authorized and directed to prepare specifications, instructions to bidders, and estimate of expenditures that exceed \$50,000. The Board will be informed of contracts valued above \$50,000, and must approve any contract or purchase in excess of \$50,000.
- W. Settle any claim against Cuyahoga DD that does not exceed \$50,000.
- X. Settle any claim in excess of \$50,000, which does not exceed \$100,000, with the concurrence of the Board President, or in the absence of the President, the Vice President of the Board.
- Y. Approve and administer the provisions of the collective bargaining agreements and to settle contract disputes with unions or employees.
- Z. Execute leases, agreements and contracts on behalf of the Board.
- AA. Provide consultation to public agencies and to individuals, agencies, or organizations providing services supported by the Board.

3.2 Facility Use

3.2.1 Program Priority

The Superintendent shall determine the best and most efficient use of Cuyahoga DD facilities consistent with the mission and strategic plan of Cuyahoga DD. The Facility Supervisor responsible for each site shall assign and schedule space to ensure priority of use consistent with the administrative regulations established by the Superintendent and the mission of Cuyahoga DD. The Superintendent shall publish administrative regulations that govern the permissible use of Cuyahoga DD facilities by employees, private individuals, and other organizations.

3.2.2 Building Use Fees

The Superintendent shall establish a schedule of fees to be paid by other organizations using Cuyahoga DD's sites. Any organization directly involved in the activities of Cuyahoga DD, its staff, individuals with developmental disabilities, or their parents may be exempted from paying fees.

3.2.3 Emergency Closing of Centers

In the event that severe weather, natural disaster, damage to the building or other unusual conditions make it necessary to suspend some or all operations at any Cuyahoga DD facility, such decision and announcement shall be made by the Superintendent.

3.2.4 Soliciting, Selling and Advertising

The solicitation of employees by salespeople, vendors, solicitors and representatives will not be permitted at any Cuyahoga DD facility. The Superintendent may approve guidelines for charitable fundraising at facilities.

3.2.5 Use of Inter-Site Mail

Use of the inter-office mail distribution system by employees shall be encouraged as a means of effective communication within Cuyahoga DD operations.

To distribute information relative to the operations of Cuyahoga DD, inter-office mail may be used by employees of Cuyahoga DD, the employees' recognized bargaining units and the Superintendent. All such inter-office mail shall be clearly identified with the name of the sender.

Inter-office mail shall not be used for the distribution of political propaganda or for-profit business activities.

Cuyahoga DD shall assume no responsibility or liability in connection with the dissemination and distribution of mailing pieces from organizations and persons designated above other than to accept them for dissemination and distribution.

3.2.6 Weapons and Concealed Handgun Policy

Unless authorized by law and in compliance with the Ohio Revised Code, no person shall knowingly possess, control, convey or attempt to convey any weapon, including but not limited to a handgun, as defined in O.R.C. 2923.11 into a building owned, leased, operated or controlled by Cuyahoga DD.

Persons, including Cuyahoga DD employees, holding a valid concealed handgun license (CHL) may transport or store a firearm and/or ammunition in the person's privately owned vehicle during those times the vehicle is parked on Cuyahoga DD owned, leased, operated or controlled property. The transporting and storing of a firearm and ammunition is subject to all the following prohibitions:

- The firearm and all ammunition must remain inside the person's privately owned vehicle while the person is physically present in the vehicle.
- The firearm and all ammunition must be locked in the trunk, glove box or other enclosed compartment/container within the privately owned vehicle when the person is not physically present in the vehicle.
- No person with a valid CHL may possess, transport or store a firearm or ammunition in a vehicle owned, leased or operated by Cuyahoga DD.
- Cuyahoga DD employees with a valid CHL shall not be armed, carry a concealed handgun on or about their body or clothing, when transporting an individual receiving Cuyahoga DD services and supports or another Cuyahoga DD employee in the employee's privately owned vehicle during workday hours or while conducting/engaging in Cuyahoga DD business unless during such transportation the firearm and all ammunition is locked in the trunk, glove box or other enclosed compartment/ container within the privately owned vehicle.
- Cuyahoga DD employees with a valid CHL shall not be armed, carry a concealed handgun on or about their body or clothing, outside of the employee's personal vehicle while conducting or engaging Cuyahoga DD business. Examples of such are employees engaged in home visits, meeting with individuals in the community or meeting personnel from other agencies regardless of whether the location where such a visit/meeting takes place permits firearms.
- Cuyahoga DD employees with a valid CHL may be armed, carry a concealed handgun on or about their body or clothing, during workday hours in their privately owned vehicle if not engaging or conducting Cuyahoga DD business or transporting an individual or another employee. Examples of such are employees driving between locations or traveling to seminars.

This policy does not apply to local, state or federal law enforcement authorities. Any person violating this policy may be subject to prosecution or, in the case of Cuyahoga DD employees, subject to disciplinary action. All buildings owned, leased, operated or controlled by Cuyahoga DD must have notices posted that firearms are prohibited.

3.2.7 Fire and Disaster Drills

The safety and protection of all persons, employees, tenants, guests and other occupants of CCBDD facilities is of paramount importance. The Superintendent or her designee shall require all tenants or the CCBDD Facility Supervisor to conduct the emergency drills required

by federal and state law, and to maintain documentation of all said drills, and to post in conspicuous places the designated evacuation routes to be utilized by all occupants of the facilities. CCBDD employees who are assigned to work in any CCBDD Facility leased to a private provider shall be required to participate in the emergency drills conducted by the designated manager of said Facility.

3.3 Non-Discrimination Policy for Services to Individuals

It is the policy of Cuyahoga DD to:

- Provide services and opportunities to all eligible individuals equally, in accordance with the determined needs of the individual, and;
- Make no distinction in determining eligibility for services or the manner of providing services, and;
- Advise all persons and organizations having occasion to refer or recommend individuals to Cuyahoga DD to do so without regard to the individual's:

sex, race, color, age, religion, national origin, ethnicity, physical or mental challenges, sexual orientation, gender identity or expression, veteran status, educational background, genetic information, or social, economic or political affiliation.

3.3.1 Accessibility of Programs and Facilities

No eligible individual shall be denied access to, participation in, or benefits from any appropriate treatment, program or activity because of sex, race, color, age, religion, national origin, ethnicity, physical or mental challenges, sexual orientation, gender identity or expression, veteran status, educational background, genetic information, or social, economic or political affiliation, or due to a failure on the part of Cuyahoga DD to provide equal opportunities or accessible facilities.

3.3.2 Discrimination Complaints

Any individual who believes that he/she has been the subject of discrimination because of his/her sex, race, color, age, religion, national origin, ethnicity, physical or mental challenges, sexual orientation, gender identity or expression, veteran status, educational background, genetic information, or social, economic or political affiliation has the right to file a discrimination complaint and to have the complaint heard by the appropriate authorities.

Parents, guardians, or advocates may act on behalf of the individual and may assist the individual in seeking resolution of the complaint. Cuyahoga DD will inform the individual making the complaint of his/her rights and assist in the referral of the complaint to an appropriate state or federal agency if the individual so wishes.

The resolution of individuals' complaints within Cuyahoga DD shall provide for a period of counseling or negotiation between Cuyahoga DD and the individual making the complaint in an attempt to resolve the complaint prior to any formal proceeding pursuant to Section 3.4. Guidelines for hearing complaints shall be provided by Cuyahoga DD annually. Copies of these guidelines shall be available upon request.

Individuals with disabilities filing complaints shall be provided such aids as are necessary to offer an equal opportunity to participate in the complaint process including, but not limited to, holding meetings in an accessible place and providing interpreters for the hearing impaired at no cost to the individual with a disability.

3.4 Process for Administrative Resolution of Complaints and Adverse Action Appeals

3.4.1 Cuyahoga DD Locally Funded/Non-Medicaid Programs/Services

All Cuyahoga DD individuals receiving supports and applicants for Cuyahoga DD services, parents of minors, guardians, or authorized representative(s) of the individual have the right to file a complaint involving non-Medicaid programs, services, and policies of Cuyahoga DD. Additionally, they may have the right to appeal an adverse action proposed or initiated by Cuyahoga DD involving non-Medicaid services or eligibility. Only non-Medicaid issues under the control of Cuyahoga DD are subject to this policy and shall be resolved according to the Cuyahoga DD Non-Medicaid Complaint Resolution Process or Non-Medicaid Adverse Action Appeal processes which shall comply with Ohio Administrative Code 5123-4-04.

Persons other than parents of minors, guardians or authorized representative(s) of the individual may file a complaint or appeal an adverse action involving non-Medicaid programs, services, policies of Cuyahoga DD in accordance with the above paragraph.

3.4.2 Bright Beginnings

Administrative resolution of complaints for individuals receiving supports under age three shall be provided according to the Ohio Department of Health Ohio Early Intervention Rule 3701-08-10.2, Procedural Safeguards, to ensure parents' rights in early intervention.

3.4.3 Ohio Department of Jobs and Family Services

Due process for Medicaid funded HCBS waiver and targeted case management services shall be provided according to rules adopted by the Ohio Department of Jobs and Family Services pursuant to Ohio Administrative Code 5101.35.

3.4.4 Prescribed Medication, Health Related Activities and Performance of Tube Feedings

Complaints involving the administration of prescribed medication, performance of health-related activities and performance of tube feedings by DD personnel shall follow the process established under Ohio Administrative Code 5123:2-6-07; Ohio Revised Code 5123:42.

3.4.5 Supported Living Services

Conflicts between an individual, provider, and Cuyahoga DD, as applicable, and pursuant to a contract between the provider and Cuyahoga DD for non-Medicaid Supported Living services shall be resolved in accordance with such contract.

3.4.6 Residential Services

If an individual/authorized representative has a complaint regarding services or programs provided by a residential facility, the complaint should be filed in compliance with Ohio Administrative Code 5123:2-3-05.

3.4.7 Additional Rights

Due process rights outlined in this section of the *Cuyahoga DD Policy Manual* are in addition to any other rights the individuals or the parent of a minor or guardian may have pursuant to the Ohio Revised Code or other applicable state or federal law.

Cuyahoga DD staff members will assist individuals and their authorized representatives to follow the relevant due process.

The Superintendent is authorized to develop administrative regulations for the implementation of the above-referenced due process procedures. The complaint procedures will be posted on the Cuyahoga DD website. All Cuyahoga DD staff members are required to inform and assist individuals, families, guardians and their authorized representatives/advocates to follow the relevant due process. Cuyahoga DD will facilitate the use of informal mediation procedures to resolve complaints whenever possible or appropriate.

In addition to these administrative due process procedures, individuals, parents, guardians or representatives/advocates may have the right to file an appeal of any decision in state or federal court.

CHAPTER 4 – GENERAL PERSONNEL POLICIES

4.1 Philosophy and Objectives for Cuyahoga DD Employees

The Board and the Superintendent are committed to having all employees achieve the greatest degree of success on their jobs as possible. To this end Cuyahoga DD's philosophy and objectives are as follows:

- A. To recognize and to treat each employee with respect;
- B. To establish appropriate job performance standards and to have employee's performance reviewed fairly and objectively;
- C. To establish staff development programs that provide employees with the tools, training and other appropriate resources they may need to deliver the highest level of customer service to individuals, family members, vendors, providers and other stakeholders;
- D. To assist in the career development of employees;
- E. To hire the best available candidates for open positions giving careful consideration to current employees and the Cuyahoga DD's EEO and ADA policy;
- F. To maintain compensation schedules which are competitive with similar organizations in the community and to administer the compensation programs fairly;
- G. To provide comprehensive benefits programs that are competitive with similar organizations in the community, and which demonstrate a commitment to the personal health and wellness of employees and their families;
- H. To provide a safe, clean and pleasant work environment;
- I. To foster harmonious relations and good communications among employees;
- J. To encourage participation in community service activities;
- K. To recognize that the reason for Cuyahoga DD's existence is to empower and support individuals with developmental disabilities, and to that end, Cuyahoga DD desires its employees to reflect the organization's commitment to providing the highest level of customer service;
- L. To ensure that all operations are conducted in an ethical and legal manner; and
- M. To require employees to be respectful, courteous, and responsive to their co-workers, vendors, providers, individuals served, and to members of the public and other stakeholders.

4.2 Equal Employment Opportunity

Cuyahoga DD supports and adopts the full intent and goals of equal employment opportunity and ensures that all employees and applicants will be afforded equal opportunity for appointment, promotion, training, career advancement and recognition without regard to sex, race, color, age, religion, national origin, ethnicity, physical or mental challenges, sexual orientation, gender identity or expression, veteran status, educational background, genetic information, social, economic or political affiliation.

The Superintendent shall designate a single employee to be responsible for developing EEO policies and procedures in conformity with all state and federal employment discrimination laws, monitoring EEO and ADA compliance, as well as the handling of related complaints.

4.3 Non-Discrimination of Individuals with Disabilities

Cuyahoga DD fully supports the intent and spirit of the *Americans with Disabilities Act of 1990*, and any amendments. Discrimination against qualified individuals with disabilities is strictly prohibited in all employment practices such as recruitment, hiring, promotion, training, lay-off, job assignment and all other employment practices.

4.4 Drug-Free Workplace

In accordance with federal and state law, the Superintendent shall prepare, distribute to all employees and keep posted in conspicuous places the *Cuyahoga DD's Drug-Free Workplace Policy*.

4.5 Nepotism

- A. Members of the immediate families of the Board may not be hired to work for Cuyahoga DD.
- B. The Superintendent shall implement procedures to ensure that no Cuyahoga DD employee is appointed to a position of employment in which he/she could directly supervise or otherwise influence a decision in favor of or against another member of his/her immediate family.
- C. The Superintendent shall adopt procedures that permit the fair and equitable reassignment of Cuyahoga DD employees who become engaged or marry during their employment with Cuyahoga DD.

4.6 Employment Procedures

The Superintendent is responsible for establishing employment procedures and practices that comply with all federal and state laws.

4.6.1 Criminal Records Checks

Current Cuyahoga DD employees, volunteers, and each applicant under final consideration for employment with Cuyahoga DD shall be subject to those criminal and other background checks required by Federal and state law/rules, and consistent with best practices. The criminal and other background checks shall be repeated at such intervals that are either required by federal or state law/rules, or consistent with best practices to ensure appropriate and effective risk mitigation strategies.

4.7 Citizenship and Naturalization

To be eligible for employment with Cuyahoga DD, an applicant must be a citizen of the United States or a legal resident with authorization to work in accordance with federal requirements.

4.8 Physical Examinations

The Superintendent may require an employee to have a physical examination at any time if the Superintendent determines that it is necessary to ensure the health and safety of the workplace, or directly related to the job duties of the employee and permissible under federal or state law and is reasonable for the employee to have one. Cuyahoga DD shall pay the costs of such examination. The

report of such examination, signed by a licensed medical provider, shall be filed in the employee's separate and secure medical file in accordance with applicable state and federal law.

4.9 Employee Attendance Philosophy

Employee attendance is a critical element in delivering a high level of customer service. Employee absenteeism severely impairs the Cuyahoga DD's mission, since it negatively impacts the effectiveness and efficiency of its operations.

The Superintendent and Director of Human Resources shall develop rules, procedures and practices that promote good employee attendance, minimize employee absenteeism, to the extent possible, and promote the most efficient use of sick, FMLA or occupational injury leave.

4.10 Safety and Health

Work safety and health is a primary concern of Cuyahoga DD. It is the responsibility of each employee to ensure that all safety procedures/practices are observed.

4.10.1 Exposure Control/Universal Precautions

The Human Resources Department and Health Services Manager shall be responsible for determining the proper classification of all employees' potential exposure level to blood borne pathogens and contagious diseases in the performance of their job duties. All employees shall be trained on exposure control and universal precautions upon being hired. Employees who are determined to have an occupational level of possible exposure shall receive a refresher course on an annual basis on the Cuyahoga DD Exposure Control Plan, required universal precautions and the procedures to be followed in the event of an exposure. Employees who are determined to have an incidental level of possible exposure shall receive a refresher course every three years on the Cuyahoga DD Exposure Control Plan, universal precautions and the procedures to be followed following an exposure.

Each communicable disease shall be treated on an individual basis in accordance with standard recommended procedures for dealing with that illness and with consideration of the individual needs of the individual, his or her welfare and rights including the right of confidentiality and the protection of other individuals.

Individual confidentiality shall be strictly observed and shall be in compliance with state and federal laws. The medical records of all individuals enrolled with Cuyahoga DD shall remain confidential, except where disclosure is necessary for the administration of this policy or is mandated by law. The number of Cuyahoga DD employees aware of the individual's diagnosis shall be kept at a minimum and based on operational necessity.

4.10.2 Accidents

All accidents or incidents shall be reviewed and investigated by the appropriate personnel. When a determination has been made that an employee has operated equipment or a vehicle improperly or negligently, or has failed to perform his/her duties adequately which resulted in an accident/incident that was preventable, the employee shall be subject to appropriate disciplinary or corrective action including training. All employees who drive on

Cuyahoga DD business are expected to comply with all motor vehicle laws and follow safe driving practices. The Superintendent shall be responsible for establishing administrative procedures and regulations that effectively promote Cuyahoga DD driver qualification standards, safe driving practices, and effective risk mitigation strategies.

4.10.3 Reporting Hazardous Working Conditions

All employees are charged with the responsibility of reporting the existence of any hazardous or unsafe working conditions. Employees may report hazardous or unsafe working conditions to their supervisor, the Facility Supervisor, the Risk Manager or the Building Operations Manager. The failure to report a hazardous or unsafe working condition may result in possible disciplinary action.

4.10.4 Reporting Accidents

Any accident or incident, whether or not injuries were incurred, occurring during working hours shall be reported following the guidelines or Administrative Regulations approved by the Superintendent.

4.10.5 Safety Procedures

The Superintendent, administrators, managers and supervisors shall be responsible for developing, implementing and following safety and health procedures and providing regular ongoing training programs to employees.

4.10.6 Employee Responsibility

All employees are required to follow the rules and guidelines established to promote the safety and well-being of the individuals receiving supports or services in our facilities or who are supported by Cuyahoga DD staff, vendors or contracted providers out in the community.

4.11 Employee Ethics and Conflicts of Interest

All employees are expected to maintain the highest possible ethical and moral standards and to perform their job duties in conformity with federal and state law. The Superintendent shall establish ethical guidelines and policies in the form of a Compliance Plan/Code of Conduct which shall be reviewed and updated periodically.

4.12 Political Activity

Employees are strictly prohibited from becoming involved in any partisan political activity on behalf of any party or candidate for the following public offices: Cuyahoga County Executive, Cuyahoga County Council, Cuyahoga County Probate Judge, and Cuyahoga County Prosecuting Attorney.

4.13 Personnel Records

4.13.1 Maintenance of Records

Personnel records for each staff member will be kept in the Human Resources Department. Personnel records shall include, but not be limited to the following:

- A. Name, permanent and current address, phone number and person to notify in case of emergency;
- B. Job description;
- C. Attendance records;
- D. Record of permanent or temporary certification or license, as applicable;
- E. Payroll information;
- F. Personnel action forms; and
- G. Records of in-service training.

4.13.2 Access to Records

Internal access to personnel files shall be limited to the following individuals:

- A. Superintendent,
- B. Chief Administrative Services Officer,
- C. Chief Operations Officer,
- D. Directors/Division Managers,
- E. Human Resources division staff members,
- F. Persons with supervisory authority,
- G. Employee,
- H. Authorized employee representative,
- I. Ohio Department of Developmental Disabilities personnel authorized by the Director of DODD, or
- J. Authorized personnel from NEON.

4.13.3 Provisions of Collective Bargaining Agreements

The Director of Human Resources shall comply with the provisions of Ohio Revised Code 149.43 and the provisions of all applicable collective bargaining agreements as it relates to requests to review personnel files and the reproduction of documents maintained in personnel files.

4.13.4 Employee Responses

Employees may respond to materials that are placed in their personnel files, and their responses shall be attached in their personnel files at their request.

4.13.5 Removal of Inappropriate or Inaccurate Material

The Director of Human Resources may have material that is inappropriate, inaccurate, or untimely removed from a personnel file. No material will be released to unauthorized persons/agencies from an employee's file without it being reviewed by the General Counsel.

4.13.6 Records Requests

Any valid requests to examine personnel records pursuant to the Ohio Revised Code 149.43 shall be granted if required by law. The Director of Human Resources shall use reasonable efforts to notify an employee if their personnel file or other related documents have been requested pursuant to a public records request. A Cuyahoga DD employee shall be present at all times while this material is being examined.

4.14 Volunteers

4.14.1 Philosophy

Cuyahoga DD believes that volunteers provide a valuable service for people with developmental disabilities. The time and talents offered by volunteers greatly enhance and enrich opportunities for community integration for individuals with developmental disabilities.

4.14.2 Application/Acceptance of Volunteers

All persons working with individuals receiving Cuyahoga DD supports in a volunteer capacity shall do so only after adequately completing and meeting all application procedures and being formally accepted into the Cuyahoga DD volunteer program. Interested candidates must apply for volunteer status through the Cuyahoga DD's volunteer services manager. The Superintendent shall adopt administrative procedures for the screening of volunteers that comply with Ohio Department of Developmental Disabilities rules and best practices.

4.14.3 Minimum Age

The minimum age for a volunteer is fourteen (14) years old. Those volunteers under eighteen (18) years of age must have written parental permission to participate in the volunteer program.

4.14.4 Procedures

Procedures for volunteer recruitment, selection, orientation, training, evaluation, recognition, termination and any other recognized components of the Cuyahoga DD's volunteer program shall be developed and disseminated, as appropriate, to all volunteers and staff in accordance with the *Volunteer Handbook*.

4.15 Staff Development

Cuyahoga DD encourages all employees to participate in staff development activities such as staff meetings, courses, workshops, clinics, local area meetings and observation or other programs to the extent that such activities do not interfere with the operational needs of the agency and are related to the employee's job duties. The Superintendent shall offer ongoing in-service training programs that assist employees to meet and fulfill their certification requirements as established by the Ohio Department of Developmental Disabilities. Trainings shall include compliance with HIPAA and all other applicable rules and statutes. Each employee shall be responsible for ensuring his/her respective compliance with certification or job qualification training requirements. Records concerning participation in such staff development activities shall be maintained in Cuyahoga DD's Human Resource office.

To the extent possible, Cuyahoga DD shall establish affiliations with universities and colleges to provide internship programs, training, and volunteer opportunities for university students and/or Cuyahoga DD employees that promote customer service, outreach, innovation, and teamwork. Cuyahoga DD shall cooperate with research activities to the extent that such support is feasible.

4.16 Workers' Compensation

Cuyahoga DD shall fully comply with state law in providing workers' compensation protection to all Cuyahoga DD employees.

The Superintendent shall develop procedures that provide prompt and effective processing of all valid workers' compensation claims in accordance with Cuyahoga County's administration of the workers' compensation self-insurance program.

4.17 Expense Reimbursement

Employees of Cuyahoga DD may receive reimbursement for expenses incurred while on Cuyahoga DD business or approved professional leave.

The Superintendent shall establish procedures to implement this policy and to do so in compliance with all collective bargaining agreements.

4.18 Compensation – Temporary and Substitute Employees

The Superintendent may hire temporary and/or substitute employees as necessary and pay them a rate that does not exceed the maximum rate for the permanent position, but that may be less than the minimum rate for the permanent position.

4.19 Proper Use of Cuyahoga DD Computer Network, and Information Systems

The *Cuyahoga DD Privacy and Security Manual* governs access and use of the Cuyahoga DD computer network systems, information technology, equipment, hardware, software, data management, access to the internet, Cuyahoga DD's intranet, servers, email, cellular and digital phone systems, copy machines, voicemail, and other information technology. All employees are required to abide by these policies. Any employee who violates these policies is subject to sanctions, up to and including termination and criminal prosecution.

CHAPTER 5 – PERSONNEL POLICIES AFFECTING NON-BARGAINING EMPLOYEES

5.1 Posting Procedure

The Superintendent shall post available permanent, full-time or part-time non-bargaining positions, except when trying to avoid a reduction in force.

5.2 Evaluation of Applicants/Selection Procedure

The Superintendent shall select the candidate that is deemed to be best qualified for an available position, giving consideration to a candidate's skills, qualifications, work experience relative to the posted position, integrity and knowledge.

The Superintendent shall establish selection procedures that are fair, transparent and equitable.

5.3 Promotions

5.3.1 Upgraded Positions

Any position may be upgraded at the discretion of the Superintendent. An upgraded position will not be posted, nor will applicants be considered for the position.

5.3.2 Internal Candidates

Current employees may seek any posted position in a higher pay range. Cuyahoga DD reserves the right to select which applicants will be interviewed for each posting, provided the applicant has held his/her current position for at least twelve (12) months. The applications of all applicants will be reviewed and considered, but not all employee applicants may be interviewed for available promotions.

5.4 Certification/Licensure

5.4.1 Requirements

All non-bargaining employees shall be required to meet or exceed the state of Ohio and/or Cuyahoga DD certification or licensure requirements for their positions.

5.4.2 Eligibility for Hire

Applicants who possess the educational and experience requirements necessary to obtain certification or licensure may be eligible for hire. Certification or licensure shall be obtained as soon as possible.

5.4.3 Additional Requirements

The Superintendent may establish requirements more stringent than the state certification or licensure requirements.

5.5 Employee Discipline

The Superintendent shall have the authority to discipline an employee, including termination, when, in the judgment of the Superintendent, the employee's poor work performance or misconduct is a detriment to the program.

5.5.1 Rights

The Superintendent shall comply with Ohio law in the implementation of employee discipline. All employees will be permitted a right-to-respond conference prior to any formal disciplinary decision. The Superintendent may suspend an employee without pay, pending the determination to be made after the right-to-respond conference.

5.5.2 Rules

The Superintendent has the authority to establish rules governing employee conduct.

5.5.3 Appeals

If an appeal is made to a decision of the Superintendent, the Superintendent shall have the option of making an arbitration agreement, obtaining a referee to conduct an Ohio Revised Code section 5126.23 hearing, or having the matter heard by the Board.

5.5.4 Legal Counsel

The Superintendent is authorized to secure legal counsel as well as the services of investigators to assist in all matters of employee discipline, whether the employee(s) involved are non-bargaining or bargaining unit members.

5.5.5 Authority

The Superintendent shall have the authority to settle all claims with employees that involve disciplinary actions or work performance problems. The Superintendent may suspend a staff member with pay during investigations or enter into an agreement whereby an employee resigns and receives reasonable severance pay.

5.6 Employee Complaint Procedure

The Superintendent shall establish an employee complaint procedure for non-bargaining employees. These procedures shall permit employees to have their complaints heard by the Superintendent or the appropriate designee if they are dissatisfied with responses from their direct supervisor or manager.

5.7 Layoffs – Classified Employees

In the event that it is necessary to lay off classified employees, the Superintendent is required to comply with state civil service law and is authorized to make severance payments to employees who are laid-off without an expectation of recall. The Superintendent shall make the determination of necessity of layoff and shall report such reasons to the Board.

5.8 Layoffs – Unclassified Employees

5.8.1 Authority

The Superintendent has broad discretion to lay off or non-renew the contract of any unclassified employee for any reason including efficiency of operation.

5.8.2 Determining Factors

The Superintendent shall use employee performance, the efficiency of the operation, and the continuing need for the position as determining factors in the event that the layoff involves positions that have more than one incumbent with identical position titles and not all such employees are being laid off. The position title or signed position descriptions and/or contracts must be identical in order for the employees to be considered having the same position title.

5.8.3 'Bumping'

Employees shall not be permitted to bump into a different position.

5.8.4 Offer of Another Position

The Superintendent may offer a different position in a similar or lower pay range to an employee in lieu of a layoff.

5.9 Probation

5.9.1 Classified Employees

The probationary period for all classified employees is six months from the date of the appointment to the permanent position.

5.9.2 Unclassified Employees

There is no probationary period for unclassified employees.

5.10 Performance Evaluation

5.10.1 Frequency

The Superintendent shall establish a system of performance evaluation that requires that employees be evaluated on performance-based criteria. Employees shall be evaluated at least once a year.

5.10.2 Review by Employee

Employees shall be permitted to examine their performance evaluations, have a conference with the preparer and have a copy if requested.

5.11 Overtime Pay/Compensatory Time Accrual and Use

The Superintendent shall comply with the Fair Labor Standards Act as it applies to non-exempt employees.

5.12 Compensation

5.12.1 Fair and Comparable Wages

Cuyahoga DD intends to pay its employees a fair and equitable wage that is comparable to what like organizations pay employees who perform the same or similar duties. Cuyahoga DD wants its compensation programs to provide incentives for its employees to strive for excellent performance.

5.12.2 Authority

The Superintendent has, by law and by this policy, broad discretion to pay employees subject to the pay ranges approved by the Board.

5.12.3 Bonuses

In addition to regular salary and other forms of compensation, the Superintendent is authorized to pay lump-sum bonuses to employees for meritorious performance and other good reasons.

5.12.4 Paid Leave

The Superintendent shall establish paid leave benefits that comply with the requirements of federal and state law.

5.13 Retire/Rehire Policy

Cuyahoga DD does not intend to fill its available permanent positions with a Cuyahoga DD retiree or former Cuyahoga DD employee who retired from the same position within the past year, provided, however, that where necessary to meet staffing needs, Cuyahoga DD may consider recent retirees who maintained a satisfactory work record prior to their retirement from Cuyahoga DD.

CHAPTER 6 – CUYAHOGA DD RECORDS AND MEDIA CONTACT

6.1 Maintenance of Records and Access by Public

The Superintendent shall be accountable for maintaining the public records of Cuyahoga DD subject to all applicable federal, state and local laws and regulations. These public records shall be available to be reviewed by members of the public pursuant to relevant sections of 149.43 of the Ohio Revised Code. This policy does not pertain to those records considered Protected Health Information (PHI) and addressed in other state and federal laws.

6.2 Public Information Request

Persons, other than employees requesting to review their personnel records, who wish to examine a public record, must make a request to Cuyahoga DD's Division Manager of Communications. The public record requested must be a specific public record that is in existence at the time of the request.

6.3 Examination of Public Records

The Superintendent shall not permit official, public records to be examined unless a Cuyahoga DD employee is present during that examination.

6.4 Duplication

Photo or electronic copies of a public Cuyahoga DD record except as provided in section 4.13.3 of the *Cuyahoga DD Policy Manual* shall be provided in compliance with the following:

- A. Paper copies – cost of photocopy
- B. Email copies – no cost and subject to the following:
 - 1. All email copies will be sent as zip files and encrypted to assure HIPAA/confidentiality compliance.
 - 2. Limited to one file that shall not exceed the maximum allowable size in accordance with Cuyahoga DD network standards. File size exceeding such shall not be emailed but will be provided on a CD/DVD/flash drive or as photocopies at the option of the requesting party.
 - 3. Cuyahoga DD is not responsible for recipient's ability or software to receive electronic files.
- C. CD/DVD/flash drives – the cost of the CD/DVD/flash drive.
- D. Mailing and shipping costs will be assessed with payment due in advance.

6.5 Electronic Signatures

Cuyahoga DD is authorized to utilize electronic signatures for those Cuyahoga DD transactions that are conducted by electronic means and require a signature. Any such electronic signature shall have the same legal effect as if the signature was manually affixed to a paper version of the transaction. Cuyahoga DD through its Information Technologies and Records Department shall develop security procedures in accordance with applicable federal and state law to provide for the authentication, non-repudiation and integrity of the electronic transaction and signature.

6.6 Privacy, Confidentiality and Computer Security

Cuyahoga DD shall conform to all requirements for privacy, confidentiality and computer security set forth in HIPAA, FERPA, IDEA, Ohio Revised Code, Ohio Administrative Code and other applicable requirements.

This policy shall apply whether Cuyahoga DD is acting as a covered health care provider, Health Plan, or as a Health Care Clearing House under HIPAA. If Cuyahoga DD is acting in more than one capacity, Cuyahoga DD shall be subject to the requirements applicable to that function and shall use or disclose PHI only for purposes related to the function being performed.

The Superintendent shall authorize the development and update of appropriate regulations and/or procedures to implement this policy in the form of the *Privacy and Security Manual*.

All staff must abide by the policies and procedures in the *Privacy and Security Manual*.

6.7 Legal Hold on Public Records

Cuyahoga DD shall place a hold on public records, and any other information in its possession, related to and/or in response to litigation, potential litigation, or an investigation. A record hold will assure that Cuyahoga DD complies with all applicable state and federal laws, all administrative rules promulgated under the authority of such laws, court decisions, and court rules that pertain to the protection and preservation of such public records or other information.

In order to ensure compliance with this policy the Superintendent of Cuyahoga DD or his/her designee shall develop and adopt procedures that provide guidelines for the management and preservation of public records and other information involved in litigation, potential litigation, or an investigation.

6.8 Record Retention

The Superintendent shall adopt written administrative procedures and retention schedules for the retention of all records utilized in the operations of Cuyahoga DD.

6.9 Dissemination of Information to the Media and General Public

Cuyahoga DD recognizes its responsibility as a public entity to provide information and education to the public through the media regarding persons with developmental disabilities and the programs that serve them.

6.9.1 Coordination of Media Contact

The Superintendent shall designate an employee to be responsible for coordinating public information and education programs. This person shall maintain a cooperative and positive contact with media representatives throughout the county.

6.9.2 Procedure for Media Contact

Staff wishing to obtain information from or submit information to the media shall contact the Division Manager of Communication prior to taking any action and shall allow the contact of media to go through the office of the Division Manager of Communication.

CHAPTER 7 – FINANCE AND BUSINESS

7.1 Fiscal Year

The fiscal year and the calendar year for Cuyahoga DD shall begin on January 1 and end on December 31 of the same year.

7.2 Annual Budget Plan

7.2.1 Submission to the Cuyahoga DD Board

No later than October 31 of each year, the Superintendent shall prepare and submit to the Board a proposed budget plan for the next calendar year. The budget plan shall include the total amount of money to be received and spent in the next calendar year for each fund, the amount to be spent for employee salaries and employees' benefits for each fund, and Cuyahoga DD's guiding principles.

7.2.2 Submission to Cuyahoga County Executive/Council

Each year, by a date designated by the County Executive/Council, the Board shall approve and submit to the Cuyahoga County Executive/Council for appropriation a budget plan for the next year that shall be the Cuyahoga DD annual action plan.

7.2.3 Supporting Details

The Superintendent shall submit, with the proposed budget plan, such supporting details as individual service and support expenditures or line-item account number expenditures that the Board requests or the Superintendent thinks necessary for complete understanding of the proposed plan.

7.3 Spending Authority

7.3.1 Authorization to Expend Funds

The Superintendent is authorized to expend funds necessary for the operation of Cuyahoga DD up to the limits for salaries, employee benefits and the total for each fund as established by the Cuyahoga DD's annual budget plan.

7.3.2 Authorization to Purchase

The Superintendent is authorized to make any single purchase of goods or services of less than \$50,000. Any single purchase of \$50,000 or more shall be authorized by the Board.

7.3.3 Emergency Expenditures

The Superintendent is authorized to expend funds for temporary help or emergency repair work as necessary. Any expenditure in excess of \$50,000 shall be presented to the Board for ratification at the next Board meeting following the occurrence of any calamity or emergency situation.

7.4 Bidding and Contract Award

7.4.1 Advertising

Cuyahoga DD shall advertise for bids and award contracts for any single purchase of goods or services in excess of \$50,000 pursuant to sections 307.86 and 5126.071 of the Ohio Revised Code and Cuyahoga County Code 501.12. Cuyahoga DD may issue requests for proposals when procurement of services qualify as an exception to competitive bidding as provided for under section 307.862 of the Ohio Revised Code. Cuyahoga DD may purchase goods and services in excess of \$50,000 through state term contracts and cooperative purchasing programs per Ohio Revised Code 5126.05, (E). Pursuant to section 125.04 of the Ohio Revised Code, such purchases shall be exempt from competitive selection procedures otherwise required by state law.

7.4.2 Quotations

Field buyers shall obtain at least three informal quotations for any single purchase of goods or services between \$1,000 and \$50,000. The Superintendent may authorize any single purchase between \$1,000 and \$50,000 from the vendor submitting the lowest and best quotation. The Superintendent may authorize the purchase of goods and services between \$1,000 and \$50,000 with or without obtaining informal quotations if purchased through state term contracts and cooperative purchasing programs that are exempt from competitive selection procedures otherwise required by state law.

7.4.3 Specifications

Advertisements for bids and informal quotations shall be based on carefully prepared specifications developed by the user of the needed goods and services and published by the purchasing office.

7.4.4 Major Projects

In the case of major projects such as those requiring architects' or engineers' specifications, the Board shall approve the specifications and cost estimates before bids are solicited.

7.4.5 Presentation of Bids

Any and all competitive bids for alterations and other major projects shall be presented for Board consideration at a properly convened meeting with a recommendation for contract awards.

7.4.6 Authorization

The Superintendent is authorized to execute all documents necessary for contract awards made by the Board.

7.4.7 Nondiscriminatory Contracts

Any individual, agency or service provider entering into a contract with Cuyahoga DD shall act in a nondiscriminatory manner both as an employer and as a service provider and shall act without regard to sex, race, color, age, religion, national origin, ethnicity, physical or mental challenges, sexual orientation, gender identity or expression, veteran status, educational background, or genetic information, or social, economic or political affiliation of the employee or program beneficiary. Every contractor shall assure that all physical facilities

used, as part of contracted services shall be accessible and usable by individuals with disabilities served under the terms of the contract. Failure to do so may result in the termination of the contract.

7.4.8 Compliance with State and Federal Regulations

Any individual, agency or service provider entering into a contract with Cuyahoga DD to provide direct services to individuals on behalf of Cuyahoga DD shall be in compliance and maintain compliance during the course of the contract with all relevant state and federal regulations that govern licensure, certification, provision of service, or funding as appropriate.

7.5 Service Contracts

Cuyahoga DD may enter into service contracts with an agency or with an individual to provide eligible individuals the facilities, programs, services and supports authorized or required upon such terms as may be agreeable and in accordance with sections 3323 and 5126 of the Ohio Revised Code and rules adopted thereunder. Any such contract shall be managed and monitored by Cuyahoga DD staff to assure that services and supports contracted for are provided in accordance with the terms of the contract and comply with the rules of the Ohio Department of Developmental Disabilities.

7.6 Detection and Prevention of Fraud, Waste and Abuse

As part of its ongoing efforts to detect and prevent fraud, waste and abuse, Cuyahoga DD shall provide information to employees, contractors, and agents about applicable federal and state laws. Further, Cuyahoga DD shall provide information regarding its programs that concern the detection and prevention of fraud, waste and abuse.

Therefore, Cuyahoga DD hereby authorizes the Superintendent to develop written procedures for the detection and prevention of fraud, waste, and abuse in the *Cuyahoga DD Compliance Plan* and the Administrative Regulation. Such procedures shall include a summary of the following applicable federal and state laws about fraud as well as whistleblower protections:

Federal Statutes:

- False Claims Act (FCA), 31U.S.C. §§ 3729-33
- Program Fraud and Civil Remedies Act (PFCRA), 31 U.S.C. §§ 3801-12
- Civil Monetary Penalties Law, 42 U.S.C. §§ 1320a-7a et seq.

State Statutes:

- Ohio Revised Code § 5164.36 [Medicaid fraud]
- Ohio Revised Code § 2913.40 [Medicaid fraud]
- Ohio Revised Code § 124.341 [whistleblower protections for state employees]
- Ohio Revised Code § 4113.51 and 4113.52 [whistleblower protections for non-state employees]

Consistent with the “whistleblower” protections in federal and state law (see 31 U.S.C. §§ 3729-33, Ohio Revised Code §§ 124.341 and 4113.51 and 4113.52), Cuyahoga DD shall take no adverse action against any employee, contractor, or agent who:

- reports in good faith any concerns about waste, fraud, or abuse; and/or
- lawfully participates in False Claims Act-related litigation.

7.7 Equipment

7.7.1 Inventory and Control

The Finance & Business Department shall be responsible for maintaining up-to-date asset inventory records listing all equipment owned by Cuyahoga DD. Inventory records shall be filed annually with the county Fiscal Officer's office, pursuant to Ohio Revised Code section 305.18.

All equipment placed at a Cuyahoga DD site shall be under the control of the site Facility Supervisor who shall determine its proper assignment and use, except for equipment that is used in conjunction with a lease between Cuyahoga DD and a lessee.

Cuyahoga DD will not accept responsibility nor liability, whatsoever, for equipment that is not owned by Cuyahoga DD.

7.7.2 Temporary Use of Cuyahoga DD Equipment by Individuals or Private Providers

The Superintendent shall establish administrative regulations that permit the lending of Cuyahoga DD owned equipment to individuals receiving supports or services, or to other private direct service providers on a temporary basis. Any equipment or other item must be used for the purpose of vocational rehabilitation, skill development, training, assistive technology assessment or evaluation, or temporary equipment replacement. Each department providing direct services shall implement procedures consistent with the Superintendent's administrative regulation. Any arrangement with a private provider shall be reviewed by the General Counsel.

7.7.3 Use of Equipment by Staff

Employees shall not use Cuyahoga DD equipment for personal projects or personal profit unrelated to their assigned work.

7.7.4 Disposal of Equipment Assets

Equipment items that are no longer utilized within a department or a Cuyahoga DD site, whether tagged or untagged, must follow the established procedures for disposal. Established methods include auction, scrap, trade-in, transfer, sell/lease/donate to another government agency or donate to a non-profit agency in accordance with Ohio Revised Code section 307.12.

7.8 Gifts and Donations

7.8.1 Acceptance and Recognition

As a publicly supported institution, formal action shall be taken by the Board preceding

acceptance of gifts, grants, donations, devices and titles to property. Presentation of memorials or other awards shall be fittingly recognized, but in no case shall such action be considered an endorsement of a product or business enterprise. In all cases, appropriate appreciation and acknowledgment shall be made.

7.8.2 Fiscal Responsibility

All gifts, grants and donations to the Board, its programs and centers shall be deposited with the county treasurer and credited to the appropriate Cuyahoga DD fund. All real property, equipment, supplies or other property shall become the property of Cuyahoga DD and shall be placed on the inventory records of Cuyahoga DD.

7.8.3 Gifts to Staff Members

Employees shall follow the guidelines and limitations set forth in the *Cuyahoga DD Compliance Plan* in regards to the acceptance of any gifts from an individual receiving supports or services, their family members, vendors, providers or other individuals or entities doing business with or seeking to do business with Cuyahoga DD.

CHAPTER 8 – ADMINISTRATION OF SERVICES AND SUPPORTS

8.1 Health and Safety

Cuyahoga DD shall take all necessary steps to ensure the general health and safety of individuals eligible for supports or services. Cuyahoga DD personnel shall operate in accordance with the *Cuyahoga DD Security Operations Handbook* which is incorporated herein by reference. When the health and safety of an individual is at risk, Cuyahoga DD will provide necessary supports (e.g. MUI investigation, service coordination and/or other crisis supports) prior to the establishment of eligibility.

In situations where a risk to health and safety results from the deliberate actions of an individual with a developmental disability acting as his or her own guardian, Cuyahoga DD will work to assist the individual in understanding the risks related to such actions and offer services, supports and/or linkage to community resources aimed at the promotion of basic health and safety.

8.1.2 Incidents that Adversely Affect Health and Safety

Cuyahoga DD shall comply with all requirements outlined in Ohio Administrative Code, 5123:17-02 for managing incidents that adversely affect the health and welfare of individuals and implement a continuous quality improvement process to prevent or reduce the risk of harm to individuals.

Cuyahoga DD shall review major unusual incidents (MUIs) and unusual incidents (UIs) on a regular basis to ensure that immediate steps are taken to protect the health and welfare of individuals eligible for Cuyahoga DD services and work with the individual's team to determine if actions can be taken to prevent or reduce the recurrence of incidents.

The Superintendent is authorized to establish and revise, as needed, procedures for the implementation of this policy.

8.2 Eligibility for Programs and Services

Eligibility for all Cuyahoga DD programs and services shall be based on the presence of a developmental disability as defined by Ohio Administrative Code (OAC) section 5123-4-01 which is incorporated herein by reference in its entirety. Cuyahoga DD shall comply with all requirements of OAC 5123-4-01, the County Board Administration Rule. The omission of a reference to OAC Section 5123-4-01 in this policy manual shall not be construed as Cuyahoga DD's non-compliance with all of the requirements of OAC 5123-4-01 with respect to its operations or in the Administration of Services and Supports.

Children under three years of age shall be eligible with evidence of:

- A. A developmental delay of at least one and one-half standard deviations below the mean or the equivalent determined through informed clinical opinion; or
- B. A diagnosed physical or mental condition that has a high probability of resulting in a developmental delay when documentation is obtained according to Part C Rule; or
- C. A diagnosed physical or mental condition which is not listed in appendix 07-A of Part C Rule 3701-8-07, when documentation is obtained in accordance with this rule; or
- D. Eligibility determined in another state or US territory comparable to Ohio eligibility.

Initial eligibility determinations for early intervention are completed by Cuyahoga DD. Annual eligibility redeterminations are completed by Cuyahoga DD for children receiving Cuyahoga DD services.

Eligibility of individuals ages three and above for Cuyahoga DD services and supports will be determined by a certified Support Administrator.

Cuyahoga DD will follow the eligibility guidelines set forth in Ohio Administrative Code section 5123-4-01 when determining the eligibility for supports and services to individuals aged sixteen or above.

Eligibility may be re-determined at any time if a change occurs in the individual's functioning level or if new information is obtained relative to the individual's eligibility status. For individuals currently eligible for services, the individual's planning team will, at the time of annual review, substantiate that the individual continues to meet the requirement for having a developmental disability as defined by section 5123-4-01, (B) of the Ohio Administrative Code. If there is some question as to the individual's current eligibility status, the eligibility team will be consulted. The eligibility team may recommend a course of action that could include a formal review of eligibility and a determination that:

- the individual either no longer meets the eligibility requirements set out by the rule or,
- the individual remains eligible for services and supports from Cuyahoga DD.

All persons with developmental disabilities who are deemed not eligible for Cuyahoga DD programs and services shall be referred to other appropriate community agencies who may assist with their service needs. Information on persons found to be not eligible shall be maintained for five years from the date the determination was made.

The eligibility of individuals, who have been found ineligible in the past, may be reviewed again.

Decisions made regarding determination for services and supports may be appealed in accordance with section 3.4 of this *Cuyahoga DD Policy Manual*.

8.3 Waiting Lists

Cuyahoga DD is committed to use its resources in the most efficient and effective manner to provide services in a fair and consistent manner that is in compliance with applicable law and rules. Such services are to be provided in the least restrictive alternative appropriate to an individual's needs. In the event that available resources are not sufficient to provide eligible individuals in the aforementioned manner so to meet his/her assessed needs and choices it is necessary to provide

parameters for the establishment of wait lists. To that end Cuyahoga DD shall establish and maintain waiting lists as follows:

- A. For non-Medicaid funded programs, individuals will be offered services on a first come-first serve basis when services become available.
- B. For Medicaid-funded HCBS waivers, services are offered according to the type of need, number of criteria met using the Ohio Assessment for Immediate and Current need, and the status date or request date as outlined in Ohio Administrative Code (OAC) 5123-9-04.

Implementation and management of this policy shall be in accordance with applicable state and federal laws including, but not limited to, section 5126 of the Ohio Revised Code and 5123-4-01 (E) of the Ohio Administrative Code.

The Superintendent shall establish procedures to ensure the effective implementation of the waiting list policy.

The right to appeal decisions under this policy is located in section 3.4 of this Cuyahoga DD Policy Manual.

8.4 Early Intervention Services and Supports

Section 5123-10 of the Ohio Administrative Code rules for the operation of an Early Intervention Program as developed by the Ohio Department of Developmental Disabilities shall be adopted as appropriate by Cuyahoga County Board of Developmental Disabilities.

Cuyahoga DD as a provider of early intervention services adheres to the Mission and Key Principles as developed by the Office of Special Education Programming.

Mission: Part C Early Intervention builds upon and provides supports and resources to assist family members and caregivers to enhance children's learning and development through everyday learning opportunities.

Key Principles:

1. Infants and toddlers learn best through everyday experiences and interactions with familiar people in familiar contexts.
2. All families, with the necessary supports and resources, can enhance their children's learning and development.
3. The primary role of a service provider in early intervention is to work with and support family members and caregivers in children's lives.
4. The early intervention process, from initial contacts through transition, must be dynamic and individualized to reflect the child's and family members' preferences, learning styles and cultural beliefs,
5. Individualized Family Service Plan (IFSP) outcomes must be functional and based on children's and families' needs and family-identified priorities.
6. The family's priorities, needs and interests are addressed most appropriately

by a primary provider who represents and receives team and community support.

7. Interventions with young children and family members must be based on explicit principles, validated practices, best available research and relevant laws and regulations.

Cuyahoga DD provides early intervention services on a year-round basis to eligible children consistent with the rules of the Ohio Department of Developmental Disabilities. Early intervention services are delivered in natural environments using a comprehensive, coordinated, transdisciplinary system of services through an evidence-based, primary service provider, teaming approach. Teams are assigned geographically and consist of one or more of the following core members: Bright Beginnings Early Intervention Service Coordinator, Cuyahoga DD Speech /Language Pathologist, Occupational Therapist, Physical Therapist and Developmental Specialist.

Early intervention services include assistive technology devices and services, occupational therapy, physical therapy, special instruction (developmental specialist) and speech/language pathology services. For the purpose of this Policy, special instruction shall mean services provided by Cuyahoga DD developmental specialists in accordance with the definition of special instruction as found in Part C OAC rule 5123-10-02 Appendix A: Services provided by qualified personnel to design learning environments and activities to promote an infant or toddler's acquisition of skills in a variety of developmental areas, including cognitive processes and social interaction...that leads to achieving the outcomes in the Individualized Family Service Plan (IFSP) for the infant or toddler with a disability; providing families with information, skills and supports related to enhancing the development of the child; and working with the infant or toddler with a disability to enhance the child's development.

8.4.1 Public Awareness/Child Find

Cuyahoga DD participates in child find and public awareness in partnership with Bright Beginnings (BB). BB leads this process through coordinated outreach activities to referral sources such as local hospitals, community organizations and public systems. In addition, Cuyahoga DD ensures that families are aware of early intervention programming through the Cuyahoga DD website, in-person outreach at local events and social media.

8.4.2 Evaluation and Child Assessment to Determine Eligibility and Need for Service

Cuyahoga DD provides initial evaluations and child assessments to determine eligibility and need for services for children referred to the early intervention system via Bright Beginnings. Annual evaluations and child assessments are provided by Cuyahoga DD for children receiving Cuyahoga DD early intervention services. All evaluations and child assessments are provided in accordance with Ohio Department of Developmental Disabilities Rules and timelines.

8.4.3 Family Assessment

Cuyahoga DD participates in annual family assessments to determine strengths and priorities for all eligible families. Initial family assessments are conducted by the Bright Beginnings Service Coordinator and are used by Cuyahoga DD team members to inform the evaluation

and assessment and Individualized Family Service Plan (IFSP) process. Annual family assessments are conducted by the Cuyahoga DD primary service provider and used to inform the evaluation and assessment and IFSP process. They are updated regularly as appropriate to guide ongoing service provision and ensure that services are delivered during every-day activities. All assessments are provided in accordance with Ohio Department of Health/Ohio Department Developmental Disabilities Rules and timelines.

8.4.4 Service Coordination

Service Coordination is provided by Bright Beginnings who is a partner in the evidence based early intervention process.

8.4.5 Early Intervention Services in Natural Environments

Cuyahoga DD ensures that services are provided in natural environments through the family assessment process that identifies strengths and challenges in the places and contexts that are unique to each family. Through this process outcomes for the Individualized Family Service Plan (IFSP) are developed that contain the specific routine in which the service is to be provided such as the home, child care center, and a variety of community locations. This process also identifies the people that the child spends time with who may participate in early intervention services with the child.

8.4.6 Individualized Family Service Plan

An Individualized Family Service Plan (IFSP) shall be developed together with the Service Coordinator, the family and other service providers initially, annually and reviewed every 180 days for each child under the age of three enrolled in Early Intervention services and supports. The IFSP shall include an assessment of the child's present level of functioning; a statement of the family's strengths and needs related to enhancing the development of the child; the major outcomes expected to be achieved for the child and family; the criteria, procedures and timelines used to determine progress toward achieving the outcomes; and the specific services to be provided including the frequency, intensity, location and method of service delivery.

8.4.7 Procedural Safeguards

Cuyahoga DD ensures that families are informed of their rights and safeguards by providing the state department's parent's rights brochure to the family at their first visit and in conjunction with required Prior Written Notice when services are proposed to be changed as listed on the Individualized Family Supports Plan. Parents' rights and safeguards are explained to each family, in detail by the Bright Beginnings Early Intervention Service Coordinator at their first intake visit prior to any provision of services.

8.4.8 Use of Funds to Administer Early Intervention Services

Cuyahoga DD as a provider of early intervention services does not utilize Ohio Department of DD funds. Cuyahoga DD does not provide central coordination or service coordination. These functions are provided by Bright Beginnings.

8.4.9 Participation in the Development of the Individualized Family Service Plan (IFSP)

Cuyahoga DD is an active team member in the development of the IFSP as led by the Bright Beginnings Early Intervention Service Coordinator (SC) and participates with other team members as defined by the family which include but are not limited to: the Bright Beginnings SC, Cuyahoga DD Primary Service Provider, Cuyahoga DD Secondary Service Provider (if applicable), family members and other service providers on the IFSP. Cuyahoga DD team members participate in the evaluation and assessment process, IFSP development, including the Child Outcome Summary (COS) process and IFSP meetings with the family, the Bright Beginnings SC and other members as deemed appropriate. IFSP outcomes are developed with the team, which includes the family, and are based on the family's resources, priorities and concerns as they occur during every-day routines, activities and places. IFSP outcomes are written in accordance with Ohio Department of Developmental Disabilities guidelines to ensure they are functional and necessary; reflect real-life contextualized settings; crosses developmental domains and are discipline free; are jargon-free, clear and simple; emphasize the positive and use active words.

8.4.10 Record Maintenance

Cuyahoga DD maintains the following documentation in the child's record in accordance with this rule:

- Initial Cuyahoga County Bright Beginnings (BB) referral form to Part C which triggers the request to Cuyahoga DD for initial evaluation and assessment.
- Evaluation and assessment information including statement of eligibility as documented by Cuyahoga DD on the family's Individualized Family Service Plan (IFSP).
- Cuyahoga DD staff maintain a hard copy record containing the following required documents: current IFSP, consent and release of information forms, correspondence with other providers or team members as authorized by the family, evaluations and assessments, progress reports from other entities (if applicable), medical reports (if applicable) discharge summaries (if applicable), diagnosis information (if applicable) documentation of records requested and/or released (if applicable).
- Cuyahoga DD staff enter case notes into a shared data system with BB to ensure efficient coordination of services. The following information is maintained in the data system and then printed off for the hard copy record periodically and when the family exits services: case notes for all face-to-face visits with families describing services provided as outlined on the section (4) IV of the IFSP, correspondence with or about families including but not limited to phone calls, emails and text messages.

Documentation demonstrates that early intervention services provided meet the requirements set forth in Individuals with Disabilities Education Act (IDEA) with regards to parent's rights and procedural safeguards. BB is the lead agency for early intervention and ensures that services are provided in accordance with parents' rights and procedural safeguards. Cuyahoga DD adheres to the complaint resolution process for early intervention as defined by procedural safeguards and facilitated by BB. Cuyahoga DD also ensures confidentiality and family rights, documented in the *Privacy and Security Manual*, which include but are not limited to maintaining confidentiality, access to records, complaint resolution and record retention.

8.5 Preschool and School-Age Services and Supports

Eligible students between the ages of 3 and 22, who meet eligibility criteria established by the Ohio Department of Education shall be served by Cuyahoga DD staff in community settings.

8.5.1 Identification of Children

Cuyahoga DD shall cooperate with local school districts and other agencies to identify and provide appropriate services for children who have developmental disabilities.

All parents/legal guardians of children ages 3 to 22 who have developmental disabilities who contact Cuyahoga DD for day services, shall be referred to their local school districts for enrollment and services. Written notice containing personally identifiable information shall be transmitted to local school districts only with the written consent of the parents or legal guardian.

In accordance with the Cuyahoga DD's belief that all pre-school and school-age children, including the homeless, have a basic right to a free and appropriate public education, Cuyahoga DD will ensure that a child who is homeless will be enrolled in their local school district in compliance with the McKinney-Vento Act.

8.5.2 Parent Surrogates

When the parents of a child are unknown or are unavailable or when the child is a ward of the state or when the child is without a formally declared legal guardian, Cuyahoga DD shall make inquiry to the adult in charge of the child's place of residence as well as the parents or legal guardians at the last known address. For any child under the age of three years whose parent cannot be identified, the early intervention service coordination contractor shall request an assignment of a surrogate parent.

The parent surrogate appointed by the local school district shall have the same rights as the parent/legal guardian.

8.6 Employment First

Cuyahoga DD adheres to an Employment First policy in the provision and support of community employment services. Community employment is the first and preferred outcome for every individual of working age served by Cuyahoga DD. Cuyahoga DD strongly supports Ohio's Employment First Initiative established by Governor Kasich in 2012. Striving for competitive employment has been a long-standing organizational value of Cuyahoga DD.

To accomplish the Employment First policy, Cuyahoga DD will:

- Encourage and promote opportunities for integrated employment in the community for every individual of working age receiving supports from Cuyahoga DD.
- Enhance the lives of individuals by identifying opportunities to begin or advance their careers to the greatest extent possible.

- Actively engage with employers, community partners, private provider agencies, school districts, workforce development organizations, and vocational rehabilitation agencies to support individuals in obtaining and retaining integrated employment in the community.
- Provide individualized person-centered planning to assist each individual to identify their paths to community employment, desired community employment outcomes, and supports necessary to achieve these outcomes.
- Engage the business community to create successful partnerships with employers that lead to hiring dependable and qualified employees to help meet their business needs.
- Promote diversity, equal opportunity, and enrichment to the community.
- Utilize best practices in the field that lead to successful competitive employment for the individuals it supports.
- Establish benchmarks to measure the implementation of this policy.

The individual's team, including the Support Administrator staff shall identify the services the individual will receive, which will be outlined in the person's Individual Service Plan (ISP).

8.7 Behavior Supports

Cuyahoga DD shall formulate and follow procedures for the use of restrictive measures that conform to procedural requirements of the Ohio Department of Developmental Disabilities rule 5123:2-2-06 of the Ohio Administrative Code. Procedures are specified in the *Cuyahoga DD Behavior Support Procedures Manual* that also specifies an overall philosophy of behavior supports and provides concrete guidance and expectations for the use of clinically-sound and least-restrictive approaches to providing behavior support.

Human Rights Committees are organized by Cuyahoga DD according to Ohio Administrative Code, section 5123:2-2-06 and are run in conjunction with community partners, individuals being served and/or the relatives of individuals being served. The Human Rights Committees are charged with reviewing and rendering final approval or disapproval of any plan that contains a restrictive measure as defined in the rule. The primary aim of a Human Rights Committee is to ensure that the rights of individuals are preserved and that any use of restrictive measures are used only as a last resort and in compliance with 5123:2-2-06 of the Ohio Administrative Code.

In the case of a person living in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) residential facility, the behavior support committee and the Human Rights Committee that reviews the plan may be either those formed by Cuyahoga DD or those formed by the provider of ICF/IID residential supports.

8.7.1 Crisis

Cuyahoga DD recognizes that, on occasion, an emergency arises to necessitate crisis management to protect an individual or others from injury and to prevent property damage.

8.7.2 Suspension

Due process procedures for suspensions of services to individuals other than of school-age children shall be followed in accordance with Ohio Revised Code 5101.35 if the service the

individual is suspended from is funded through a Medicaid waiver or Ohio Administrative Code 5123-4-04 and Section 3.4.1 of this policy manual if the service is funded through local dollars.

Any suspension of a service for an adult individual receiving supports is based on the assessed presence of a significant threat to the safety or well-being of the individual or others in the given setting. Suspension is not used for purposes of punishment and must end once the threat of harm has been determined to be within acceptable limits. Cuyahoga DD does not, however, have the authority to prevent an employer from suspending or terminating an individual receiving services from employment.

8.8 Transportation Services

Adults receiving supports from Cuyahoga DD who need transportation to attend work, day program, or other volunteer activities shall be given the opportunity to learn how to access the community as independently as possible, based upon the needs, desires and goals of the individual as determined through their person-centered plan. Individuals may walk, ride public transportation, drive, or in other ways successfully reach their destination without the provision of organized transportation services by any agency. Cuyahoga DD may assist an individual in accessing travel training to improve their skills in navigating their community. Cuyahoga DD may coordinate or authorize needed transportation services where it has been first determined that other transportation options are unavailable, inaccessible, or unsuitable to meet the individual's needs.

8.9 Individuals Receiving Supports - Volunteerism

Cuyahoga DD believes that volunteer opportunities can be a positive and beneficial experience for persons with developmental disabilities and Cuyahoga DD will assist those individuals who indicate an interest in a volunteer experience.

Any Individuals receiving supports from Cuyahoga DD who serve as volunteers with Cuyahoga DD shall do so in accordance with Cuyahoga DD Policy 4.14.2. No individual receiving Cuyahoga DD supports shall volunteer within his/her own daily work group. It is the preferred outcome that individuals volunteer in the community. In this case, the individual shall meet the volunteer requirements of the community agency.

8.10 Experimental Programs

Any research or experimental program involving direct or indirect contact with individuals, their families or significant others which is not a part of the approved curriculum of the adult activities centers or usual supportive or home-based services shall be termed "research program" and must be authorized by the Superintendent. A Human Subjects Research Review Committee, appointed by the Superintendent, shall review and recommend to the Superintendent proposed research programs.

A written request for project approval must be submitted to Cuyahoga DD using forms to be provided by Cuyahoga DD upon request. Approval shall be contingent upon the congruence of the

proposal goals with those of Cuyahoga DD, relevance to the services delivered by Cuyahoga DD, potential for advancement of knowledge about developmental disabilities and related services, face validity and preservation of basic rights and dignity of individuals and others potentially impacted. Only programs proposed and sponsored by accredited colleges, universities, and not-for-profit external entities shall be considered for approval.

Research programs that may endanger the safety or health of individuals receiving supports or jeopardize their emotional well-being, dignity or self-esteem are prohibited.

Standard professional ethics for the conduct of such programs shall be enforced, including the requirements of informed consent for participants, defined as individuals receiving supports, parents/guardians or parent surrogates. All Cuyahoga DD policies and procedures governing confidentiality and due process shall be strictly observed.

Semi-annual progress reports shall be submitted to the Superintendent and the human subjects research review committee throughout the course of the program. A written summary report shall be submitted to the Superintendent and the human subjects research review committee upon the conclusion of any authorized research program describing the procedures, results, conclusions and implications of the program.

All persons conducting an authorized experimental program are subject to the administrative authority of the Superintendent and designated administrators during their presence in any facility operated by Cuyahoga DD or when engaged with individuals receiving supports of Cuyahoga DD and their parents or guardians.

Cuyahoga DD shall refrain from involvement in any medical research not subject to professional (medical) review and monitoring.

8.11 Use of Medicaid Funding for Cuyahoga DD Supports

The intent of this policy is to allow Cuyahoga DD to support as many individuals as possible by utilizing any and all available resources for needed services and supports. These resources may include use of federal Medicaid dollars (including State Plan and Home and Community Based Waivers).

Individuals receiving or in need of services shall utilize all available funding resources, including but not limited to personal financial resources, private insurance, Medicaid state plan or Medicaid waiver services, and other funded programs and services, before requesting Cuyahoga DD support. Cuyahoga DD shall only consider funding services and supports after all other resources, including those indicated above, have been exhausted. Individuals who request supports from Cuyahoga DD are subject to the Waiting List requirements in accordance with ORC 5126.042.

Individuals who are assessed by Cuyahoga DD to be in need of services must apply for an appropriate Medicaid waiver at the time that a slot becomes available with the assistance of Cuyahoga DD staff as necessary. Cuyahoga DD has the sole discretion to determine the appropriateness of waiver services in general for an individual and specifically the particular waiver type for that individual. No individual shall be offered a waiver slot unless Cuyahoga DD determines

that the individual's health and safety can be adequately assured within the funding and services available. If no waiver slot is available at the time of the request but Cuyahoga DD determines the individual is in need of services, Cuyahoga DD may fund services for a limited period of time subject to Cuyahoga DD priorities and budgetary constraints in accordance with ORC 5126.04.

Individuals are required to take all actions necessary to become eligible for the Medicaid waiver and maintain eligibility once enrolled. Individuals refusing to apply for Medicaid funding but still requesting Cuyahoga DD supports, will be required to either pay for a portion of their services or receive a reduced level of service.

The Superintendent shall have the authority to adjust the portion of costs to be paid by Cuyahoga DD for individuals who attempt to become eligible for Medicaid funding but who cannot be determined eligible for that funding.

The Superintendent may waive any requirements of this policy for a period of up to one hundred eighty (180) days for any person determined by the Superintendent (or designee) to be in need of emergency services. The Superintendent shall authorize any necessary action to develop procedures consistent with this policy.

Any action taken by Cuyahoga DD staff in the implementation of this policy shall be subject to the appeal by the individual according to procedures established in section 3.4 of this *Cuyahoga DD Policy Manual*.

8.11.1 Free Choice of Provider

Cuyahoga DD recognizes and supports the right of individuals enrolled on Home and Community-Based Services (HCBS) waivers to choose any qualified and willing provider of home and community-based services. Individuals have the right to choose any qualified provider at the time of an individual's enrollment in a home and community-based services program, annually at the time of re-determination, and at any other time the individual/guardian expresses an interest in or makes a request to choose a new, different, or additional provider.

The Superintendent is authorized to establish procedures, in accordance with state and federal statutes, for the effective implementation of this policy.

8.12 Payment of Services for Individuals Enrolled on the Ohio Dept. of Jobs and Family Services-administered Home Care Waiver

Cuyahoga DD shall not fund an Ohio Home Care Waiver service, or an extension of an Ohio Home Care Waiver service, that is provided to a Cuyahoga DD eligible individual enrolled on the Ohio Home Care Waiver. Cuyahoga DD shall review requests to fund services that are not covered by the waiver, or any other funding stream, when written documentation has been provided that indicates that all other funding streams have denied the request. It is the responsibility of the individual receiving supports or the individual's family to obtain all documentation of such denials and forward it to Cuyahoga DD for consideration of funding in addition to supporting documentation demonstrating the individual's assessed need for the service.

When Cuyahoga DD currently is funding waiver services or an extension of a waiver service, such services may be terminated with due process on a case-by-case basis.

The Superintendent shall develop criteria to determine when a service or an extension of service currently funded by Cuyahoga DD shall be continued.

8.13 Payment of Services for Individuals Receiving State Plan Home Health Care Services or State Plan Private Duty Nursing Services

Cuyahoga DD shall not fund a State Plan Home Health Care service including Home Health Nursing, Home Health Aide, and Skilled Therapies (OT, ST, PT), or State Plan Private Duty Nursing, to an individual receiving Cuyahoga DD supports eligible for such State Plan services. Cuyahoga DD shall review requests to fund services that are not covered by the State Plan Home Health Care or State Plan Private Duty Nursing, or any other funding stream, when written documentation has been provided that indicates that all other funding streams have denied the request. It is the responsibility of the individual receiving supports or the individual's family to obtain all documentation of such denials and forward it to Cuyahoga DD for consideration of funding in addition to supporting documentation demonstrating the individual's assessed need for the service.

The Superintendent shall develop criteria when a service or an extension of service currently funded by Cuyahoga DD shall be continued.

8.14 Fees for Services to Eligible Individuals

Cuyahoga DD will adopt a rate structure for persons who are eligible for services from Cuyahoga DD.

8.14.1 Fees from Third Party Payers for Services Provided by Cuyahoga DD

Except as stated in these policies, Cuyahoga DD will make reasonable efforts to identify third party payers who may be available to provide payment for services provided to individuals by Cuyahoga DD and to collect payment from such third party payers in accordance with the rate structure.

8.14.2 Rate Structure

The rate structure shall be used for billing third party payers that provide coverage to individuals for families receiving services from Cuyahoga DD.

8.14.3 Determination of Available Third Party Payers

Determinations of third party payers that may be available for coverage of services provided by Cuyahoga DD shall be made at the time of initial enrollment and repeated at least once per year thereafter at the time of the Individual Service Plan (ISP) team meeting. All individuals or their families shall be instructed to notify Cuyahoga DD of any change in such third party payers.

8.14.4 Reasonable Efforts to Seek Reimbursement

Cuyahoga DD will be deemed to have made reasonable efforts to seek reimbursement if Cuyahoga DD submits claims to third party payers identified as available to the individual in accordance with procedures adopted by such payers. If the claim is denied, an appeal is not

required if Cuyahoga DD determines that there is no reasonable likelihood of success if an appeal were filed.

8.14.5 Rules by the Ohio Department of Developmental Disabilities (DoDD)

These policies are subject to rules promulgated by DoDD. In the event that DoDD adopts rules and any part of this policy is inconsistent with such rules, the provisions of such rules shall apply.

CHAPTER 9 – SUPPORT ADMINISTRATION

9.1 Assignment of a Support Administrator

Cuyahoga DD will perform Service and Supports Administration (SSA) functions in accordance with 5123:2-1-11 of the Ohio Administrative Code.

Support Administration will be made available to anyone between the ages of three (3) and twenty-two (22) who are:

1. Enrolled on a HCBS waiver, or
2. Eligible for Cuyahoga DD services and specifically request the service, or
3. Eligible for Cuyahoga DD services and are identified as needing the service.

Support Administration may be made available to all new applicants ages twenty-two (22) and above for Cuyahoga DD services. If an individual is found to be ineligible for county board services and supports, the Support Administrator may continue to serve the individual for a reasonable period of time, assisting in locating appropriate services for which the individual is eligible.

For individuals not enrolled on a DD Home and Community-Based Services Waiver, the need for continuing Support Administration services will be routinely evaluated by the Support Administrator and the individual/family. Individuals who do not need continuing Support Administration services but who remain eligible for other Cuyahoga DD services may be placed on inactive status after the individual has been given prior written notice and the opportunity to request reconsideration using the complaint resolution process. Individuals or guardians on inactive status may, at any time, request that a Support Administrator be assigned. Upon receiving such request, Cuyahoga DD shall contact the individual to determine their current planning needs and assign a Support Administrator as appropriate.

9.2 Individual Service Plan (ISP)

The assigned Support Administrator will develop an ISP for each individual not receiving early intervention or educational services. If the ISP includes HCBS waiver services or Medicaid state plan services, those services will be subject to approval by the Ohio Department of Developmental Disabilities (DoDD) and the Ohio Department of Medicaid (ODM). The ISP process will reflect all relevant rules as promulgated by DoDD and ODM.

Adult individuals receiving services shall determine the members of their planning team that are invited to their ISP or team meetings, which may include an advocate, friend, or family member. Individuals shall be assumed to be competent to make decisions impacting their lives unless the probate court has assigned a legal guardian.

9.3 Transition Age Youth

Cuyahoga DD acknowledges that all school districts in Cuyahoga County have certain

responsibilities regarding Transition Services under Ohio Administrative Code 3301-51-01 (A)(45). Accordingly, it is the responsibility of the school district to facilitate a planning process among multiple agencies to support a secondary transition process for students age 14 – 22.

Therefore, when a student who is eligible for services from Cuyahoga DD approaches completion of a program or service under Chapter 3323 of the Ohio Revised Code and upon a request from the district or the student’s family, Cuyahoga DD shall participate in a person-centered transition planning process in order to identify the strengths, interests, abilities, preferences, resources, and desired outcomes as they relate to community employment for each student. Upon graduation, if the student desires Cuyahoga DD services, the student’s team including the Support Administrator will identify the services the student will receive, which will be outlined in the person’s Individual Service Plan (ISP).

9.4 Family Supports Program

Cuyahoga County Board of Developmental Disabilities will operate a Family Supports Program as defined by section 5123-4-01, (K) of the Ohio Administrative Code. This program shall be available to individuals or family members of individuals based on criteria as outlined in this policy, and is not an entitlement program. This program shall operate on a calendar year basis beginning January 1 of each year. The goal of the Family Supports Program is to provide limited supports or equipment to individuals who live with their families or on their own who may not qualify for other supports.

9.4.1 Eligibility for the Family Supports Program

Eligibility shall be based on the following:

- An individual must be eligible for services from Cuyahoga County Board of Developmental Disabilities;
- An individual may live with his/her family or on their own;
- An individual may not be enrolled on a DD Medicaid waiver;
- An individual may not be in the Custody of the Department of Children and Family Services;
- An individual may not live in a facility of any type or foster care setting;
- Household taxable income for individuals under age 18 will determine the amount of annual allowance for the Family Support Program.

Individuals who are assigned to a Cuyahoga DD Support Administrator should work with that Support Administrator to access services and supports to meet their needs.

An individual or family determined to be ineligible for the program shall be offered County Board Resolution of Complaint as outlined in Cuyahoga DD Board Policy 3.4 and may be offered alternate, generic community resources which may meet their needs.

9.4.2 Applications

An application for the Family Supports Program shall be completed annually.

- For individuals under age 18, proof of household income shall be required with the submission of the application;
- For individuals aged 18 and above, no proof of income is needed;

- Cuyahoga DD or Cuyahoga DD designee shall review the application and apply the Family Supports Program sliding fee scale based upon federal poverty guidelines and determine an allowance of funding for the year;
- Maximum funding amounts per individual may vary from year to year based on Cuyahoga DD's funding for this program and number of individuals served; and
- Applications and funding requests are filled on a first-come, first-served basis each year.

9.4.3 Goods and Services available under the Family Supports Program

- Incontinence Supplies
- Specialized Nutrition Products
- Special Equipment
- Therapies and Recreation
 - For children under age 3, Cuyahoga DD may assist in funding traditional therapies including Occupational, Physical and Speech/Language Therapies.
 - For children aged 3 and above, Cuyahoga DD does not assist with funding Occupational, Physical and speech/Language Therapies but may assist in funding recreational activities.
- Camp
- Home Modifications
- Respite

9.4.4 Payment for Goods and Services under the Family Supports Program

The program will not fund any services provided prior to enrollment in the program or while the individual is not enrolled in the program.

CHAPTER 10 – PURPOSE, REVISION AND DISTRIBUTION OF THE *CUYAHOGA DD POLICY MANUAL*

10.1 Purpose

The purpose of the *Cuyahoga DD Policy Manual* shall be to set forth the policies adopted by the Board for the guidance of the Cuyahoga DD Board members, employees, and the public.

10.2 Revision

This *Cuyahoga DD Policy Manual* may be revised, added to or amended at any properly convened meeting of the Board by a majority vote of the members.

It shall be the responsibility of the Superintendent to prepare and submit, in writing, recommendations for the change at any time a change appears necessary to him/her or upon a motion adopted by the Board.

The Superintendent shall apprise all employees promptly of any changes approved by the Board. Annually, following the organizational meeting of the Board, the Superintendent shall arrange for all available copies of the *Cuyahoga DD Policy Manual* to be corrected to conform to any changes made by the Board during the preceding year.

10.3 Distribution

Copies of the *Cuyahoga DD Policy Manual* shall be made available to all employees via Cuyahoga DD's intranet. It shall be made available to parents/guardians and other interested parties upon request. Copies shall be placed in all site offices.

CHAPTER 11 – ADDENDA

This section contains policy actions taken by the Board in public session throughout 2023.

These actions will be incorporated into the body of the *Cuyahoga DD Policy Manual* document prior to the 2024 Organizational Meeting of the Board.