

TO BE RESCINDED

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

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

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

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

A child care staff member:

- (1) Shall meet all of the requirements detailed in appendix A to this rule.
- (2) Shall meet all training requirements prescribed in rule 5101:2-13-10 of the Administrative Code.
- (3) Shall complete the 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.
 - (a) The online training may be used for up to six hours of professional development pursuant to rule 5101:2-13-10 of the Administrative Code.
 - (b) Completion of the training shall be documented with verification from the Ohio professional registry.
- (4) May be used to meet group size and supervision requirements but shall not be left alone with the children until the orientation training is completed.
- (5) May act in the provider's place during an inspection if the provider is not present.

(C) What documentation is required to be on file for a child care staff member?

- (1) The licensed family child care provider shall maintain documentation for each current staff member on file at the home.

(2) Employment records shall be made available upon request by the county agency or by the ODJFS for at least three years after each staff member's departure.

(3) Employment records shall include days and hours worked, duties and group assignments, if applicable.

(D) What shall be reviewed with a child care staff member at the time of employment?

The licensed family child care provider shall review all family child care policies, procedures and licensing rules with each child care staff member.

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

No employer shall discharge, demote, suspend or threaten to discharge, demote, suspend or in any manner discriminate against any employee 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.

(F) What are the requirements for a substitute child care staff member?

If the family child care provider chooses to utilize a substitute, the substitute shall:

(1) Meet all of the requirements detailed in appendix B to this rule.

(2) Complete the 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. Substitutes employed prior to the effective date of this rule shall complete the orientation by January 1, 2018.

(3) Follow all of the requirements in rule 5101:2-13-19 of the Administrative Code.

(G) What are the requirements for using a substitute caregiver?

- (1) Substitute child care shall occur only in the family child care home to which the children are authorized.
- (2) The licensed family child care provider shall ensure that the substitute and child care staff members have the following information at the time child care services are provided:
 - (a) Telephone number where the provider can be reached.
 - (b) Location of first aid supplies.
 - (c) Child records detailed in rule 5101:2-13-15 of the Administrative Code.

Effective: 10/29/2021

Five Year Review (FYR) Dates: 7/29/2021

CERTIFIED ELECTRONICALLY

Certification

10/14/2021

Date

Promulgated Under: 119.03
Statutory Authority: 5104.018, 5104.017
Rule Amplifies: 5104.017, 5104.018
Prior Effective Dates: 04/01/1982, 05/20/1983, 09/01/1986, 09/05/1986,
02/15/1988, 05/01/1989, 07/01/1995, 03/15/1996,
10/01/1997 (Emer.), 12/30/1997, 04/01/2003,
07/01/2003, 01/01/2007, 06/01/2007, 08/14/2008,
07/01/2011, 12/01/2011, 01/01/2014, 12/31/2016,
10/29/2017