



## Ohio Administrative Code

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

Effective: January 27, 2024

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

Each employee is to:

- (1) Have on file, on or before the employee's first day of employment, a completed medical statement that meets the requirements detailed in appendix A to this rule.
- (2) Have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) from a licensed physician, as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist. The employee may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual and for medical reasons with written documentation signed by a licensed physician.
- (3) For the purpose of tuberculosis (TB) screening, notify the child care center if the person has both resided in a country identified by the world health organization (WHO) as having a high burden of TB and arrived in the United States within the five years immediately preceding the date of application for employment. A current list of identified high burden countries (HBC) for TB can be found in the most recent report on the WHO website at <https://www.who.int/teams/global-tuberculosis-programme/tb-reports>.
  - (a) Notification is to be made on a completed medical statement that meets the requirements detailed in appendix A to this rule.
  - (b) If the person meets the criteria described above, the child care center is to comply with the testing requirements of section 5104.037 of the Revised Code before employment. The TB test is either a two-step mantoux tuberculin skin test or a blood assay for m. tuberculosis.



- (i) If the result of the TB test is negative, the child care center may employ the person.
  - (ii) If the result of any TB test performed is positive, the child care center is to follow the requirements outlined in appendix C to this rule.
- (B) What are the requirements for a child care staff member in a licensed child care center?

Each child care staff member is to:

- (1) Be at least sixteen years of age .
- (2) Have completed a high school education or be at least a high school junior (on or after the start of high school junior year) and enrolled in or completed one of the following:
  - (a) An early childhood education or child development career technical program.
  - (b) A child development associate (CDA) training program or achieved a CDA credential for the age group in which the high school student is working.
  - (c) A college credit program with early childhood education or child development focus.
- (3) Follow the limitations on child supervision and safety outlined in appendix D to this rule when the child care staff member is a high school student and high school graduate under the age of eighteen.
- (4) Provide verification of education on or before the child care staff member's first day of employment.
  - (a) Verification is to be kept on file at the center or in the Ohio professional registry (OPR).
  - (b) High school education is defined in appendix B to this rule.
  - (c) For high school students, documentation of high school grade level and enrollment in or



completion of a technical, training or college credit program as described in paragraph (B)(2) of this rule is to be verified.

(5) Have on file, on or before the child care staff member's first day of employment, a completed medical statement that meets the requirements detailed in appendix A to this rule.

(6) Have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) from a licensed physician, as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist. The child care staff member may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual and for medical reasons with written documentation signed by a licensed physician.

(7) For the purpose of TB screening, notify the child care center if the person has both resided in a country identified by the WHO as having a high burden of TB and arrived in the United States within the five years immediately preceding the date of application for employment.

(a) Notification is to be made on a completed medical statement that meets the requirements detailed in appendix A to this rule.

(b) If the person meets the criteria described above, the child care center is to comply with the testing requirements of section 5104.037 of the Revised Code before employment. The TB test is either a two-step mantoux tuberculin skin test or a blood assay for m. tuberculosis.

(i) If the result of the TB test is negative, the child care center may employ the person.

(ii) If the result of any TB test performed is positive, the child care center is to follow the requirements outlined in appendix C to this rule.

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

(1) Child care staff members, including substitute child care staff members, shall complete the child care center 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) Completion of the training shall be documented with verification from the OPR.

(3) The child care staff member may be used in ratio, but is not to be left alone with children until the orientation is completed.

(D) What are the Ohio professional registry (OPR) requirements for employees and child care staff members in a child care center?

All employees and child care staff members, including substitute child care staff members, are to:

(1) Create or update their individual profile in the OPR.

(2) Create an employment record for the child care center on or before the first day of employment, including date of hire.

(3) Update their individual profiles or employment records in the OPR within five calendar days of a change, including:

(a) Contact information.

(b) Positions or roles, and related dates.

(E) Do employees and child care staff members have whistle blower protection?

Yes, an employer is not to discharge, demote, suspend or threaten to discharge, demote, suspend or in any manner discriminate against any employee or child care staff member 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.