



Ohio Administrative Code

Rule 5101:2-5-09 Personnel and prohibited convictions for employment.

Effective: April 1, 2024

(A) An agency, as defined in rule 5101:2-1-01 of the Administrative Code, is to have written descriptions specific for each position or group of positions within the agency's certified function for all college interns, volunteers, and employees.

(B) An agency is to hire qualified employees to provide the services which it is certified to provide.

(1) The person employed as the administrator of the agency is to possess at least a bachelor's degree from a college or university accredited by a nationally recognized accrediting organization and other qualifications and experience as determined by the governing body in writing.

(2) An agency is to assure that all staff hired or who are under any personal service contract who are required by law to possess any professional license or certification are so licensed or certified.

(3) Persons employed in positions responsible for the daily direct care or supervision of children is to be at least twenty-one years of age and possess a high school diploma or equivalency certificate. As an alternative to the educational requirement such persons is to have at least one year of full-time equivalent paid or volunteer experience in the direct provision of care to children.

(C) In those instances when an employee is responsible for varied job responsibilities and, as such, falls within more than one category of paragraph (B) of this rule, such employee is to meet those qualifications which are the most rigorous among the competing criteria.

(D) A residential facility is to require a JFS 01390 "ODJFS Medical Statement for Child Care Staff in Residential Facilities" to be completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within six months prior to employing any child care staff who will have direct contact with children.

(E) An agency is to, at its own discretion or at the request of the Ohio department of job and family



services (ODJFS), require an employee or prospective employee to provide reports on the individual's physical or mental health from qualified professionals when the individual exhibits signs of a physical or mental health problem which might impair the individual's ability to ensure the health and safety of children.

(F) To determine whether a prospective employee is qualified to be hired , all required background checks shall be conducted pursuant to rule 5101:2-5-09.1 of the Administrative Code.

(G) An agency is to have a separate personnel file for each employee which is to include at a minimum:

(1) The employee's application for employment.

(2) A copy of the employee's current job description.

(3) A copy of each job evaluation performed.

(4) A copy of all medical records obtained.

(5) Documentation of all training received, including specific training for and an annual review of acceptable methods of restraint, if applicable.

(6) Copies of all professional credentials, licenses or certifications related to the position of employment.

(7) Copies of all disciplinary actions involving the employee.

(8) The employee's date of hire and termination if applicable.

(9) The bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) criminal records check results required by rule 5101:2-5-09.1 of the Administrative Code and, if applicable, documentation that the rehabilitation requirements have been met.



(10) Any notification of charges of any criminal offense brought against the employee and any notification of conviction of any criminal offense.

(11) Copies of all educational degrees, diplomas or equivalency certificates.

(12) Copies showing proof of a valid driver's license and current automobile insurance, if the staff member will be utilizing his or her own vehicle when transporting children.

(H) Personnel files for each employee is to be maintained for at least five years after the date of employment ends.

(I) Nothing in this rule is to apply to a foster caregiver who is subject to the provisions of Chapter 5101:2-7 of the Administrative Code.