



## Ohio Administrative Code

### Rule 5101:2-13-08 Employees and child care staff members responsibilities and qualifications for a licensed family child care provider.

Effective: October 29, 2021

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(A) What are the requirements for an employee of a family child care provider?

Employees are to:

- (1) Have on file, on or before the employee's first day of employment, a completed medical statement that meets the requirements of appendix B to rule 5101:2-13-02 of the Administrative Code.
- (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.

(B) What are the requirements for a child care staff member of a family child care provider?

Child care staff members, including substitute child care staff members:

- (1) Are to meet all of the requirements detailed in appendix A to this rule.
- (2) Are to have on file, on or before the child care staff member's first day of employment, a completed medical statement that meets the requirements of appendix B to rule 5101:2-13-02 of the Administrative Code.
- (3) Are to 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.

(4) Are to complete the family child care staff orientation training as prescribed by the Ohio department of job and family services (ODJFS) within thirty days of starting employment unless the child care staff member has documentation of completion of the training after December 31, 2016.

Completion of the training is to be documented with verification from the OPR.

(5) May be used to meet group size and supervision requirements but are not to be left alone with the children until the orientation training is completed.

(6) May act in the provider's place during an inspection if the provider is not present.

(C) What are the OPR and documentation requirements for employees and child care staff members in a family child care home?

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 family child care program 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.

(D) 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 or child care staff member 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.