



## Ohio Administrative Code

### Rule 5101:2-12-08 Employee and child care staff member requirements in a licensed child care center.

Effective: October 29, 2017

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(A) What are the requirements of an employee in a licensed child care center?

(1) An employee shall have on file a completed medical statement that meets the requirements detailed in appendix A to this rule.

(2) The completed medical statement shall be on file on or before the employee's first day of employment.

(B) What are the requirements for a child care staff member in a licensed child care center?

A child care staff member shall meet one of the following:

(1) Be at least eighteen years of age and have completed a high school education.

(a) High school education is defined in appendix B to this rule.

(b) Verification shall be on file on or before the child care staff member's first day of employment.

(2) Be enrolled in the second year of or have completed a two year career-technical program in child development or be a high school senior and also enrolled in a college credit program in child development.

(a) Enrollment or completion of a two year career-technical program shall be verified by a signed statement from student's teacher/coordinator of the training program verifying that the student is enrolled in the program and receiving supervision.

(b) Enrollment in a college credit program shall be verified by written documentation from the college credit program.



(c) Verification shall be on file on or before the child care staff member's first day of employment.

(C) What are the documentation requirements for employees in a child care center?

(1) The center shall maintain documentation for each current employee on file at the center.

(2) Employment records shall be made available upon request by the Ohio department of job and family services (ODJFS) for at least three years after each employee's departure.

(3) Employment records shall include days and hours worked, duties and group assignments, if applicable.

(4) Employee records shall be confidential, except that they shall be available to the ODJFS for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

(D) What are the orientation requirements for child care staff members?

(1) Child care staff members shall complete the staff orientation training as prescribed by the ODJFS within thirty days of starting employment at the center as a child care staff member unless the child care staff member has documentation of completion of the training after December 31, 2016.

(2) The online training may be used for up to six hours of professional development pursuant to rule 5101:2-12-10 of the Administrative Code.

(3) Completion of the training shall be documented with verification from the Ohio professional registry.

(4) The child care staff member may be used in ratio, but may not have sole care of children until the orientation is completed.

(E) Do child care staff members have whistleblower protection?



No employer shall discharge, demote, suspend or threaten to discharge, demote, suspend or in any manner discriminate against any employee based solely on the employee taking any of the following actions:

- (1) Making any good faith oral or written complaint to the ODJFS or other agency responsible for enforcing Chapter 5104. of the Revised Code regarding a violation of this chapter or the rules adopted pursuant to Chapter 5104. of the Revised Code;
- (2) Instituting or causing to be instituted any proceeding against the employer under section 5104.04 of the Revised Code;
- (3) Acting as a witness in any proceeding under section 5104.04 of the Revised Code;
- (4) Refusing to perform work that constitutes a violation of Chapter 5104. or the rules adopted pursuant to Chapter 5104. of the Revised Code.