

Department of
AgricultureGovernor John R. Kasich • Lt. Governor Mary Taylor
Director David T. DanielsDivision of Human Resources
8995 East Main Street, Reynoldsburg, OH 43068
Phone: 614-466-4595 • Fax: 614-728-2622
www.agri.ohio.gov • hr@agri.ohio.gov

November 3, 2014

Donald Mills


Dear Donald Mills:

This letter serves to inform you of your classification status. Pursuant to a careful review of the duties associated with your position, Human Capital Management Manager, PN# 20045674, it has been determined that your position is designated within the unclassified status in accordance with section 124.11 of the Ohio Revised Code. Accordingly, your employment is "at-will" and you serve at the pleasure of the agency's appointing authority, the Director of the Ohio Department of Agriculture.

If you have any questions, please do not hesitate to contact me at (614) 466-5339.

Sincerely,

A handwritten signature in cursive script that reads "Traci L. Orahod".

Traci L. Orahod
Human Resources Directorcc: David T. Daniels, Director
Howard F. Wise, Assistant Director
Mehek M. Cooke, Chief Legal Counsel
Employee File



Department of Agriculture

Governor John R. Kasich • Lt. Governor Mary Taylor
Director David T. Daniels

Administrative Office
8995 East Main Street, Reynoldsburg, OH 43068
Phone: 614-466-2732 • Fax: 614-466-8124
www.agri.ohio.gov • administration@agri.ohio.gov

November 7, 2014

Donald Mills

Dear Mr. Mills,

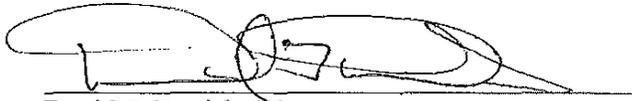
In accordance with the provisions of the R.C. 124.11, you are being removed from the unclassified civil service position of Human Capital Management Manager, effective, Friday, November, 7, 2014.

You are being removed for the following reasons, but not limited to, violations of R.C. 124.34; including neglect of duty and insubordination.

Specifically, you failed to draft and/or issue notice of discipline to an employee as directed by your supervisor. Additionally, you submitted incorrect duty language to the Department of Administrative Services for the position of Plant Health Inspector.

In accordance with R.C. 124.11(D)(3)(a), it has been determined that because of you are being removed for neglect of duty and insubordination, you have forfeited any rights you may have to fall-back into the classified civil service into a same or similar classified position that you may have previously held with the Ohio Department of Agriculture.

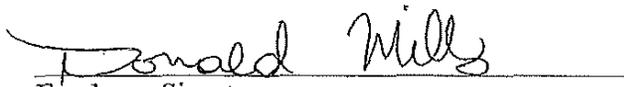
Please surrender any equipment, keys, and your State Identification badge to the Enforcement Office.



David T. Daniels, Director

11/7/2014

Date



Employee Signature

11/7/14

Date



Witness Signature

11/7/2014

Date

Cc: Howard F. Wise, Assistant Director
Traci L. Orahoad, Human Resources Director
Employee File



State of Ohio
Department of Administrative Services

Precautionary **Order of Removal, Reduction, Suspension,
Fine, Involuntary Disability Separation**

Mr. Donald Mills

This will notify you that you are; removed; suspended; suspended (working); fined;
 involuntary disability separated; reduced in pay, from your position of
Human Capital Management Manager and/or reduced to new position of _____
effective November 7, 2014 (if applicable)
(date)

The reason for this action is that you have been guilty of (List relevant R.C. 124.34 disciplinary offense(s)).
(Section not applicable for involuntary disability separation.)

Specifically: Neglect of duty and insubordination. You failed to draft and/or issue notice of discipline to an employee as directed by your supervisor. Additionally, you submitted incorrect duty language to the Department of Administrative Services for the position of Plant Health Inspector.

Notice of pre-disciplinary/separation hearing given to employee: September 12, 2014
(date)

Pre-disciplinary/separation hearing held or waived: September 25, 2014
(date)

Employee allowed to meet with employer: Yes No.

Order hand-delivered to employee: November 7, 2014
(date, if hand-delivered)

If employee is suspended, list dates of suspension: _____

Signed at Reynoldsburg Ohio, 11/7/2014
(city) (date)

Counter signature, if applicable

Signature of Appointing Authority


Counter signature, if applicable

Type Name and Title of Appointing Authority
David T. Daniels, Director

Counter signature, if applicable

Type Department, Agency, or Institution
Ohio Department of Agriculture

From: [Orahood, Traci](#)
To: DASHRD.HRPolicy@das.ohio.gov
Subject: Civil Service Status Change for Agriculture
Date: Monday, November 03, 2014 11:34:00 AM
Attachments: [Request for Status Change.pdf](#)
[Human Resources Table of Organization.pdf](#)
[PD20045674 Human Capital Mgt Mgr 103114 \(Donald Mills Status Change\).pdf](#)

Attached are the required documents for the Civil Service Status Change request. Due to the fact that this change is for an employee within HR and has access to all levels of the ePAR system I have not entered the ePAR. Once a decision has been made (approval or denial) of the request I will submit the ePAR to finalize the process. If you have any questions please contact me.

Thanks,

Traci L. Orahood
Human Resources Director
Traci.Orahood@agri.ohio.gov
p: 614-466-5339 [REDACTED]





Department of
Agriculture

Governor John R. Kasich • Lt. Governor Mary Taylor
Director David T. Daniels

Division of Human Resources
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November 3, 2014

Kristen Rankin
Department of Administrative Services
Policy Administrator
100 E. Broad St.
Columbus, Ohio 43215

Dear Mrs. Rankin:

As a result of a position description review within Human Resources, the Ohio Department of Agriculture (ODA) is requesting to change the civil service status from classified to unclassified on the following position: PN# 20045674, classification title Human Capital Management (HCM) Manager.

This position serves as the HCM Manager over the EEO program, Labor Relations program, Classification program, Performance Evaluation program, and the HR Data Management program. The following duties justify this position as unclassified: provides oversight and guidance to employees by implementing and enforcing EEO guidelines or policies and ensuring accountability for employee adherence; directs and oversees discrimination complaint program and recommends corrective actions to aid in ODA leadership's decision making; provides oversight and guidance to agency supervisory staff to ensure proper implementation of agency policies and procedures related to employee discipline; organizes and attends grievance hearings, pre-discipline hearings, mediations, and arbitrations as an ODA management representative; ensures employee position descriptions accurately reflect duties performed within each ODA division; and oversees implementation of effective HR automation tools to collect and track data, analyze trends, aid in capturing workforce (hierarchy/alignment), and aid in provide strategic human resources initiatives. For a complete listing attached grid submitted by the employee with job responsibilities.

The following items are included with this request: a copy of the current PD (the new PD will only change the civil service status from classified to unclassified because the employee has always been performing these duties), the current table of organization, and a list of all DAS employees in this classification and their current civil service status.

Sincerely,

Traci L. Orahood
Human Resources Director

c: David T. Daniels, Director
Howard F. Wise, Assistant Director





Position Description for
Ohio Department Of Agriculture

POSITION NUMBER

20045674 (22)

DEPARTMENT NUMBER: AGR104000	U	AGENCY: AGRICULTURE
CLASS NUMBER: 64615		DIVISION: HUMAN RESOURCES
CLASS TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		SECTION: HUMAN RESOURCES
WORKING TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		COUNTY OF EMPLOYMENT: LICKING
APPT TYPE: Full Time Permanent <input type="checkbox"/> Classified <input type="checkbox"/> <input checked="" type="checkbox"/> Unclassified		<input type="checkbox"/> OT Eligibl <input checked="" type="checkbox"/> OT Exempt Exempt Type: Administrative
ACTION: <input type="checkbox"/> New Position <input checked="" type="checkbox"/> Update <input type="checkbox"/> Renumbr <input type="checkbox"/> Reclass		
POSITION NO. AND TITLE OF IMMEDIATE SUPERVISOR: 20045649 HUMAN CAPITAL MANAGEMENT ADM <input type="checkbox"/> Organization Tree Link		
NORMAL WORKING HOURS (Explain unusual or rotating shift)		
FROM: 08:00 AM	TO: 05:00 PM	THIS POSITION IS OVERTIME EXEMPT.

%	Job Duties in Order of Importance	Knowledge, Skills & Abilities
55	<p>Serves as Ohio Department of Agriculture (ODA) human resources manager & responsibly directs implementation of human resources sub-programs (i.e., Equal Employment Opportunities [EEO], labor relations, Americans with Disability Act [ADA], position descriptions [PD], performance evaluations, personnel actions, wellness program, employee assistance program [EAP], HR data management) & supervises assigned staff: interprets & applies laws, rules & regulations relating to human resources (e.g., union contracts, Ohio Revised Code, Ohio Administrative Code, US Department of Labor Federal Regulations, Fair Labor Standards Act, Equal Employment Opportunity Act, ADA); uses knowledge of general human resource management principles to make recommendations to enhance efficiency, standardization & automation of daily personnel processing functions; serves as point of contact for agency by implementing & enforcing guidelines/policies & ensuring accountability for agency employee adherence to HR policies/guidelines, union contracts, & state & federal laws/regulations (e.g., EEO, employee discipline, employee relations); responds to inquiries from agency employees regarding internal HR policies, procedures &/or ODA work rules relating to HR program assignments; conducts extensive research using multiple sources (e.g., ORC, OAC, periodicals, Internet, OAKS system); directs & oversees discrimination complaint program & recommends corrective actions to aid in ODA leadership's decision making; conducts internal investigations (e.g., interviews employees, complainants, & witnesses); writes reports of investigation facts & findings; organizes & attends grievance hearings, pre-discipline hearings, & mediations/arbitrations as ODA management representative; assists with administrative investigations to validate complaints of employee misconduct &/or assists in determining just cause for initiation of disciplinary process; ensures employee PD's accurately reflect duties performed within each ODA division; writes new &/or modifies existing PD's & ensures compliance with PD decentralization standards; performs job analysis of positions and/or job audits of employees to determine proper classification/pay range in accordance with state class plan; assists agency managers in creation of position specific minimum qualifications (PSMQ); provides oversight & guidance to agency supervisors/managers to ensure effective annual/probationary employee performance evaluations; ensures development of meaningful, attainable, & measurable employee performance goals; accesses performance evaluation criteria using online performance review system (e.g., ePerformance); reviews & approves performance evaluations &/or makes recommendations for changes; acts hearing officer as agency designee for employee performance evaluation appeal hearings & writes detailed reports of findings; oversees implementation of effective HR automation tools to collect & track data (e.g., analyzes trends, captures workforce hierarchy/alignment) to aid Human Resources Director in implementation of strategic human resources initiatives; provides technical support to HR Staff & acts as administrator of electronic personnel filing system (e.g., Document Locator); coordinates with ODA Information Technology (IT) staff on implementation/modifications of HR system hardware & software (e.g., background check system, electronic personnel filing system); manages record retention &/or data security policies within electronic personnel filing system; provides agency wide administration of Enterprise Learning Management (ELM) system; oversees course creation, learner enrollments, & course content development; troubleshoots & responds to ELM user problems &/or system error messages as ELM tier 1 support;; evaluates assigned staff's work product; provides guidance & oversight in assigned HR program areas; evaluates employee performance; ensures accountability & accuracy of employment processing activities; ensures effective delivery of customer service & staffing during agency business hours for ODA main reception area.</p>	<p>Knowledge of: 1) civil service laws, rules & regulations; 2) agency human resources policies & procedures*; 3) human resources training & development; 4) employee benefits (e.g., workers' compensation, unemployment compensation, disability insurance, social security, public employees' retirement)*; 5) federal & state laws & rules governing fair employment practices (e.g., ADA, EEO); 6) interviewing; 7) technical writing; 8) supervisory principles/techniques*. Skill in: 9) operation of personal computer. Ability to: 10) define problems, collect data, establish facts & draw valid conclusions; 11) calculate fractions, decimals & percentages; 12) gather, collate & classify information about data, people or things; 13) handle sensitive inquiries from & contacts with officials & general public; 14) prepare meaningful, concise & accurate reports.</p>

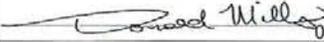
<p>List Position Numbers and Class Titles of positions directly supervised. 20045663-HCM Analyst; 20045697-Customer Service Assistant 1</p>	<p>Signature of Agency Representative</p> 	<p>Date</p> <p>10/31/2014</p>
	<p>Donald Mills</p>	<p>DM</p>

Exhibit 3

Page 4 of 7



Position Description for Ohio Department Of Agriculture

POSITION NUMBER

20045674 (22)

DEPARTMENT NUMBER: AGR104000	U	AGENCY: AGRICULTURE
CLASS NUMBER: 64615		DIVISION: HUMAN RESOURCES
CLASS TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		SECTION: HUMAN RESOURCES
WORKING TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		COUNTY OF EMPLOYMENT: LICKING
APPT TYPE: Full Time Permanent <input type="checkbox"/> Classified <input type="checkbox"/> <input checked="" type="checkbox"/> Unclassified		<input type="checkbox"/> OT Eligibl <input checked="" type="checkbox"/> OT Exempt Exempt Type: Administrative
ACTION: <input type="checkbox"/> New Position <input checked="" type="checkbox"/> Update <input type="checkbox"/> ReNUMBER <input type="checkbox"/> ReClass		
POSITION NO. AND TITLE OF IMMEDIATE SUPERVISOR: 20045649 HUMAN CAPITAL MANAGEMENT ADM <input type="checkbox"/> Organization Tree Link		
NORMAL WORKING HOURS (Explain unusual or rotating shift)		
FROM: 08:00 AM	TO: 05:00 PM	THIS POSITION IS OVERTIME EXEMPT.

%	Job Duties in Order of Importance	Knowledge, Skills & Abilities
20	Serves as liaison between DAS, union, & ODA staff on HR related matters & transmits decisions & directives: coordinates efforts between ODA management, complainants, & DAS Equal Opportunity Division; coordinates agreements/settlements between union, ODA management, & DAS Office of Collective Bargaining (OCB); coordinates state classification plan changes between ODA management, union, & DAS Office of Talent Management; ensures dissemination &/or training to ODA employees on ePerformance system navigation &/or enhancements; submits ePerformance errors &/or system access problems on behalf of employees to DAS ePerformance manager; reviews & approves electronic personnel action requests (ePARs) for appropriate attachments, accuracy, & compliance with agency decentralized policy, statutes, & bargaining agreements; obtains necessary approvals from other state agencies &/or officials (e.g., DAS, State Personnel Board of Review, & union representatives) pertaining to ODA initiatives (e.g., terminations, reduction in workforce); advises & trains agency staff on ePerformance, discipline process, grievance process.	Knowledge of: 1, 2*, 3, 4*, 5, 6, 7, 8*. Skill in: 9. Ability to: 10, 11, 12, 13, 14.
15	Develops & maintains tracking reports (EEO, disciplines, & grievances) to document &/or identify trends: ensures necessary tracking of EEO complaints & discipline/grievance cases in electronic databases; develops & maintains reports to track discipline/grievance cases & ensures adherence to employee filing & retention of discipline records in accordance with DAS retention schedule.	Knowledge of: 1, 2*, 3, 4*, 5, 6, 7, 8*. Skill in: 9. Ability to: 10, 11, 12, 13, 14.
10	Performs other related duties as assigned: provides technical advice to aid Human Resources Director in decision making; assists Human Resources Director in defining agency structure, workforce succession planning; gathers relevant data & compiles data into desired report formats; participates in preparation & submission of HR related monthly, quarterly & annual reports (e.g., agency workforce plan, EEO/Affirmative Action, performance evaluation tracking, personnel action data/trends); assists in responding to requests for public records (e.g., employment records, EEO demographics, disciplinary trends); assists in maintaining &/or creating agency tables of organization; assists with agency reorganizations/staffing re-alignments;; provides training & disseminates necessary information on behalf of Human Resources Director to agency staff; provides technical expertise to assist in development &/or modification of agency-wide policies; provides verbal &/or written status reports to Human Resources Director as required; represents Human Resources at meetings & seminars; participates in &/or conducts HR-related training to ODA employees as required; participates in special group projects; attends & actively participates in meetings& seminars; travels to attend trainings &/or workshops.	Knowledge of: 1, 2*, 3, 4*, 5, 6, 7, 8*. Skill in: 9. Ability to: 10, 11, 12, 13, 14.

Additional Information

*Developed after employment

THIS POSITION IS OVERTIME EXEMPT.

TRAVEL REQUIRED, AS NEEDED. MUST PROVIDE OWN TRANSPORTATION. IN ORDER TO OPERATE A STATE VEHICLE, YOU MUST HAVE A VALID DRIVER'S LICENSE FROM STATE OF RESIDENCE.

List Position Numbers and Class Titles of positions directly supervised. 20045663-HCM Analyst; 20045697-Customer Service Assistant 1	Signature of Agency Representative	Date
	 Donald Mills	10/31/2014 DM

OHIO DEPARTMENT OF AGRICULTURE

TABLE OF ORGANIZATION

Human Resources (AGR104000)

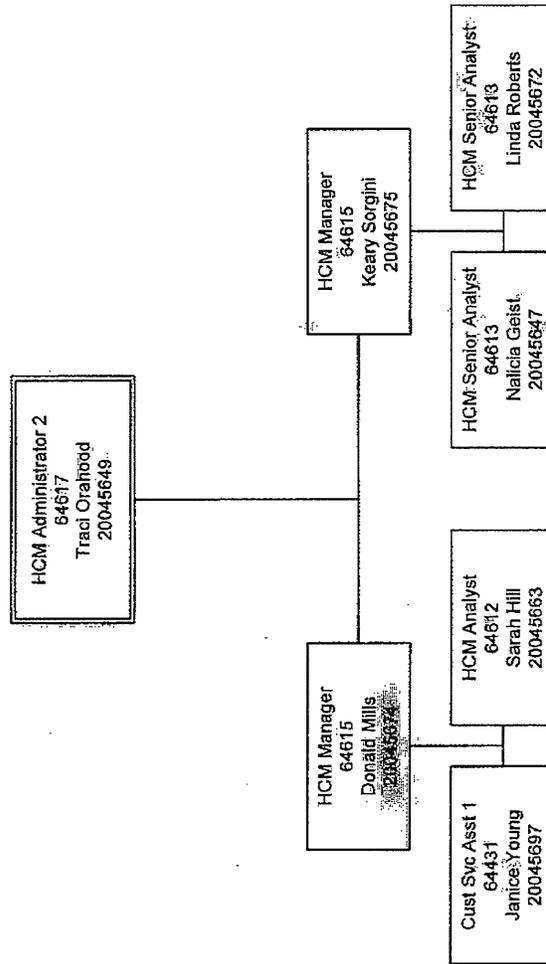


Exhibit 3

EEO Program	Labor Relations Program	Classification Program	Performance Evaluation Program	HR Data Management Program
<ul style="list-style-type: none"> ➤ Provides oversight and guidance to agency employees by implementing and enforcing EEO guidelines/policies and ensuring accountability for employee adherence. ➤ Directs and oversees discrimination complaint program and recommends corrective actions to aid in ODA leadership's decision making. ➤ Conducts internal investigations, to include interviewing complainants and witnesses. ➤ Writes reports of investigation facts and findings. ➤ Coordinates efforts between ODA management, complainants, and DAS Equal Opportunity Division. ➤ Ensures necessary tracking of EEO complaint cases in electronic databases. ➤ Develops and maintains EEO tracking reports to identify trends and areas of concern and informs agency leaders appropriately. 	<ul style="list-style-type: none"> ➤ Provides oversight and guidance to agency supervisory staff to ensure proper implementation of agency policies and procedures related to employee discipline. ➤ Organizes and attends grievance hearings, pre-discipline hearings, and mediations/arbitrations as ODA management representative. ➤ Assists with administrative investigations to validate complaints of employee misconduct and determines just cause for initiation of disciplinary process. ➤ Assists with development/maintenance of agency policies and procedures. ➤ Coordinates agreements/settlements between union, ODA management, and DAS Office of Collective Bargaining. ➤ Ensures necessary tracking of discipline/grievance cases in electronic databases. ➤ Develops and maintains reports to track discipline/grievance cases and ensures adherence to employee filing and retention of discipline records. 	<ul style="list-style-type: none"> ➤ Ensures employee position descriptions accurately reflect duties performed within each ODA division. ➤ Writes new and/or modifies existing position descriptions and ensures compliance with PD decentralization standards. ➤ Coordinates state class plan changes between ODA management, union, and DAS Office of Talent Management. ➤ Performs job analysis of positions and/or job audits of employees to determine proper classification/pay range in accordance with state class plan. ➤ Assists agency managers in creation of position specific minimum qualifications. 	<ul style="list-style-type: none"> ➤ Provides oversight and guidance to agency supervisors/managers to effectively evaluate employee performance and ensures development of meaningful, attainable employee goals. ➤ Reviews and approves performance evaluations and/or makes recommendations for changes. ➤ Represents agency as hearing officer for employee performance evaluation appeal hearings and writes detailed reports of findings. 	<ul style="list-style-type: none"> ➤ Oversees implementation of effective HR automation tools to collect and track data, analyze trends, aid in capturing workforce (hierarchy/alignment), and aid in provide strategic human resources initiatives. ➤ Provides technical support and administration of electronic personnel filing system. ➤ Coordinates with ODA Information Technology staff on implementation/modifications of document management system software and manages software's record retention policies. ➤ Provides administration of Enterprise Learning Management (ELM) system; oversees course creation, learner enrollment, and learning content development. ➤ Troubleshoots ELM user problems and/or system error messages as ELM tier 1 support.



List of Employees in HCM Manager Classification

First Name	Last Name	Classification	Status
Donald	Mills	Human Capital Management Manager	Classified
Keary	Sorgini	Human Capital Management Manager	Classified





Personnel Actions Request

PAR #	0000079782	Agency	HUMAN RESOURCES	Division or Institution	HUMAN RESOURCES	HQ County	Licking									
From:	AGR104000	To:	AGR104000	From:	AGR104000	To:	AGR104000									
EMPL ID	[REDACTED]	Last Name	MILLS	First Name	DONALD	MI	E									
OAKS Action		OAKS Reason		SCS - Status - Civil Service												
Comments																
DTA - Data Change																
CIVIL SERVICE STATUS CHANGE																
Effective Date	Last Day Worked	Position Number	Dept ID	Union Code	Barg Unit	BU Flag	Perm or Temp	Full or Part-Time	Cert Status							
MO	DA	YR	MO	DA	YR	From:	20045674	EX	AGR104000	EX	22	9	Permanent	Full-Time	A: Permanent	
11	2	2014				To:	20045674	EX	AGR104000	EX	22	9	Permanent	Full-Time	A: Permanent	
Job Code Title										Job Code	Grade	Step	TOTAL RATE			
From: Human Capital Management Mgr										64615	014	6	38.82			
To: Human Capital Management Mgr										64615	014	6	38.82			
From:										Base Rate	Comp Rate	Change Amount	Change Percent	Converted Comp Rate		
From:										LNGVTY	2.23	0.00	0.00	2.23		
From:										NAHRLY	36.59	0.00	0.00	36.59		
To:										Base Rate	Comp Rate	Change Amount	Change Percent	Converted Comp Rate		
To:										LNGVTY	2.23	0.00	0.00	2.23		
To:										NAHRLY	36.59	0.00	0.00	36.59		
STD HRS (OAKS)		FLSA Status		Empl Class (Retmt)		Officer Code										



Personnel Actions Request

40	Overtime Exempt	PERS	None
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Initiator Name	Entered DateTime
KEARY SORGINI	2014-11-04T08:48:48-05:00

Approver Role	Approved By	Date/Time Stamp
EPARAPPROVERLEVEL1	TRACI L ORAHOOD	2014-11-04T09:40:54-05:00
EPAR DAS STATUS CHANGE	ROBERT W PATCHEN	2014-11-04T09:48:41-05:00
EPAR DECENTRAL AGENCY	KEARY SORGINI	2014-11-04T10:47:22-05:00

From: [Mills, Donald](#)
To: [Orahood, Traci](#)
Cc: [Sorgini, Keary](#)
Subject: RE: HR PD's
Date: Friday, October 31, 2014 2:47:45 PM
Attachments: [PD20045674 Human Capital Mgt Mgr 103114.pdf](#)
[PD20045675 Hum Cap Mgt Mgr 103114.pdf](#)

Okay, thanks.

I have incorporated those changes and have the 2 finalized PD's attached.

From: Orahood, Traci
Sent: Friday, October 31, 2014 2:32 PM
To: Mills, Donald
Subject: RE: HR PD's

Here are my edits.

Traci L. Orahood
Human Resources Director
Traci.Orahood@agri.ohio.gov
p: 614-466-5339 [REDACTED]



From: Mills, Donald
Sent: Friday, October 31, 2014 10:08 AM
To: Orahood, Traci
Subject: RE: HR PD's

Traci,

Attached is the draft PD for me. Please take a look and let me know if you would like to meet to discuss it. I incorporated the things that I put on the EEO Officer responsibility document that I sent you last week that will be submitted with the Affirmative Action plan.

Please feel free to make edits as you see necessary using track changes – or, if you're interested in meeting, I would like to meet as early as possible today so that I can get this finalized by close of business.

Thanks,
Donald

From: Orahood, Traci
Sent: Wednesday, October 29, 2014 4:51 PM
To: Mills, Donald
Subject: HR PD's

Donald,

I would like to have finalized and updated PD's on everyone in HR. Below is the order and due dates. Please schedule meetings with either Keary or I if you have questions regarding job

Exhibit 5

Page 2 of 6

duties.

- | | |
|--|---|
| 1. HCM Managers | Due: Friday, October 31 st close of business. |
| 2. HCM Sr. Analysts
business. | Due: Tuesday, November 4 th close of
business. |
| 3. HCM Analyst & Customer Service
business. | Due: Thursday, November 6 th close of
business. |
| 4. HCM Administrator
business. | Due: Monday, November 10 th close of
business. |

Thanks,

Traci L. Orahood

Human Resources Director

Traci.Orahood@agri.ohio.gov

p: 614-466-5339 [REDACTED]





Position Description for
Ohio Department Of Agriculture

POSITION NUMBER

20045675 (22)

DEPARTMENT NUMBER: AGR104000	U	AGENCY: AGRICULTURE
CLASS NUMBER: 64615		DIVISION: HUMAN RESOURCES
CLASS TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		SECTION: HUMAN RESOURCES
WORKING TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		COUNTY OF EMPLOYMENT: LICKING
APPT TYPE: Full Time Permanent <input checked="" type="checkbox"/> Classified <input type="checkbox"/> Unclassified	<input type="checkbox"/> OT Eligibl	<input checked="" type="checkbox"/> OT Exempt Exempt Type: Administrative
ACTION: <input type="checkbox"/> New Position <input checked="" type="checkbox"/> Update <input type="checkbox"/> Renumbr <input type="checkbox"/> Reclass		
POSITION NO. AND TITLE OF IMMEDIATE SUPERVISOR: 20045649 HUMAN CAPITAL MANAGEMENT ADM <input type="checkbox"/> Organization Tree Link		
NORMAL WORKING HOURS (Explain unusual or rotating shift)		
FROM: 08:00 AM	TO: 05:00 PM	THIS POSITION IS OVERTIME EXEMPT.

%	Job Duties in Order of Importance	Knowledge, Skills & Abilities
40	Serves as Ohio Department of Agriculture's (ODAs) human resources manager & responsibly directs implementation of human resources sub-programs (i.e., recruitment & staffing, OAKS position management, personnel actions, workers' compensation, disability coordination, unemployment, benefits administration, payroll, FMLA, , absence management) & supervises assigned staff: interprets & applies laws, rules & regulations relating to human resources (e.g., union contracts, Ohio Revised Code, Ohio Administrative Code, US Department of Labor Federal Regulations, Fair Labor Standards Act, Equal Employment Opportunity Act, Americans with Disability Act); serves as point of contact for agency recruitment/staffing needs, payroll, benefits, & disability (e.g., coordinates vacancy announcements, reviews/approves interview questions, deploys & promotes effective recruitment & selection process); uses knowledge of general human resource management principles to make recommendations to enhance efficiency, standardization & automation of daily personnel processing functions (e.g., job posting process, application review process, payroll process, disability process, FMLA process, interview & selection process); responds to inquiries from employees regarding internal HR policies, procedures &/or ODA work rules relating to HR program assignments;; evaluates work product; provides guidance & oversight in assigned HR program areas; evaluates employee performance; ensures accountability & accuracy of employment processing activities to include (e.g., workforce demographics, applicant tracking, employee department records, labor wages & hours); conducts extensive research using multiple sources (e.g., ORC, OAC, periodicals, Internet, OAKS system).	Knowledge of: 1) civil service laws, rules & regulations; 2) agency human resources policies & procedures*; 3) human resources training & development; 4) employee benefits (e.g., workers' compensation, unemployment compensation, disability insurance, social security, public employees' retirement)*; 5) federal & state laws & rules governing fair employment practices (e.g., ADA, EEO); 6) interviewing; 7) technical writing; 8) supervisory principles/techniques*. Skill in: 9) operation of personal computer. Ability to: 10) define problems, collect data, establish facts & draw valid conclusions; 11) calculate fractions, decimals & percentages; 12) gather, collate & classify information about data, people or things; 13) handle sensitive inquiries from & contacts with officials & general public; 14) prepare meaningful, concise & accurate reports.
35	Ensures compliance with hiring practices & educates hiring managers on interview standards in accordance with federal & state laws, agency policies & procedures, & union contracts: coordinates division subject matter experts (SME) for reviewing online applications; manages applicant tracking data & recruitment/selection materials using online hiring system (i.e., NEOGOV); receives, reviews & responds to ODA division personnel requisitions; ensures efficient processing of requested actions &/or streamlines HR processes; assigns recruitment requisitions to HR staff; serves as HR representative on interview panels, reviews interview questions for appropriateness, clarity, & fairness; reviews & approves hiring manager's requests to implement proficiency instruments; provides assistance to divisions in recruitment efforts for vacancies requiring specialized career field &/or high-level of education/experience; attends job fairs & recruitment events to effectively market ODA careers & generate qualified applicant responses for vacant positions &/or hard to fill positions.	Knowledge of: 1, 2*, 3, 4*, 5, 6, 7, 8*. Skill in: 9. Ability to: 10, 11, 12, 13, 14.
15	Serves as liaison between DAS/Human Resources Division [HRD] & ODA Office of Human Resources on personnel processing-related matters & transmits decisions & directives: assists in processing & approval of electronic personnel action requests (ePAR); reviews & approves ePARs for appropriate attachments, accuracy, & compliance with agency decentralized policy, statutes, & bargaining agreements; obtains necessary approvals from other state agencies &/or officials (e.g., DAS, Governor's Office, OBM) pertaining to ODA initiatives (e.g., advance step appointments, disability processing, payroll processing, unclassified appointments, drug testing); advises & trains agency staff on payroll, benefits, workers' compensation & other assigned programs; responds to applicant questions about the hiring process.	Knowledge of: 1, 2*, 3, 4*, 5, 6, 7, 8*. Skill in: 9. Ability to: 10, 11, 12, 13, 14.

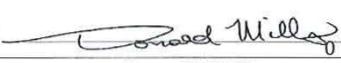
List Position Numbers and Class Titles of positions directly supervised. 20045647-HCM Senior Analyst; 20045672-HCM Senior Analyst	Signature of Agency Representative	Date
	 Donald Mills	10/31/2014 DM

Exhibit 5

Page 4 of 6



Position Description for Ohio Department Of Agriculture

POSITION NUMBER

20045675 (22)

DEPARTMENT NUMBER: AGR104000	U	AGENCY: AGRICULTURE
CLASS NUMBER: 64615		DIVISION: HUMAN RESOURCES
CLASS TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		SECTION: HUMAN RESOURCES
WORKING TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		COUNTY OF EMPLOYMENT: LICKING
APPT TYPE: Full Time Permanent	<input checked="" type="checkbox"/> Classified <input type="checkbox"/> Unclassified	<input type="checkbox"/> OT Eligibl <input checked="" type="checkbox"/> OT Exempt Exempt Type: Administrative
ACTION:	<input type="checkbox"/> New Position <input checked="" type="checkbox"/> Update <input type="checkbox"/> Renumber <input type="checkbox"/> Reclass	
POSITION NO. AND TITLE OF IMMEDIATE SUPERVISOR: 20045649 HUMAN CAPITAL MANAGEMENT ADM		<input type="checkbox"/> Organization Tree Link
NORMAL WORKING HOURS (Explain unusual or rotating shift)		
FROM: 08:00 AM	TO: 05:00 PM	THIS POSITION IS OVERTIME EXEMPT.

%	Job Duties in Order of Importance	Knowledge, Skills & Abilities
10	<p>Performs other related duties as assigned: provides technical advice to aid Human Resources Director in decision making; assists Human Resources Director in defining agency structure, workforce succession planning; gathers relevant data & compiles data into desired report formats; participates in preparation & submission of HR related monthly, quarterly & annual reports (e.g., agency workforce plan, payroll audits, personnel action data/trends); assists in responding to requests for public records (e.g., recruitment & selection files, employment records); assists in maintaining &/or creating agency tables of organization; assists with agency reorganizations/staffing re-alignments; provides training & disseminates necessary information on behalf of Human Resources Director to agency staff; provides technical expertise to assist in development &/or modification of agency-wide policies; provides verbal &/or written status reports to Human Resources Director as required; represents Human Resources at meetings & seminars; participates in &/or conducts HR-related training to ODA employees as required; participates in special group projects; attends & actively participates in meetings & seminars; travels to attend trainings &/or workshops.</p> <p style="text-align: center;">Additional Information</p> <p>THIS POSITION IS OVERTIME EXEMPT. TRAVEL REQUIRED, AS NEEDED. MUST PROVIDE OWN TRANSPORTATION. IN ORDER TO OPERATE A STATE VEHICLE, YOU MUST HAVE A VALID DRIVER'S LICENSE FROM STATE OF RESIDENCE.</p>	<p>Knowledge of: 1, 2*, 3, 4*, 5, 6, 7, 8*. Skill in: 9. Ability to: 10, 11, 12, 13, 14.</p> <p style="text-align: right;">*Developed after employment</p>

List Position Numbers and Class Titles of positions directly supervised. 20045647-HCM Senior Analyst; 20045672-HCM Senior Analyst	Signature of Agency Representative 	Date 10/31/2014
	Donald Mills	DM



Position Description for
Ohio Department Of Agriculture

POSITION NUMBER

20045674 (22)

DEPARTMENT NUMBER: AGR104000	U	AGENCY: AGRICULTURE
CLASS NUMBER: 64615		DIVISION: HUMAN RESOURCES
CLASS TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		SECTION: HUMAN RESOURCES
WORKING TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		COUNTY OF EMPLOYMENT: LICKING
APPT TYPE: Full Time Permanent <input checked="" type="checkbox"/> Classified <input type="checkbox"/> Unclassified		<input type="checkbox"/> OT Eligibl <input checked="" type="checkbox"/> OT Exempt Exempt Type: Administrative
ACTION: <input type="checkbox"/> New Position <input checked="" type="checkbox"/> Update <input type="checkbox"/> Renumber <input type="checkbox"/> Reclass		
POSITION NO. AND TITLE OF IMMEDIATE SUPERVISOR: 20045649 HUMAN CAPITAL MANAGEMENT ADM <input type="checkbox"/> Organization Tree Link		
NORMAL WORKING HOURS (Explain unusual or rotating shift)		
FROM: 08:00 AM	TO: 05:00 PM	THIS POSITION IS OVERTIME EXEMPT.

%	Job Duties in Order of Importance	Knowledge, Skills & Abilities
55	<p>Serves as Ohio Department of Agriculture (ODA) human resources manager & responsibly directs implementation of human resources sub-programs (i.e., Equal Employment Opportunities [EEO], labor relations, Americans with Disability Act [ADA], position descriptions [PD], performance evaluations, personnel actions, wellness program, employee assistance program [EAP], HR data management) & supervises assigned staff: interprets & applies laws, rules & regulations relating to human resources (e.g., union contracts, Ohio Revised Code, Ohio Administrative Code, US Department of Labor Federal Regulations, Fair Labor Standards Act, Equal Employment Opportunity Act, ADA); uses knowledge of general human resource management principles to make recommendations to enhance efficiency, standardization & automation of daily personnel processing functions; serves as point of contact for agency by implementing & enforcing guidelines/policies & ensuring accountability for agency employee adherence to HR policies/guidelines, union contracts, & state & federal laws/regulations (e.g., EEO, employee discipline, employee relations); responds to inquiries from agency employees regarding internal HR policies, procedures &/or ODA work rules relating to HR program assignments; conducts extensive research using multiple sources (e.g., ORC, OAC, periodicals, Internet, OAKS system); directs & oversees discrimination complaint program & recommends corrective actions to aid in ODA leadership's decision making; conducts internal investigations (e.g., interviews employees, complainants, & witnesses); writes reports of investigation facts & findings; organizes & attends grievance hearings, pre-discipline hearings, & mediations/arbitrations as ODA management representative; assists with administrative investigations to validate complaints of employee misconduct &/or assists in determining just cause for initiation of disciplinary process; ensures employee PD's accurately reflect duties performed within each ODA division; writes new &/or modifies existing PD's & ensures compliance with PD decentralization standards; performs job analysis of positions and/or job audits of employees to determine proper classification/pay range in accordance with state class plan; assists agency managers in creation of position specific minimum qualifications (PSMQ); provides oversight & guidance to agency supervisors/managers to ensure effective annual/probationary employee performance evaluations; ensures development of meaningful, attainable, & measurable employee performance goals; accesses performance evaluation criteria using online performance review system (e.g., ePerformance); reviews & approves performance evaluations &/or makes recommendations for changes; acts hearing officer as agency designee for employee performance evaluation appeal hearings & writes detailed reports of findings; oversees implementation of effective HR automation tools to collect & track data (e.g., analyzes trends, captures workforce hierarchy/alignment) to aid Human Resources Director in implementation of strategic human resources initiatives; provides technical support to HR Staff & acts as administrator of electronic personnel filing system (e.g., Document Locator); coordinates with ODA Information Technology (IT) staff on implementation/modifications of HR system hardware & software (e.g., background check system, electronic personnel filing system); manages record retention &/or data security policies within electronic personnel filing system; provides agency wide administration of Enterprise Learning Management (ELM) system; oversees course creation, learner enrollments, & course content development; troubleshoots & responds to ELM user problems &/or system error messages as ELM tier 1 support;; evaluates assigned staff's work product; provides guidance & oversight in assigned HR program areas; evaluates employee performance; ensures accountability & accuracy of employment processing activities; ensures effective delivery of customer service & staffing during agency business hours for ODA main reception area.</p>	<p>Knowledge of: 1) civil service laws, rules & regulations; 2) agency human resources policies & procedures*; 3) human resources training & development; 4) employee benefits (e.g., workers' compensation, unemployment compensation, disability insurance, social security, public employees' retirement)*; 5) federal & state laws & rules governing fair employment practices (e.g., ADA, EEO); 6) interviewing; 7) technical writing; 8) supervisory principles/techniques*. Skill in: 9) operation of personal computer. Ability to: 10) define problems, collect data, establish facts & draw valid conclusions; 11) calculate fractions, decimals & percentages; 12) gather, collate & classify information about data, people or things; 13) handle sensitive inquiries from & contacts with officials & general public; 14) prepare meaningful, concise & accurate reports.</p>

<p>List Position Numbers and Class Titles of positions directly supervised. 20045663-HCM Analyst; 20045697-Customer Service Assistant 1</p>	<p>Signature of Agency Representative</p> 	<p>Date</p> <p>10/31/2014</p>
	<p>Donald Mills</p>	<p>DM</p>

Exhibit 5

Page 6 of 6



Position Description for Ohio Department Of Agriculture

POSITION NUMBER

20045674 (22)

DEPARTMENT NUMBER: AGR104000	U	AGENCY: AGRICULTURE
CLASS NUMBER: 64615		DIVISION: HUMAN RESOURCES
CLASS TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		SECTION: HUMAN RESOURCES
WORKING TITLE: HUMAN CAPITAL MANAGEMENT MANAGER		COUNTY OF EMPLOYMENT: LICKING
APPT TYPE: Full Time Permanent	<input checked="" type="checkbox"/> Classified <input type="checkbox"/> Unclassified	<input type="checkbox"/> OT Eligibl <input checked="" type="checkbox"/> OT Exempt Exempt Type: Administrative
ACTION:	<input type="checkbox"/> New Position <input checked="" type="checkbox"/> Update <input type="checkbox"/> Renumber <input type="checkbox"/> Reclass	
POSITION NO. AND TITLE OF IMMEDIATE SUPERVISOR: 20045649 HUMAN CAPITAL MANAGEMENT ADM		<input type="checkbox"/> Organization Tree Link
NORMAL WORKING HOURS (Explain unusual or rotating shift)		
FROM: 08:00 AM	TO: 05:00 PM	THIS POSITION IS OVERTIME EXEMPT.

%	Job Duties in Order of Importance	Knowledge, Skills & Abilities
20	Serves as liaison between DAS, union, & ODA staff on HR related matters & transmits decisions & directives: coordinates efforts between ODA management, complainants, & DAS Equal Opportunity Division; coordinates agreements/settlements between union, ODA management, & DAS Office of Collective Bargaining (OCB); coordinates state classification plan changes between ODA management, union, & DAS Office of Talent Management; ensures dissemination &/or training to ODA employees on ePerformance system navigation &/or enhancements; submits ePerformance errors &/or system access problems on behalf of employees to DAS ePerformance manager; reviews & approves electronic personnel action requests (ePARs) for appropriate attachments, accuracy, & compliance with agency decentralized policy, statutes, & bargaining agreements; obtains necessary approvals from other state agencies &/or officials (e.g., DAS, State Personnel Board of Review, & union representatives) pertaining to ODA initiatives (e.g., terminations, reduction in workforce); advises & trains agency staff on ePerformance, discipline process, grievance process.	Knowledge of: 1, 2*, 3, 4*, 5, 6, 7, 8*. Skill in: 9. Ability to: 10, 11, 12, 13, 14.
15	Develops & maintains tracking reports (EEO, disciplines, & grievances) to document &/or identify trends; ensures necessary tracking of EEO complaints & discipline/grievance cases in electronic databases; develops & maintains reports to track discipline/grievance cases & ensures adherence to employee filing & retention of discipline records in accordance with DAS retention schedule.	Knowledge of: 1, 2*, 3, 4*, 5, 6, 7, 8*. Skill in: 9. Ability to: 10, 11, 12, 13, 14.
10	Performs other related duties as assigned: provides technical advice to aid Human Resources Director in decision making; assists Human Resources Director in defining agency structure, workforce succession planning; gathers relevant data & compiles data into desired report formats; participates in preparation & submission of HR related monthly, quarterly & annual reports (e.g., agency workforce plan, EEO/Affirmative Action, performance evaluation tracking, personnel action data/trends); assists in responding to requests for public records (e.g., employment records, EEO demographics, disciplinary trends); assists in maintaining &/or creating agency tables of organization; assists with agency reorganizations/staffing re-alignments;; provides training & disseminates necessary information on behalf of Human Resources Director to agency staff; provides technical expertise to assist in development &/or modification of agency-wide policies; provides verbal &/or written status reports to Human Resources Director as required; represents Human Resources at meetings & seminars; participates in &/or conducts HR-related training to ODA employees as required; participates in special group projects; attends & actively participates in meetings& seminars; travels to attend trainings &/or workshops.	Knowledge of: 1, 2*, 3, 4*, 5, 6, 7, 8*. Skill in: 9. Ability to: 10, 11, 12, 13, 14.

Additional Information

*Developed after employment

THIS POSITION IS OVERTIME EXEMPT.

TRAVEL REQUIRED, AS NEEDED. MUST PROVIDE OWN TRANSPORTATION. IN ORDER TO OPERATE A STATE VEHICLE, YOU MUST HAVE A VALID DRIVER'S LICENSE FROM STATE OF RESIDENCE.

List Position Numbers and Class Titles of positions directly supervised.

20045663-HCM Analyst; 20045697-Customer Service Assistant 1

Signature of Agency Representative

Donald Mills

Date

10/31/2014

DM

From: [Orahood, Traci](#)
To: [Sorgini, Keary](#); [Mills, Donald](#)
Subject: RE: HR PD's
Date: Friday, October 31, 2014 11:32:00 AM

I concur.

Traci L. Orahood
Human Resources Director
Traci.Orahood@agri.ohio.gov
p: 614-466-5339 [REDACTED]



From: Sorgini, Keary
Sent: Friday, October 31, 2014 11:32 AM
To: Mills, Donald; Orahood, Traci
Subject: RE: HR PD's

I think it looks good.

Thank you,

Keary M. Sorgini
HR Manager
Keary.Sorgini@agri.ohio.gov
p: 614-728-4205



From: Mills, Donald
Sent: Friday, October 31, 2014 11:22 AM
To: Sorgini, Keary; Orahood, Traci
Subject: RE: HR PD's

Thanks Keary. I have incorporated your changes/recommendations. Where you noted duplication, I simply deleted those since it read as though it was captured multiple times. See attached and let me know if you think it's good to finalize.

From: Sorgini, Keary
Sent: Friday, October 31, 2014 11:02 AM
To: Mills, Donald; Orahood, Traci
Subject: RE: HR PD's

Please see attached my suggestions/questions.

Thank you,

Keary M. Sorgini
HR Manager

Exhibit 6

Page 2 of 2

Keary.Sorgini@agri.ohio.gov

p: 614-728-4205



Department of
Agriculture

From: Mills, Donald
Sent: Friday, October 31, 2014 8:35 AM
To: Orahood, Traci; Sorgini, Keary
Subject: RE: HR PD's

Keary and Traci,

I have a draft PD for Keary's position; I tried to capture everything that I think is within Keary's responsibility. I would like you both to please take a look at it (see attached). Also, please let me know if the duties are not what they should be (or if I omitted anything). You're welcome to make changes as you see appropriate (please use track changes so I'll know what I should focus on changing/deleting/adding). If you both feel we should meet to discuss it, I am available anytime today – just let me know.

My goal is to try to finalize the HR Manager PD's today so if we can flush out any changes as early in the day as possible, it would be much appreciated.

Thanks,
Donald

From: Orahood, Traci
Sent: Wednesday, October 29, 2014 4:51 PM
To: Mills, Donald
Subject: HR PD's

Donald,

I would like to have finalized and updated PD's on everyone in HR. Below is the order and due dates. Please schedule meetings with either Keary or I if you have questions regarding job duties.

- | | |
|-----------------------------------|--|
| 1. HCM Managers | Due: Friday, October 31 st close of business. |
| 2. HCM Sr. Analysts | Due: Tuesday, November 4 th close of business. |
| 3. HCM Analyst & Customer Service | Due: Thursday, November 6 th close of business. |
| 4. HCM Administrator | Due: Monday, November 10 th close of business. |

Thanks,

Traci L. Orahood
Human Resources Director
Traci.Orahood@agri.ohio.gov
p: 614-466-5339



Department of
Agriculture

From: [Orahood, Traci](#)
To: [Mills, Donald](#); [Sorgini, Keary](#)
Subject: RE: HR PD's
Date: Friday, October 31, 2014 11:33:00 AM

I am good with her suggestions.

Traci L. Orahood
Human Resources Director
Traci.Orahood@agri.ohio.gov
p: 614-466-5339 [REDACTED]



From: Mills, Donald
Sent: Friday, October 31, 2014 11:33 AM
To: Sorgini, Keary; Orahood, Traci
Subject: RE: HR PD's

Thanks Keary for helping me out with looking it over so quickly.

Traci, please let me know if you're okay with it and I will finalize it accordingly – or if there are changes you would like, let me know.

Thanks,
Donald

From: Sorgini, Keary
Sent: Friday, October 31, 2014 11:32 AM
To: Mills, Donald; Orahood, Traci
Subject: RE: HR PD's

I think it looks good.

Thank you,

Keary M. Sorgini
HR Manager
Keary.Sorgini@agri.ohio.gov
p: 614-728-4205



From: Mills, Donald
Sent: Friday, October 31, 2014 11:22 AM
To: Sorgini, Keary; Orahood, Traci
Subject: RE: HR PD's

Thanks Keary. I have incorporated your changes/recommendations. Where you noted duplication, I simply deleted those since it read as though it was captured multiple times. See attached and let me know if you think it's good to finalize.

Exhibit 7

Page 2 of 3

From: Sorgini, Keary
Sent: Friday, October 31, 2014 11:02 AM
To: Mills, Donald; Orahood, Traci
Subject: RE: HR PD's

Please see attached my suggestions/questions.

Thank you,

Keary M. Sorgini
HR Manager
Keary.Sorgini@agri.ohio.gov
p: 614-728-4205



From: Mills, Donald
Sent: Friday, October 31, 2014 8:35 AM
To: Orahood, Traci; Sorgini, Keary
Subject: RE: HR PD's

Keary and Traci,

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Thanks,
Donald

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To: Mills, Donald
Subject: HR PD's

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| 3. HCM Analyst & Customer Service | Due: Thursday, November 6 th close of |

business.
4. HCM Administrator
business.

Due: Monday, November 10th close of

Thanks,

Traci L. Orahood
Human Resources Director
Traci.Orahood@agri.ohio.gov
p: 614-466-5339 [REDACTED]



Donald Mills v. Ohio Department of Agriculture
Settlement Agreement and Release of All Claims
Page 1 of 5

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

This Settlement Agreement and Release of Claims ("Agreement") is made and entered into by and between Donald Mills ("Mills") and the Ohio Department of Agriculture ("ODA").

WHEREAS, Mills filed Case No. 2014-REM-11-0283 before the State Personnel Board of Review ("SPBR" or "Board"), Complaint Nos. 869 & 881 before the Equal Employment Opportunity Division of the Ohio Department of Administrative Services ("EOD"), and Charge Nos. COL. A1 (41170) 08072014 & COL. 71 (41415) 11132014 before the Ohio Civil Rights Commission ("OCRC"); and

WHEREAS, the Parties desire to resolve any and all disputes relating to Mills' employment with ODA, including, but not limited to, those embodied in the above mentioned appeal, complaints and charges before the Board, EOD and OCRC.

NOW, THEREFORE, the Parties agree as follows:

1. **Parties.** This Agreement is entered into on behalf of, and shall extend to Mills, his immediate family, heirs, assigns, personal representative, executors, agents and administrators (herein collectively referred to as "Mills"); and to ODA, its successors, assigns, officers, directors, employees, and agents, both past and present (herein collectively referred to as "ODA").
2. **Intent.** Except as specifically set forth in this settlement agreement, Mills and ODA wish to bring to a complete, final and irreversible end to any and all claims and/or disputes which arose or which could arise from Case No. 2014-REM-11-0283 before the Board, Complaint Nos. 869 & 881 before the EOD, and Charge Nos. COL. A1 (41170) 08072014 & COL. 71 (41415) 11132014 before OCRC and to reach a full and final settlement of all matters and claims, of any nature, as of the date this Agreement is executed.
3. **Consideration.** In consideration of the mutual promises and agreements set forth herein, the Parties agree as follows:

A. As for Donald Mills' Consideration:

1. Mills agrees to withdraw all actions filed by him against ODA; including, but not limited to, Case No. 2014-REM-11-0283 before the Board, Complaint Nos. 869 & 881 before the EOD, and Charge Nos. COL. A1 (41170) 08072014 & COL. 71 (41415) 11132014 before OCRC. Mills shall cause such Notices of Withdrawal of Appeal, Complaints and Charges to be filed with the appropriate forums within (7) days of receipt of the payment described in Paragraph (B)(3).
2. Mills agrees to execute a complete release and waiver of any and all legal claims or causes of action that he may have against ODA up to and including the date on which the Agreement is fully executed, other than contractual claims he may

Donald Mills v. Ohio Department of Agriculture
Settlement Agreement and Release of All Claims
Page 2 of 5

have under this Agreement. This release and waiver is contained in Section 4 of this Agreement and is executed upon execution of this Agreement.

3. Mills agrees to voluntarily resign his position as Human Capital Management Manager with ODA, effective December 5, 2014. Mills hereby agrees that the tender of his resignation, effective December 5, 2014, is irrevocable. This Agreement shall constitute the sole affirmative action by which Mills indicates his resignation to ODA.
4. Mills agrees not to apply for a position with ODA or accept future employment at ODA.

B. As for ODA's Consideration:

1. ODA shall rescind the termination personnel action resulting in Mills' removal, effective November 7, 2014.
2. Mills, as stated above in paragraph 3(A)(3), hereby tenders his resignation, effective on December 5, 2014, which resignation is hereby accepted by ODA upon execution of this Agreement. This Agreement shall constitute the sole affirmative action by which ODA indicates its acceptance of Mills' resignation.
3. ODA shall issue a one-time payment of \$6,000.00 minus all taxes and applicable withholdings to Mills and will issue an IRS Form W-2 to Mills for such payment (This amount will be designated as back pay); The parties acknowledge that the claims being settled herein include claims for lost pay. The payment in this paragraph reflects gross wages that would have been earned by Mills from the time of his reinstatement on November 7, 2014, to the time of his resignation on December 5, 2014. With respect to this payment, ODA agrees to contribute the appropriate employer's contribution to Mills' Ohio Public Employees Retirement System ("OPERS") account and this contribution shall not be deducted from the \$6,000.00 back payment described above. Additionally, the appropriate employee contribution to OPERS shall be deducted as a withholding from Mills' back payment of \$6,000.00 described above and remitted to OPERS. Mills shall not be entitled to any medical or other benefits, restoration of any leave balance of any kind, insurance or any other benefit of employment (with the exception of OPERS contributions), between November 7, 2014 and December 5, 2014.
4. Mills' employment history report shall only display "Resignation" on December 5, 2014, as the reason for separation of employment from ODA.
5. ODA agrees to keep any documentation regarding any and all disciplines, including any suspensions and removal, in a file separate from Mills' personnel file. All documents related to Mills' employment shall be retained in compliance with the requirements of the Ohio Public Records Act or other Federal and Ohio laws.

6. Mills agrees to direct prospective employers seeking a reference from ODA to the ODA Human Resources Director. If contacted by a prospective employer, the ODA Human Resources Director shall only provide Mills' dates of employment with ODA, positions held, rates of pay and resignation as his reason for leaving the employment of ODA, and shall provide no other information, subject to the obligations of R.C. Sec. 149.43. ODA is not responsible for inquires made to other persons or departments within ODA and the information gained from such inquiries.
4. **Release of All Claims and Dismissal of All Charges and Legal Actions in relation to Case No. 2014-REM-11-0283 before the Board, Complaint Nos. 869 & 881 before the EOD, and Charge Nos. COL A1 (41170) 08072014 & COL 71 (41415) 11132014 before OCRC.** Mills does hereby fully, finally, and forever release and waive any and all claims and rights which he may have against ODA, its officers, directors, employees, and representatives, both in their individual and official capacities, and do hereby specifically quitclaim, release, and forever hold harmless from and against any and all claims, liability, causes of action, compensation, benefits, damages, attorney fees, costs or expenses, of whatever nature or kind which have arisen or which could have arisen from Mills' employment with ODA or his claims in Case No. 2014-REM-11-0283 before the Board, Complaint Nos. 869 & 881 before the EOD, and Charge Nos. COL A1 (41170) 08072014 & COL 71 (41415) 11132014 before OCRC at any time up to and including the date of execution of this Agreement.

Such rights, claims, causes of action or liability shall include, but not be limited to, those arising or which might arise out of intentional infliction of emotional distress, harm or illness, intentional injury or intentional tort, or any other facts; the Fair Labor Standards and Equal Pay Acts; Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1964 as amended, the Civil Rights Act of 1991 as amended; the United States Constitution; the Civil Rights Act of 1866 or 1871 (42 U.S.C. Sections 1981, 1983, 1985, *et seq.*); the Americans with Disabilities Act, the Age Discrimination in Employment Act; Chapter 4112 of the Ohio Revised Code and any other provision of the Ohio Revised Code, not filed and existing as of the date of this Agreement; and any other Federal, State, City, County or other local law or ordinance concerning employment, or in any other manner regulating or otherwise concerning wages, hours or any other terms or conditions of employment, which, (a) have been filed, (b) are now pending, or (c) could have been filed relating to any acts which have transpired at any time up to and including the date of execution of this Agreement.

Mills' release of claims shall include, but not be limited to Case No. 2014-REM-11-0283 before the Board, Complaint Nos. 869 & 881 before the EOD, and Charge Nos. COL A1 (41170) 08072014 & COL 71 (41415) 11132014 before OCRC and any and all grievances, arbitrations, mediations, charges, and all other complaints of any sort which have arisen or could have arisen from Mills' employment with ODA up to and including the date on which this Agreement is executed. Mills represents and warrants that he has not assigned or otherwise transferred any right to any other person to assert any claims of any kind or character against ODA, and agrees to indemnify and hold ODA harmless from and against any such claims to be asserted by any other party.

Donald Mills v. Ohio Department of Agriculture
Settlement Agreement and Release of All Claims
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5. **Non-Admission.** The terms set out in the Agreement are a compromise settlement of disputed claims, the validity, existence or occurrence of which is expressly denied by ODA. Neither the terms nor the Agreement shall be deemed or construed as an admission by ODA of any wrongful acts whatsoever by or against Mills or any other person, nor does any arrangement(s) made with Mills constitute an acknowledgment of the validity of any claim, charge, liability or cause of action asserted, it being expressly understood that all such claims are in all respects denied by ODA. Likewise, Mills makes no admission concerning the merits of his appeal or any underlying allegations by accepting the terms of this Agreement.

6. **General Terms.** The Parties to this Agreement represent and affirm that the only consideration for their agreement and execution are the terms stated above; that no other promise or agreement of any kind has been made to or with any of them by any persons or entity to cause any to execute this Agreement, and that no other compensation, benefits, or prerequisites other than those specified in the foregoing Agreement shall be involved or claimed; that this Agreement shall not be interpreted to render Mills a prevailing party for any purpose, including but not limited to an award of attorney fees under any applicable statute or otherwise; and that each fully understands the meaning and intent of this Agreement, including but not limited to their final and binding effect. Mills further acknowledges that he has consulted counsel concerning and before executing this Agreement and that the execution of the Agreement is by knowing and voluntary act.

7. **Construction and Severability.** This Agreement shall be construed according to its fair meaning and not strictly for or against any of the Parties. Should any provision of the Agreement be declared or determined by any court to be illegal or invalid, the validity of the remaining parts, terms, or provisions shall not be affected thereby and the illegal or invalid part, term, or provision shall be deemed not part of the Agreement.

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NOTICE: DONALD MILLS, PLEASE READ CAREFULLY BEFORE SIGNING:

PURSUANT TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT, 29 U.S.C. § 621 *ET SEQ.*, A WAIVER OF RIGHTS CANNOT APPLY TO AGE DISCRIMINATION CLAIMS ARISING IN THE FUTURE. I HAVE READ THE FOREGOING AGREEMENT AND RELEASE, AND FULLY UNDERSTAND IT. I ACKNOWLEDGE THAT I WAS GIVEN UP TO TWENTY-ONE (21) DAYS WITHIN WHICH TO CONSIDER THIS AGREEMENT, THAT I HAVE BEEN ADVISED TO CONSULT WITH LEGAL COUNSEL PRIOR TO SIGNING THIS AGREEMENT, AND THAT I HAVE THE RIGHT TO REVOKE THIS AGREEMENT, IN WRITING, FOR A PERIOD NOT TO EXCEED SEVEN (7) DAYS AFTER THE DATE ON WHICH IT IS SIGNED BY ME. I HEREBY ACKNOWLEDGE THAT IF I FAIL TO EXERCISE THIS RIGHT TO REVOKE, THIS AGREEMENT WILL BECOME A BINDING CONTRACT AS TO ITS TERMS ON THE EIGHTH (8TH) DAY AFTER I SIGN THIS AGREEMENT. I NOW VOLUNTARILY SIGN THIS AGREEMENT AND RELEASE ON THE DATE INDICATED. IF THIS AGREEMENT SHOULD BE REVOKED BY ME WITHIN THE TIME SET FORTH ABOVE, THIS AGREEMENT SHALL BE VOID AND ODA SHALL BE EXCUSED FROM PERFORMANCE HEREUNDER.

This Agreement sets forth the entire agreement between the Parties hereto, and fully supersedes any and all prior discussions, agreements, transmissions or understandings between the Parties or their representatives.

The undersigned Parties state that they have carefully read the foregoing and understand the contents thereof, and that they execute the same as their own free and voluntary act.


DONALD MILLS
Appellant

DATE

6/30/15



DAVID T. DANIELS
Director, Ohio Department of Agriculture

DATE

7/27/2015