

5101:2-12-08

**Employee and child care staff member requirements ~~in~~for a licensed child care center.**

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

Each employee is to:

- (1) ~~An employee shall have~~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) The completed medical statement shall be on file on or before the employee's first day of employment.~~
- (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?

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

Each child care staff member is to:

(1) Meet one of the following:

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

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

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

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

~~(a)~~(i) 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 by the training program.

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

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

(2) 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.

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

~~(4)~~(3) The child care staff member may be used in ratio, but ~~may not have sole care of~~ 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?

~~No~~Yes, an employer shall 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.

Effective:

Five Year Review (FYR) Dates: 7/28/2021

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 5104.016  
Rule Amplifies: 5104.036, 5104.0110  
Prior Effective Dates: 03/01/1981, 02/08/1982, 09/01/1986, 01/02/1992  
(Emer.), 04/01/1992, 04/01/2003, 01/01/2007,  
09/01/2007, 09/29/2011, 12/31/2016, 10/29/2017