

5122-26-06

**Human resources management.**

- (A) The purpose of this rule is to ensure that each agency provider has a human resources management program, and develops written personnel policies and procedures which include the provisions of this rule.
- (B) In addition to the definitions in rule 5122-24-01 of the Administrative Code, the following definition shall apply to this rule:

"Personnel" means any paid or unpaid person, volunteer, contract worker, student intern or other person who is a part of an agency's provider's workforce, including but not limited to those who perform management, clinical, operations, clerical, or other functions in support of the agency's provider's mission, vision and goals. Contract worker does not include an individual or company with whom the agency provider contracts to perform occasional maintenance such as lawn care, snow removal, painting, etc. Staff or employee shall have the same meaning as personnel.

- (C) Each agency provider shall ensure that it has the necessary staff to support the agency's provider's mission, vision and goals, and to provide services to persons served.

Clinical services shall be under the supervision of an individual who is eligible to provide services as set forth in rule 5122-29-30 of the Administrative Code, and who has demonstrated experience, competency, and education in the area supervised, i.e. substance abuse, mental health or dual diagnosis.

- (D) Each agency provider shall ensure that its personnel policies and procedures include the following provisions:

(1) Prohibit discrimination in employment, training, job duties, compensation, evaluation, promotion, and any other term or condition of employment based on race, ethnicity, age, color, religion, gender, national origin, sexual orientation, physical or mental handicap, developmental disability, genetic information, human immunodeficiency virus status, or in any manner prohibited by local, state or federal laws;

(2) Describe a formal process to express and process employee grievances;

(3) Prohibit sexual harassment;

~~(3)~~(4) Establish recruitment and hiring practices;

~~(4)~~(5) Establish skills, qualifications and competencies required for each position, based on mission of organization, services provided and characteristics and

needs of population(s) served. The ~~agency~~ provider shall maintain a written job description for each position.

All personnel for whom licensure is required by law shall maintain current licensure by the appropriate body in the state of Ohio, and shall practice only within the scope of their license.

- ~~(5)~~(6) Verify staff credentials, including licensure, certification or registration, education, and experience;
- ~~(6)~~(7) Develop and maintain a staff orientation program, which shall include training on:
- (a) Employee and client safety, including safety procedures in rule 5122-26-12 of the Administrative Code;
  - (b) ~~Agency's~~Provider's mission, vision and goals;
  - (c) Characteristics of the population served;
  - (d) Sensitivity to cultural diversity;
  - (e) ~~Agency~~ Provider policies and procedures, including personnel policies, and those specific to individual job duties;
  - (f) Confidentiality policy;
  - (g) Reporting abuse and neglect policy and procedures; and,
  - (h) Client rights and grievance policy and procedures.
- ~~(7)~~(8) Ensure direct service and supervisory staff participate in staff development education and training. Training may be provided by direct supervision, attendance at conferences and workshops internal and external to the ~~agency~~provider, on-line training, educational coursework, etc. Training shall:
- (a) Maintain or increase competency;
  - (b) Include topics specific to population served; and

(c) Ensure culturally competent provision of service.

~~(8)~~(9) Ensure each staff providing direct services receives regularly scheduled and documented supervision appropriate to his/her/their skill level and job duties, and in accordance with the requirements of his/her/their license, certificate or registration, if applicable.

Supervision may be provided in individual and group sessions, including supervisor participation in treatment plan meetings.

~~(9)~~(10) Evaluate staff performance at a frequency required by its accrediting body, if applicable, or for an agency provider without behavioral health accreditation, annually.

The agency provider shall establish a system and frequency for evaluating volunteers, based on job duties, scope of responsibility, and frequency of service.

(11) Standards of acceptable behavior for all employees.

(12) Termination of employment.

(13) Procedure that states that employment applicants shall be informed that the provider follows the rules and regulations governing fair employment practices, that the applicant's right to privacy shall be respected, and that the results of inquiries shall be treated in confidence by the provider.

(E) Each provider serving children or adolescents shall have a policy which states the following:

(1) Each employee utilized in positions which are responsible for the direct care or supervision of children or adolescents shall be at least eighteen years of age.

(2) A prospective employee, volunteer or student intern shall not have pled guilty to nor been convicted of any of the offenses listed in paragraph (I) of rule 5101:2-5-09 of the Administrative Code. A prospective employee, adult volunteer or student intern convicted of or who has pleaded guilty to an offense listed in paragraph (I) of rule 5101:2-5-09 of the Administrative Code may be hired by a provider if the conditions as provided in paragraph (H) of rule 5102:2-5-09 of the Administrative Code have been met.

(3) The provider shall require that criminal records checks on employees, volunteers and student interns be conducted by the bureau of criminal identification and investigation (BCII) and, if the prospective employee does not demonstrate that they have been a resident of Ohio for the preceding five

years, by the federal bureau of investigation (FBI).

~~(E)~~(F) A copy of the written personnel policies and procedures shall be available to each employee. Employees shall be notified of changes in personnel policies and procedures. The provider shall establish written procedures for notifying employees of such changes.

~~(F)~~(G) Personnel files.

(1) The ~~agency~~ provider shall maintain a person file on each staff person, who shall have access to ~~his/her~~ their own personnel file.

(2) Personnel files shall be stored in such a manner as to maintain the privacy of each staff person. ~~Agency~~ Provider policies shall describe who shall have access to the various information contained within the file.

(3) Each personnel file shall include the following content:

(a) Identifying information and emergency contacts;

(b) Application for employment or resume;

(c) Verification of credentials from professional regulatory boards in Ohio, if applicable, including either electronic verifications or copies of current professional licenses, certifications, or registration;

(d) Documentation of education, experience and training;

(e) Verification of references, if required for position;

(f) Notification of hire, to include start date and position;

~~(f)~~(g) Job or position description, to include job title and:

(i) Supervisor to whom the person holding this position is responsible.

(ii) Duties or responsibilities.

(iii) Minimum qualifications for the position (knowledge and skills).

(iv) Credentials and academic requirements, if applicable.

(v) Positions supervised by person holding this position, if applicable

~~(g)~~(h) Compensation documentation, if applicable;

(i) For providers which provide alcohol and other drug services, documentation that the employee has reviewed and agreed to abide by the federal regulations on the confidentiality of alcohol and drug abuse patient records (Title 42, Code of Federal Regulations, part 2).

~~(h)~~(j) Performance evaluations;

~~(i)~~(k) Documentation of orientation;

(l) Documentation to reflect that the employee has received a copy of the policies and procedures identified in paragraph (D)(7) of this rule and has agreed to abide by each of them;

~~(j)~~(m) Documentation of on-going training, as required by position, state law and agency policy;

~~(k)~~(n) Commendations or awards, if applicable; and

~~(l)~~(o) Disciplinary actions, if applicable.

~~(G)~~(H) The agency provider shall have policies and written procedures for handling cases of staff neglect and abuse of persons served, and documentation that each employee has received a copy of these policies and procedures.

~~(H)~~(I) The agency provider shall have a policy that appropriate disciplinary action, up to and including dismissal from employment, shall be taken regarding any employee misconduct or criminal conviction that bears a direct and substantial relationship to that employee's position.

Effective: 04/01/2016

Five Year Review (FYR) Dates: 06/29/2015 and 04/01/2021

CERTIFIED ELECTRONICALLY

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Certification

12/17/2015

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Date

Promulgated Under: 119.03  
Statutory Authority: 5119.36  
Rule Amplifies: 5119.36  
Prior Effective Dates: 5/10/79, 10/14/82, 1/1/91, 10/1/93, 7/1/2011