



ORDINANCE 2023-33

AN ORDINANCE ADOPTING THE UPDATED PERSONNEL MANUAL FOR EMPLOYEES OF THE CITY OF POWELL.

WHEREAS, pursuant to Section 155.01 of the Codified Ordinances, a Personnel Manual is adopted from time to time by City Council to establish policies and procedures for City employees; and

WHEREAS, City Council has previously adopted a Personnel Manual for employees of the City of Powell pursuant to the provisions of Ordinance 1989-15; and

WHEREAS, the Operations Committee has reviewed the proposed updates to the Personnel Manual and recommends their approval to City Council; and

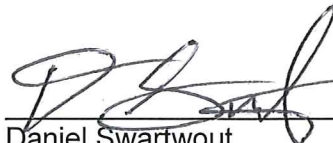
WHEREAS, City Council has determined that it is necessary and desirable to amend and update those policies and procedures and desires to adopt the updated Personnel Manual which is attached hereto as Exhibit "A" and incorporated herein by reference.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO AS FOLLOWS:


Section 1: That the Personnel Manual attached hereto as Exhibit "A" and incorporated herein by reference, setting forth amended personnel policies and procedures for employees of the City of Powell, is hereby adopted.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect on the earliest date possible.

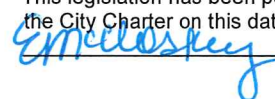


Daniel Swartwout
Mayor
12/5/2023
Date



Elaine McCloskey
City Clerk
12/5/2023
Date

EFFECTIVE DATE: January 5, 2023

This legislation has been posted in accordance with the City Charter on this date 12/11/2023


Elaine McCloskey
City Clerk

CITY OF POWELL

AN EQUAL OPPORTUNITY EMPLOYER



EMPLOYEE HANDBOOK

January 1, 2024

TABLE OF CONTENTS

1. INTRODUCTION & ADMINISTRATIVE POLICIES	Page 10
1.1 Introduction	Page 11
1.2 Management Rights	Page 11
1.3 Employment Classifications	Page 12
1.4 Classified and Unclassified Employment	Page 13
1.4 a Classified Appeals and Hearings	Page 13
1.5 Pay Determination	Page 14
1.6 Merit Increases	Page 14
1.6 a Eligibility	Page 15
1.6 b Determination of Merit Increase	Page 15
1.7 Background Checks	Page 15
1.8 Performance Reviews	Page 16
1.9 Probationary Periods	Page 17

2. WORKPLACE STANDARDS & ETHICS	Page 18
2.1 Commitment to Diversity & Inclusion	Page 19
2.2 Equal Employment Opportunity (EEO)	Page 19
2.3 Anti-Harassment & Anti-Discrimination	Page 20
2.3 a Reporting Harassment & Discrimination	Page 21
2.3 b Retaliation Prohibited	Page 21
2.3 c Investigation & Resolution Procedure	Page 22
2.4 Accommodations for Religious Beliefs	Page 22
2.5 Americans with Disabilities Act (ADA)	Page 22
2.6 Integrity/Conflict	Page 23
2.7 Ethics of Public Employment	Page 23

2.8 Fraud Reporting and Whistleblower Protection	Page 24
2.9 Political Activity	Page 25
2.9 a Employee Political Conduct	Page 26
2.10 Solicitation	Page 27
2.11 Employee Fraternalization	Page 27
2.12 Nepotism	Page 28
2.13 Outside Employment	Page 29
2.14 Gifts, Gratuities, and Entertainment	Page 30
2.15 Personal Appearance	Page 30

3. WORKPLACE SAFETY	Page 32
3.1 Drug-Free Workplace	Page 33
3.1 a Controlled Substances	Page 34
3.1 b Medical Marijuana & Cannabidiol (CBD)	Page 34
3.1 c Required Testing	Page 35
3.1 d Pre-Employment	Page 35
3.1 e Reasonable Suspicion	Page 36
3.1 f Post-Accident	Page 36
3.1 h Follow-Up	Page 36
3.1 i Consequences	Page 37
3.2 Tobacco Policy – Smoke Free Workplace	Page 37
3.2 a Responsibility for Reporting Violations	Page 37
3.3 Workplace Violence Prevention	Page 37
3.4 Weapons in the Workplace	Page 38
3.4 a Prohibited Items	Page 39
3.4 b Prohibited Conduct	Page 39

3.4 c Effect of Concealed Carry License	Page 39
3.4 d Violations	Page 39
3.4 e Exceptions	Page 39
3.5 Inspection of Work Area	Page 40
3.6 Reporting Accidents & Hazards	Page 40
3.7 Inclement & Severe Weather	Page 40
3.8 Infectious Disease Control	Page 41
3.8 a Preventing The Spread of Infection In The Workplace	Page 41
3.8 b Temperature Screening	Page 42
3.8 c Limiting Travel	Page 42
3.8 d Telecommuting	Page 42
3.8 e Staying At Home When Ill	Page 42
3.8 f Requests for Medical Information & Documentation	Page 42
3.8 I Social Distancing Guidelines	Page 43

4. Hours of Work	Page 44
4.1 Payroll Schedule	Page 45
4.2 Hours of Work	Page 45
4.3 Overtime Compensation	Page 45
4.4 Compensatory Time	Page 46
4.5 Attendance	Page 46
4.6 Scheduled Absence	Page 46
4.7 Unexcused Absence	Page 47
4.8 Tardiness & Early Departures	Page 47
4.9 Job Abandonment	Page 47
4.10 Timekeeping	Page 48

4.10 a Timesheet Adjustments	Page 48
4.10 b Improper Time Reporting	Page 48
4.11 Call-In Pay	Page 49
4.12 Break & Lunch (Meal) Periods	Page 49
4.13 Lactation Breaks	Page 50
4.13 a Private Location	Page 50
4.13 b Storage of Expressed Milk	Page 50

5. Time Off & Leave of Absence Benefits	Page 51
5.1 Holidays	Page 52
5.1 a Part-Time Employees Holiday Leave	Page 53
5.1 b Floating Holidays	Page 53
5.2 Vacation Leave	Page 53
5.2 a Full-Time Employee Accumulation	Page 54
5.2 b Part-Time Employee Accumulation	Page 54
5.2 c Full-Time Maximum Accumulation	Page 54
5.2 d Part-Time Maximum Accumulation	Page 55
5.2 e Prior Service Credit	Page 55
5.2 f Use Of Vacation Leave	Page 55
5.2 g Termination Of Employment & Vacation Payout	Page 56
5.3 Sick Leave	Page 56
5.3 a Full-Time Employee Accumulation	Page 56
5.3 b Part-Time Employee Accumulation	Page 56
5.3 c Full-Time Maximum Accumulation	Page 57
5.3 d Part-Time Maximum Accumulation	Page 57
5.3 e Transfer Of Sick Leave Balances	Page 57

5.3 f Annual Sick Leave Payout	Page 57
5.3 g Full-Time Termination of Employment & Sick Leave Payout	Page 57
5.3 h Part-Time Termination of Employment & Sick Leave Payout	Page 58
5.3 i Use of Sick Leave	Page 58
5.3 j Documentation Request	Page 59
5.3 k Abuse of Sick Leave	Page 60
5.4 Sick Leave Donation	Page 60
5.4 a Eligibility	Page 61
5.4 b Guidelines	Page 61
5.4 c Donation of Sick Time	Page 62
5.5 Unpaid Leave of Absence	Page 63
5.6 Disability Leave & Separation	Page 63
5.7 Bereavement Leave	Page 65
5.7 a Death In Immediate Family	Page 65
5.7 b Death In Non-Immediate Family	Page 65
5.7 c Other Funeral Leave	Page 65
5.8 Jury Duty	Page 65
5.9 Witness Duty	Page 66
5.10 Voting	Page 66
5.11 Family and Medical Leave Act (FMLA)	Page 66
5.11 a Employee Eligibility	Page 66
5.11 b Conditions Triggering Leave	Page 67
5.11 c Duration of Leave	Page 67
5.11 d Maintenance of Health Benefits	Page 68
5.11 e Job Restoration	Page 68
5.11 f Notice & Medical Certification	Page 68

5.11 g Extended Medical Leave	Page 69
5.12 Military Leave of Absence	Page 70

6. Employee Conduct, Responsibility	Page 72
6.1 Statement of Confidentiality	Page 73
6.2 Teamwork	Page 73
6.3 Reference Checks	Page 73
6.4 Personnel Files	Page 74
6.5 Public Records	Page 74
6.6 Statements to the Media	Page 74
6.7 Vehicle & Driving Requirements	Page 75
6.7 a Seatbelts	Page 75
6.7 b Use of Cellular Telephones While Driving	Page 75
6.8 Driver's License	Page 75
6.8 a Operation of City Vehicles	Page 76
6.8 b New-Hire Check	Page 76
6.8 c Annual Check	Page 76
6.9 City Council & Staff Communications	Page 76

7. DISCIPLINE	Page 77
7.1 Discipline	Page 78
7.1 a Procedure	Page 79
7.1 b Appeals Process	Page 81
7.1 c Documentation	Page 81

8. EMPLOYEE BENEFITS	Page 82
-----------------------------	----------------

8.1 Insurance Benefits Overview	Page 83
8.2 Life Insurance & AD&D Insurance	Page 83
8.3 Employee Assistance Program (EAP)	Page 83
8.4 Retention Incentive	Page 84
8.5 Tuition Reimbursement	Page 84
8.5 a Reimbursement Approval	Page 85
8.5 b Reimbursement Procedure	Page 85
8.6 Continuing Education	Page 86
8.6 a Procedure	Page 87
8.7 Pension Funds	Page 87
8.7 a Ohio Police & Fire Pension Fund	Page 87
8.7 b Ohio Public Employees Retirement System (OPERS)	Page 87
8.8 Unemployment Compensation	Page 88
8.9 Workers Compensation	Page 88
8.9 a Employee Responsibilities	Page 88
8.9 b Supervisor Responsibilities	Page 88
8.10 Transitional Work Program	Page 89
8.10 a Eligibility	Page 89
8.10 b Transitional Work	Page 89
8.10 c Procedures	Page 89
8.10 d Transitional Work Assignments	Page 90
8.11 Employee of the Year	Page 91
8.11 a Selection Committee	Page 91
8.11 b Eligibility	Page 91
8.11 c Award Benefits	Page 92

9. USE OF CITY PROPERTY	Page 93
9.1 Accidents & Traffic Citations	Page 94
9.2 Computer and Technology Use	Page 94
9.2 a Internet Access, E-mail, & Public Records	Page 95
9.2 b Permitted Use	Page 95
9.2 c Prohibited Use	Page 96
9.2 d Employee Responsibilities	Page 97
9.2 e E-mail Use Policy	Page 98
9.2 f Social Media	Page 98
9.2 g Cellular Phone & Electronic Devices	Page 99
9.2 h Safety Issues For Cellular Phones & Electronic Devices	Page 100
9.2 i Violations And Discipline	Page 101

10.Employee Resignations & Retirements	Page 102
10.1 Resignations	Page 103
10.2 Retirement	Page 103
10.3 Rescission of Resignation	Page 104
10.4 Exit Interview	Page 104
10.4 a Leave Time Cash-Out	Page 104
10.4 b Sick Leave Cash-Out	Page 104
10.5 Re-Hiring Retired Pension Members	Page 104
10.5 a Procedure	Page 105
10.5 b Responsibilities	Page 105
10.6 Reduction in Force	Page 106

11.EMPLOYEE ACKNOWLEDGEMENT	Page 107
------------------------------------	-----------------

1. INTRODUCTION & ADMINISTRATIVE POLICIES

1.1 INTRODUCTION

This Employee Handbook conforms to the policies established by the City Manager and the City Council of the City of Powell. This handbook shall govern policy related matters of the City unless superseded by other specific regulations established in the City Charter or Code.

The purpose of this handbook is to establish various policies, rules and regulations, fringe benefits and services provided to full-time employees, and where applicable, part-time employees. It is the responsibility of all City of Powell employees to read, understand, and adhere to the information contained in the employee handbook.

Clear and efficient employee policies are indispensable and necessary to properly administer the business affairs of the City. Further, the City insists upon a fair, equitable, and uniform system of public employment to attract the excellent caliber of employees our citizens demand and deserve. All City employees, including the City Manager, are responsible for the administration of the policies set forth herein.

The policies contained in this handbook supersede any prior personnel policies and procedures of the City. They are provided to employees for information only and are subject to change at any time without advance notice. Nothing in this handbook constitutes or establishes a contract of employment of any duration or any other legal obligation granting continued employment. Unclassified employees are at-will, which means employees may terminate employment at any time, with or without cause or advance notice. Likewise, at-will means that the City may terminate an employee's employment at any time, with or without cause or advance notice, as long as it does not violate federal or state laws.

Employees should contact the Human Resources Department with any questions on the policies and procedures within this Employee Handbook.

1.2 MANAGEMENT RIGHTS

The City Manager reserves the right to establish personnel policies and rules, with the concurrence of the City Council, and shall make and confirm appointment to and removal from employment according to the Charter and Ordinances of the City of Powell. Department directors and supervisors are responsible for enforcing the provisions of the City's policies and for cooperating with the City Manager on all related matters pertinent to the City.

Specifically, the City reserves and retains exclusively all its normal and inherent rights with respect to the management of its operations, whether exercised or not, including, but not limited to the following:

- The right to generally manage through the implementation, enforcement, amendment, deletion, or revision of policies, procedures, rules, regulations, and directives.

- The right to control the efficiency of operations through organization of work methods or procedures; layoff or recall of employees due to operational or financial needs; and improvement in work methods, equipment, machinery, and facilities.
- The right to direct the work force through the determination of its size and number; the number of shifts required; the work schedules and hours of employment; the necessity for overtime and the amount, if required; the selection, retention, and assignment of all employees based upon qualifications and departmental functions and duties, and disciplining them as required, including suspension, termination, or reduction in pay or position; and promoting, and transferring employees as needed pursuant to established policy.
- The right to manage their offices effectively, efficiently, and economically and/or departments determining acceptable standards of conduct and performances; the methods, means, equipment, materials, and processes for the accomplishment of work; the department's goals, objectives, programs, services, and work to be performed, and to utilize personnel in a manner to meet these purposes and improve productivity.
- The right to determine when an emergency exists, and implement actions and assignments deemed advisable and necessary to respond to such emergency situations effectively and efficiently.
- The right to exercise complete control and discretion over the budget.

1.3 EMPLOYMENT CLASSIFICATIONS

The City will maintain standard definitions of employment and will classify employees in accordance with the following definitions.

Full-time

Defined as employees who work at least 30 hours per week on a regularly scheduled basis, per the Affordable Care Act (ACA). Full-time employees are entitled to all benefits provided by the City including health and life insurance, sick leave, vacation, holiday pay, and other benefits.

Part-time

Defined as employees who work a regular schedule less than 40 hours per week. Part-time employees are entitled to sick leave, vacation leave and holiday pay.

Seasonal

Defined as employees who work during a recurring portion of the year (e.g., summer, mowing season, etc.) and maybe on a full-time, part-time, or intermittent basis. Seasonal employees are not entitled to any benefits.

Temporary & Intermittent

Defined as employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration of less than one thousand (1000) hours and are ineligible for all benefits.

Contract

Defined as a bona fide employment relationship wherein the compensation, terms, and conditions of employment are spelled out in a written contract with the City. Contract employees are not entitled to any benefit.

Exempt

Some executive, administrative, and professional employees are exempt from the requirements of the Federal Fair Labor Standards Act (FLSA) that provide overtime pay standards. These exemptions are generally based on the responsibility, discretion, independent judgment, and decision-making authority required in the job. Exempt employees are not eligible to receive overtime pay.

Non-Exempt

Employees in non-exempt jobs must be paid overtime generally for hours worked over forty (40) hours per week. This means that non-exempt employees' time worked must be recorded to comply with the FLSA.

1.4 CLASSIFIED & UNCLASSIFIED EMPLOYMENT

Classified City employees are defined by Article XIV, Section 14.03 (A) of the City Charter unless the position which they occupy has been exempted from the classified service by a lawful request of the employer, or by operation of law or City Charter. After completion of the original probationary period, or the probationary period following a promotion, classified employees may only be disciplined for cause and by following the procedures set forth in the Civil Service laws of the State of Ohio and the City of Powell.

Employees listed in Article XIV, Section 14.03 of the City Charter serve as unclassified City employees, or occupy positions, which have been exempted from the classified City service. Such employees may be hired at will and may serve at the pleasure of the City without reference to certain provisions of the ordinances within the City of Powell Charter.

1.4 a Classified Appeals & Hearings

The civil service laws provide for appeals of certain actions including layoffs and certain discipline matters for those employees who are classified and not included in a collective bargaining unit. For those employees who are included in a collective bargaining unit their appeal rights are set forth in the collective bargaining agreement.

The Powell Personnel Review Board of Review (PPRBR) Rules and Regulations guidelines provide procedures for hearings of appeals. The PPRBR rules, and what appeals it may consider are set forth in the PPRBR Rules and Regulations guidelines. PPRBR may not consider appeals or conduct hearings of issues or matters not included in the civil service laws. Classified employees only include Police Department and Public Service Department employees that are covered by their bargaining unit.

1.5 PAY DETERMINATION

The City has established a system of wage review that periodically assesses the pay level for positions according to one or more of the following factors:

- The City's ability to pay.
- Relevant wages in the area.
- Specific job standards.
- Internal equity.
- Other available employee benefits.
- Required knowledge, skill and ability needed to perform the job.

Based on this review, a pay range is established for each position with minimum and maximum rates of pay. Pay upon hire is based on the level of experience, education and training an employee brings to the position. The City Manager determines an offer of pay after consultation with the Human Resources Department.

1.6 MERIT INCREASES

The City has adopted a pay for performance program as part of the overall compensation program. Merit pay is one of the methods the City uses to reward successful job performance. The existence and amount of funds available to be distributed in the form of merit increases shall be determined by approval of the annual budget. If awarded, Merit increases shall be awarded based on employee performance and after completion of the annual performance review process.

The provisions of this section do not apply to Union represented employees. All pay increases for Union represented employees are governed by the terms of the applicable collective bargaining agreement.

1.6 a Eligibility

Non-union employees in regular full-time or part-time positions who have at least one (1) year of continuous service, before the merit award date, are eligible to be considered for a merit increase. Non-union employee increases will be typically awarded after January 1st during the second pay period of the new year.

For those eligible non-union employees with less than one (1) year at the time the annual merit increase is awarded, they will receive a prorated increase after the completion of their one (1) year anniversary. Employees will then be eligible for a merit increase based on the regular non-union annual cycle.

No employee that is still on probation, or on a probationary period extension, shall be eligible for a merit increase until after the successful completion of their probationary period.

No employee currently on a performance improvement plan shall be eligible for a merit increase.

- The merit increase is postponed pending further review of the employee's job performance for a period not to exceed six (6) months. The supervisor shall include the reasons for the postponement in any such recommendation with the department director making the final decision. If, during or at the conclusion of the period of postponement, the department director recommends a merit increase, the increase will take effect in the pay period that immediately follows the pay period in which the recommendation is made.

1.6 b Determination of Merit Increase

Merit increases require the recommendation of the employee's supervisor and department director, with the final approval of the City Manager. Employees are to be notified of their merit increase as soon as possible after all employee merit increases for the year have been approved by the City Manager.

1.7 BACKGROUND CHECKS

All offers of employment are contingent upon clear results of a thorough background check. Background checks will be conducted on all final candidates and on employees who are promoted, as deemed necessary.

Background checks may include the following:

- **Social Security Verification:** validates the applicant's Social Security number, date of birth and former addresses.
- **Prior Employment Verification:** confirms applicant's employment with the listed companies, including dates of employment, position held and additional information

available pertaining to performance rating, reason for departure and eligibility for rehire. This verification will be run on past employers for the previous ten (10) years.

- Personal and Professional References: calls will be placed to individuals listed as references by the applicant.
- Educational Verification: confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received.
- Criminal History: includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
 - The nature of the crime and its relationship to the position.
 - The time since the conviction.
 - The number (if more than one) of convictions.
 - Whether hiring, transferring, or promoting the applicant would pose an unreasonable risk to the business, its employees or its customers and vendors.

The following additional background searches will be required if applicable to the position:

- Motor Vehicle Records: provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the position.
- Credit History: confirms candidate's credit history. This search will be run for positions that involve management of the City's funds and/or handling of cash or credit cards.

The Human Resources Department will complete the background check upon receipt of the signed release form. In instances where negative or incomplete information is obtained, the City will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. If a decision not to hire or promote a candidate is made based on the results of a background check, there may be certain additional Fair Credit Reporting Act (FCRA) requirements that will be handled by Human Resources.

Background check information will be maintained in a file separate from employees' personnel file.

1.8 PERFORMANCE REVIEWS

Depending on the employee's position and classification, the City of Powell strives to review performance on an annual basis with monthly check-in by supervisors for all employees. However, a positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

In addition to these formal performance evaluations, the City encourages employees and supervisors to discuss job performance on a frequent and ongoing basis.

1.9 PROBATIONARY PERIODS

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance. Successful completion of the probationary period does not alter the at-will status of City employment for unclassified personnel.

Any employee hired or promoted into a non-supervisory position will serve a probationary period lasting a minimum of one hundred and eighty (180) calendar days from their date of hire or promotion.

Any employee hired or promoted into a supervisory position will serve a probationary period lasting a minimum of one hundred and eighty (180) calendar days from their date of hire or promotion.

Employees who are part-time will be required to serve a probationary period of an equivalent length of time.

Any significant absence of three (3) or more days will automatically extend a probationary period by the length of the absence.

An employee may be separated at any time during the original probationary period for unsatisfactory services. Employees serving promotional probationary periods may be reduced to the same or similar classification and salary held prior to the promotion at any time during the promotional probationary period. The City shall review each case individually and evaluate the employee's effectiveness and/or quality of work to determine continuation in the position.

In those instances where the employee needs improvements during the probationary period, the City Manager, or designee, may extend the probationary period up to 180 days.

2. WORKPLACE STANDARDS & ETHICS

2.1 COMMITMENT TO DIVERSITY & INCLUSION

The City of Powell is committed to fostering a diverse and inclusive workforce, which includes building an environment that respects the individual, promotes innovation, and offers opportunities for all employees to develop to their full potential.

A diverse workforce helps the City realize its full potential. The City benefits from creativity and innovation that results when people who have different experiences, perspectives, and cultural backgrounds work together.

2.2 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

The City of Powell is firmly committed to Equal Employment Opportunity as a fundamental policy to be implemented and observed in our daily operation. We will not tolerate discrimination in employment-based race, color, ancestry, national origin, language, religion, citizenship status, sex, gender identification, age, marital status, military/veteran status, disability, genetic information, membership in a collective bargaining unit, political affiliation, or any other characteristic protected by federal, state, and local laws. In addition to its commitment to compliance with State and Federal laws relating to unlawful harassment, the City also strives to create and preserve a work environment free from discomfort or pressure relating to any personal characteristics such as personal appearance.

It is the responsibility of each employee to help ensure that the work environment is free of discrimination and harassment. Anyone who violates the City's Equal Employment Opportunity Policy will be subject to discipline, up to and including termination.

The City strives to create an environment that enables all employees to work free from threats and acts of discrimination and harassment. Should an employee believe that he or she has been discriminated against, sexually harassed, or harassed because of any other protected statute, the employee should bring the matter to the attention of their immediate Supervisor, the Human Resources Department, or the City Manager so that corrective action can be taken. Complaints may be made by any methods discussed in the Anti-Harassment / Anti-Discrimination policy below.

Equal opportunity extends to all aspects of the employment relationship, including but not limited to hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

We expect and solicit cooperation from all City employees. The City continues to support the commitment to equal opportunity for its employees and all citizens.

2.3 ANTI-HARASSMENT & ANTI-DISCRIMINATION

Our policy, as well as various laws and regulations, generally prohibit employment decisions from being made on the basis of any personal status protected by law, such as race, color, ancestry, national origin, language, religion, citizenship status, sex, gender identification, age, marital status, military/veteran status, disability, genetic information, membership in a collective bargaining unit, political affiliation, or any other characteristic protected by federal, state, and local laws. In addition to prohibiting unlawful harassment, the City discourages conduct which discriminates or harasses on the basis of personal characteristics not necessarily protected by law, such as physical appearance, or other similar characteristics.

Prohibited harassment may take the form of written, spoken, physical, or visual harassment and may include, but is not limited to epithets, slurs, derogatory comments, jokes, intimidation, negative stereotyping, threats, comments on social media sites, assault, or written or graphic material that denigrates or shows hostility or aversion toward an employee or group because of the characteristics identified herein.

Prohibited conduct includes but is not limited to conduct on City of Powell property, in City vehicles, on City communication systems, during City related events, and in connection with City of Powell business. Any such harassment is against City policy, may violate the law, and will not be tolerated. The City expects cooperation from all employees to prevent harassment in the workplace.

Sexual Harassment/Discrimination means it is unlawful to harass a person because of that person's sex. Harassment can include sexual harassment or unwanted sexual advances, requests for sexual favors, or visual, oral, or physical conduct of a sexual nature when:

- Submission to this conduct is made, either explicitly or implicitly, a term or condition of employment.
- Submission to or rejection of this conduct is used as the basis for employment decisions that affect employees.
- The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment also may be in the form of nonsexual, offensive conduct that is directed at employees because of their gender, sexual orientation, or gender identity, or gender expression. Sexual harassment is not limited to conduct motivated by sexual attraction. It may occur between members of the opposite sex or members of the same sex. Examples of prohibited sexual harassment include, but are not limited to:

- Written harassment: sexually suggestive or obscene letters, faxes, e-messages, notes, social network postings, or invitations.

- Verbal harassment: sexual comments, advances, propositions, derogatory comments, slurs, and jokes about an employee's body or appearance, including comments made on voicemail or another recording device.
- Physical harassment: assault, sexually suggestive touching, or body contact, or impeding or blocking movement.
- Visual harassment: sexual gestures, leering, inappropriate display of sexually explicit objects, pictures, cartoons, or posters (in hard copy or electronically).

These examples are not inclusive of all behaviors that would be in violation of our policy, and the City reserves the right to make that determination based on the findings of our investigation.

This policy applies to all applicants and employees, and prohibits harassment, discrimination and retaliation whether engaged in by employees, vendors, or a member of the public. The conduct prohibited by this policy is not necessarily limited to the workplace and time.

2.3 a Reporting Harassment & Discrimination

The City has adopted a reporting procedure that assures a prompt, thorough and impartial investigation of all concerns, followed by swift and appropriate corrective action when warranted. Any employee who experiences or observes harassment, discrimination or retaliation should report it using the steps listed below. No employee should assume that the City is aware of a problem. Complaints and concerns must be brought to the attention of the City so the City can take steps to correct any problem.

If you have any concern that the City's EEO and Harassment/Discrimination policy may have been violated by anyone, you must immediately report the matter. Immediately report any harassing or discriminating behavior by any employee, elected official, appointed official and non-employees, including but not limited to citizens, contractors, subcontractors, and vendors. Due to the very serious nature of harassment and discrimination, you must report your concerns to anyone with supervisory responsibility at the City of Powell, including but not limited to, your immediate supervisor, any Department Head, the Human Resources Department, or the City Manager. You should report any actions you believe may violate this policy, no matter how slight the actions may seem.

2.3 b Retaliation Prohibited

No employee who has made any report of unlawful harassment or discrimination shall be allowed to suffer any sanction or retaliatory action because of such report. Retaliation is absolutely prohibited, including threatening an individual or taking any adverse action against an individual for reporting a possible violation of this policy; or participating in an investigation conducted under this policy. Retaliation is a serious violation of this policy and, like harassment or

discrimination itself, will be subject to disciplinary action up to and including termination of employment.

2.3 c Investigation & Resolution Procedure

Any reported allegations of discrimination, harassment, or retaliation will be appropriately investigated. Concerns will be handled as confidentially as possible in keeping with the need to investigate. All employees have an obligation to cooperate fully and truthfully with any investigation. Discussing the investigation with anyone other than an investigator can hinder or taint an investigation and employees are required to maintain the confidentiality of an investigation to protect its integrity. Obstruction, falsification, failure, or refusal to cooperate, breach of confidentiality, or any other effort to hinder an investigation will be considered a policy violation just as is the actual discrimination/harassment or any retaliation against reporting individuals, all of which may result in discipline up to and including termination.

Employees are prohibited from making an allegation the employee knows is not true. If an investigation reveals that an employee knowingly made a false allegation, the employee may be subject to disciplinary action, up to and including termination.

When the investigation leads to the conclusion that a violation occurred, appropriate action will be taken to remedy the violation.

We are serious about enforcing our policy against discrimination, harassment, and retaliation. Individuals who are determined to have violated this policy in any manner are subject to disciplinary action up to and including termination.

2.4 ACCOMMODATIONS FOR RELIGIOUS BELIEFS

Employees who seek a religious accommodation for any situation must submit a written request for the accommodation to Human Resources. The written request should include the type of religious conflict that exists and the requested accommodation. Human Resources will respond to the employees' request within a reasonable time.

2.5 AMERICANS WITH DISABILITIES ACT (ADA)

The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship. This guideline governs all aspects of employment including selection, job assignment, compensation, discipline, employment, termination and access to benefits and training.

Employees are expected to notify Human Resources or other appropriate City staff if they need an accommodation. Any supervisor receiving a request for accommodation should report it to Human Resources so that an appropriate resolution can be determined. The accommodation request should include medical documentation from the employee's healthcare provider and an interactive ADA conversation with the Human Resources Department.

Medical information obtained by the City regarding applicants or employees is maintained in a separate file and disclosed only in accordance with the ADA and its amendments, as well as applicable federal and Ohio laws. The City may be required to release this information under Ohio Public Records laws or subpoenas.

Normally, the disclosure of a disability or request for accommodation will result in an interactive process between the City and the employee to determine what, if any, reasonable accommodation might best enable the employee to perform the essential functions of his job. What accommodation, if any, will be provided is a fact-consuming question and will be determined on a case-by-case basis. If it is not possible to accommodate an employee in their current position, then we may resort to determining if there are other positions available and to be filled for which the employee can perform the essential functions of the job, with or without accommodation.

2.6 INTEGRITY/CONFLICT

One of the City of Powell's most important assets is the reputation of its employees for honesty and integrity. Preserving your integrity demands continuous commitment. Each employee must avoid any activity or relationship that might reflect unfavorably on the City whether as a result of a possible conflict of interest, the appearance of such a conflict, or any other impropriety. Although no written code can take the place of personal integrity, the following general guidelines should serve as minimum standards of proper conduct. Any violation of existing ordinances, policies, rules or regulations may subject the employee involved to disciplinary action, up to and including termination of employment and/or possible civil or criminal penalties.

2.7 ETHICS OF PUBLIC EMPLOYMENT

The proper operation of government requires that actions of public officials and employees be impartial; that government decision and policies be made within the proper channels of government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. State law establishes, through the Ethics Commission, standards for public officials and employees. The City recognizes the State standards and the goals of responsible government. Recognition of these goals has led to the establishment of a Code of Ethics as follows for all officials and employees of the City.

No employee shall use their official position for personal gain or shall engage in any business or transaction or shall have financial or other interests, direct or indirect, which conflicts with the proper performance of their official duties.

No employee shall, without proper legal authorization, release confidential information concerning the property or government affairs of the City; nor shall employees use such information to advance the financial or other private interest of him or others. No employee shall accept any valuable gift, whether in the form of service, loan, item, or promise from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in

business dealings with the City; nor shall employees accept any gift, favor or item of value that may tend to influence any decisions of the employee or his supervisor. Any employee offered a gift or favor who is not sure whether its acceptance would be a violation of the Code of Ethics should inform their supervisor. The supervisor will immediately contact the Human Resources Department.

No employee shall accept from any contractor or supplier doing business with the City any gifts, material, or service for the private use of the employee.

No employee shall represent private interests in any action or proceedings against the interest of the City in any matter in which the City is a party.

State law prohibits employees and officials from having financial interests in companies which do business with public agencies, with minor exceptions. Employees who have any doubt concerning possible violations of these statutes are advised to consult their own attorney.

No employee shall engage in or accept private employment or render services for private interests when such employment or service conflicts with the proper performance of his official duties or would tend to impair his independent judgment or action in the performance of his official duties. Any employee having doubt as to the applicability of a provision of this code to a particular situation should consult the Human Resource Department or the Ohio Ethics Commission.

2.8 FRAUD REPORTING & WHISTLEBLOWER PROTECTION

The Ohio Auditor of State's office maintains a system for the reporting of fraud, including misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, or through the United States mail.

Auditor of State's fraud contact information:

Telephone: 1-866-FRAUD OH (1-866-372-8364)

US Mail: Ohio Auditor of State's office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215

Web: www.ohioauditor.gov

Except for situations involving the reporting of false information, no employee shall take any disciplinary action against an employee for making any report or filing a complaint.

If any employee takes any disciplinary or retaliatory action against another employee because of the employee having filed a report or complaint, the City shall take disciplinary action against the employee, up to and including terminations.

2.9 POLITICAL ACTIVITY

Although the City encourages all employees to exercise their constitutional rights to vote, certain political activities are legally prohibited for employees of the City whether in active pay status or on leave of absence. The following activities are examples of conduct permitted by classified and employees:

- Registration and voting.
- Expressing opinions, either orally or in writing.
- Voluntary financial contributions to political candidates or organizations.
- Circulating non-partisan petitions or petitions stating views on legislation.
- Attendance at political rallies.
- Signing nominating petitions in support of individuals.
- Displaying political materials in the employee's home or on the employee's property.
- Wearing political badges or buttons, or the display of political stickers on private vehicles.
- Serving as a precinct official under O.R.C. § 3501.22.

The following activities are examples of conduct prohibited by classified employees:

- Candidacy for public office in a partisan election.
- Candidacy for public office in a non-partisan general election if the nomination to candidacy was obtained in a primary partisan election or through the circulation of a nominating petition identified with a political party.
- Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
- Circulating official nominating petitions for any partisan candidate.
- Holding an elected or appointed office in any partisan political organization. Accepting appointment to any office normally filled by partisan election.

- Campaigning by writing in publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.
- Solicitation, either directly or indirectly, of any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate.
- Solicitation for the sale, or actual sale, of political party tickets.
- Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues.
- Service as a witness or challenger for any party or partisan committee.
- Participation in political caucuses of a partisan nature.
- Participation in a political action committee that supports partisan activity.

Classified employees may serve as a precinct election official for a primary, special, or general election, and the employee may, with the prior approval of their supervisor and use vacation leave, compensatory time off, or unpaid leave so to serve.

Employees in the unclassified service, who serve at the pleasure of the City, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional statutory provisions.

2.9 a Employee Political Conduct

As City of Powell employee, it is inappropriate to either participate in political activities or solicit participation of others in political activities, either during normal business hours or at any time when using City assets or representing the City in an official capacity.

Employees, regardless of designation as classified or unclassified, are prohibited from serving in an appointed or elected position when it is physically or professionally impossible for the employee to discharge the duties of both positions, and there would be a conflict of interest with the City.

Any employee who has a question pertaining to whether specific conduct of a political nature is permissible should contact Human Resources prior to engaging in such conduct.

2.10 SOLICITATION

To minimize workplace distractions and disruption of City operations, it is the policy of the City of Powell to place reasonable limitations on solicitation and distribution-related activities by and of its employees.

Direct solicitation for non-City-related matters, including charitable contributions or other fundraising, subscriptions, membership or participation in clubs or organizations, signatures for petitions, the sale of consumer products, or other outside business is restricted via City e-mail, City-owned cellular phones via text message, or other forms of City-owned electronic communication. Literature or other promotional or explanatory materials regarding such matters may be left only in designated areas of City Hall and other City facilities that are restricted to the public. Employees should limit discussing such literature or its contents during working hours.

Employees will not solicit or distribute literature to any visitor/citizen at any time for any non-City business purpose during working hours or under any circumstances which may create the appearance that they are doing so in their capacity as a City employee (e.g., using City e-mail, equipment or supplies, while wearing a City-issued uniform or other clothing or items identifying the individual as a City employee, etc.).

Violations of this policy will be addressed on a case-by-case basis. Disciplinary measures will be determined by the severity of the violation, not the content of the solicitation or literature involved.

2.11 EMPLOYEE FRATERNIZATION

The City of Powell strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is necessary for effective business operations. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

During working hours and in work areas, employees of the City are expected to keep all personal interactions limited and at a professional level to avoid distracting or offending others. Individuals in supervisory or managerial roles and those with authority over others' terms and conditions of employment are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions.

Employees engaging in personal exchanges should observe an appropriate workplace manner to avoid offending other workers or putting others in an uncomfortable position or interfering with overall productivity.

Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace by a reasonable person while anywhere on company premises, whether during working hours or not. Employees who allow personal relationships with co-workers to adversely affect the work environment will be subject to the City's disciplinary policy, including counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.

Any supervisor or employee in a sensitive or influential position with the City must disclose the existence of a romantic or sexual relationship with another co-worker. Disclosure may be made to Human Resources and a review of the circumstances will be conducted to determine whether any conflict of interest exists.

Matters such as hiring, firing, promotions, performance management, compensation decisions and financial transactions are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as the transfer of one or both parties to other positions and departments. Failure to cooperate to resolve a conflict or problem caused by a romantic or sexual relationship between co-workers or among supervisors or others in positions of authority in a mutually agreeable fashion may be deemed insubordination and result in disciplinary action up to and including termination.

2.12 NEPOTISM

The members of the immediate family of current City employees, whether full-time or permanent part time, shall be ineligible for employment by the City, including seasonal and temporary employment. For purposes of this policy, "immediate family" shall mean and includes, but is not limited to, these relatives of an employee, regardless of where they live:

- Parents, parents-in-laws, and stepparents.
- Grandparent and grandparents-in-law.
- Spouse.
- Children and stepchildren, whether dependent or not.
- Grandchildren and step-grandchildren.
- Siblings.
- Brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law.
- Legal guardian or any person who stands in the place of a parent.

- Any other individual related to an official or employee by blood or marriage is a "member of the employee's family" if he or she lives in the same household as the employee.

Employees will not use the authority or influence of their position to secure employment or benefit for an immediate family member, including recommending or nominating a family member for hire. This prohibition applies to all City positions, including seasonal and temporary assignments.

If two City employees become immediate family members, the employees must notify Human Resources immediately. Exceptions to this policy may only be granted by the City Manager and must be made in writing with the approval of the City Attorney. Unless an exception is granted by the City Manager, one employee must find other employment, either in another Department or outside the City, within six (6) months. The City has no duty to transfer the employee to another Department. No employee shall have direct supervisory responsibility for an immediate family member.

Violation of the nepotism policy is subject to disciplinary action, which may include termination.

2.13 OUTSIDE EMPLOYMENT

Outside employment is defined as any work or services rendered for an entity other than the City of Powell, in exchange for compensation. Full-time employment with the City shall be considered the employee's primary occupation, taking precedence over all other occupations. No full-time employee of the City may hold outside employment unless it is pre-approved by Human Resources. Employees are required to notify Human Resources of any outside employment with the place of employment, job title, days and hours worked, and a summary of the job duties. Human Resources will respond with a decision in a reasonable amount of time.

Outside employment that interferes with or can be reasonably expected to interfere with the performance of the employee's duties to the City or that creates an actual or potential conflict of interest with the employee's duties to the City is prohibited. Except for sworn personnel performing outside employment authorized by the Chief of Police or his or her designee, use of City systems, equipment, supplies, or premises for the purpose of outside employment is prohibited.

Employees are prohibited from engaging in secondary employment during the hours for which they are normally scheduled to work for the City while on approved sick leave, disability leave, administrative leave or family medical leave. Employees may not engage in secondary employment during any period while on sick leave, disability leave, and FMLA if the employment can be reasonably construed to delay or preclude full recovery and return to work. Employees are strictly prohibited from engaging in or conducting outside private business during scheduled working hours.

If, in the opinion of the City, outside employment is adversely affecting an employee's job performance, they may be asked to refrain from such activities as a condition of continued employment. Refusal to conform to such a request shall be cause for disciplinary action.

2.14 GIFTS, GRATUITIES, & ENTERTAINMENT

No City employee may solicit or accept gifts, gratuities, or entertainment which are given to influence business decisions from anyone who has, or is contemplating, a business relationship with the City. Gifts, gratuities, and entertainment include but are not limited to meals, trips, money, loans, rewards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment and personal services or work provided by City suppliers or contractors. If in doubt, check with Human Resources.

2.15 PERSONAL APPEARANCE

The City Manager reserves the right to prescribe appropriate attire and grooming and to set standards which are deemed to be in the best interest of the City and ensure an appropriate image for the City.

Certain employees may be required to wear regulation uniforms while on duty and comply with a collective bargaining agreement, where applicable. Employees provided with City uniforms should keep them in neat and clean condition. Employees provided with City uniforms must wear them as instructed when on duty.

“Business casual” attire is the City’s year-round dress code during normal business hours. Appropriate “business casual” attire includes pants, capris, skirts, dresses, slacks or khakis, casual shirts, blouses, and sweaters.

“Casual day” attire is a privilege for non-uniformed employees to wear jeans on a designated day. Jeans should be free of tears, fraying and holes. Rubber flip-flops are not permissible. Tennis shoes will be allowed on casual days. Casual days may be omitted at any time by the discretion of the City Manager.

“Business professional” attire is the appropriate dress when meeting with the public in a professional setting or capacity, including attending City Council meetings or other City meetings. “Business professional” attire includes blazers, suits, sports coats, tailored dress pants, dresses, skirts, blouses, ties, dress shirts, dress shoes, and socks.

Employees must dress in a businesslike manner and avoid extremes in dress. Flashy, skimpy, or revealing clothing is unacceptable. For example, denim of any color or style, shorts (more than 3” above the knee) (except as authorized by the Department Head), miniskirts (more than 3” above the knee), leggings (appropriate with dresses only), sweatpants, sweatshirts, t-shirts, short

tops, halter tops, backless tops, thin-strap tops, tennis shoes (except as authorized by the Department Head), and hats (except as required for sun protection) are not acceptable attire.

The City, in its sole discretion, will determine when clothing does not meet requirements. Good personal hygiene is also important. Accordingly, employees are expected to come to work in a clean and well-groomed condition.

Employees are expected to always observe the Personal Appearance Policy while at work. Employees who report to work in unacceptable attire or appearance may be requested to leave work and return in acceptable attire or appearance. Such time away from work will be without pay for non-exempt employees. Violation of this policy may result in discipline, up to and including termination.

3. WORKPLACE SAFETY

3.1 DRUG-FREE WORKPLACE

In compliance with the Drug-Free Workplace Act of 1988, the City of Powell has a commitment to provide a safe, quality-oriented and productive work environment consistent with the standards of the community in which the City operates. Alcohol and drug abuse poses a threat to the health and safety of the City of Powell's employees and to the security of the City's equipment and facilities. For these reasons, The City of Powell is committed to a workplace free of drug and alcohol use and abuse. Compliance with this Drug Free Workplace Policy is made a condition of employment.

All employees must notify Human Resources of any arrest or conviction for violation of any alcohol or drug statute within twenty-four hours (24 hours) days after such arrest or conviction. Any employee who receives a felony conviction for illegal possession, distribution, trafficking, or dispensing of controlled substances will be dismissed. Any employee who needs to take prescription or over-the-counter medications that have been or may be capable of impairing the senses, coordination, or judgment must notify Human Resources prior to starting work.

Employees are prohibited from the following when reporting for work, while on the job, on City or customer premises or surrounding areas, or in any vehicle used for City business:

- The unlawful use, possession, transportation, manufacture, sale, dispensation, or other distribution of an illegal or controlled substance or drug paraphernalia.
- The unauthorized use, possession, transportation, manufacture, sale, dispensation, or other distribution of alcohol.
- Being under the influence of alcohol or having a detectable amount of an illegal or controlled substance in the blood or urine ("controlled substance" means a drug or other substance as defined in applicable federal laws on drug abuse prevention).
- Other similar conduct deemed a violation of criminal laws.

The City of Powell does not desire to intrude into the private lives of its employees, however, recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the City reserves the right to take appropriate disciplinary action for drug use, sale, or distribution while off City premises. An employee who is convicted of, plead guilty to, or is sentenced for a crime involving an illegal drug is required to report the conviction, plea, or sentence to HR within five (5) days. Failure to comply may result in automatic discharge. Cooperation in complying may result in suspension to allow management to review the nature of the charges and the employee's past record with the City.

Drug and alcohol testing will be carried out in compliance with any applicable state and federal laws and regulations.

Disciplinary action will be taken for drug-related crimes, regardless of whether they happened during working hours or in an employee's own time.

It is also understood that employees suffering from alcohol or drug dependence can be treated. We encourage any employee to seek professional care and counseling prior to any violation of this policy.

Employees who are taking medication prescribed to them and work in positions where these medications/drugs may affect or impair their ability to perform their job duties must notify their supervisor and Department Director. The City will consider options for employees taking prescription drugs.

3.1 a Controlled Substances

As used in this policy, controlled substances include any drug that is illegal under federal or state law, or that is legally obtainable but has not been legally obtained. The term includes prescribed drugs which are not being used for the prescribed purpose or in the prescribed manner.

Examples include but are not limited to:

- Marijuana*.
- Opiates.
- Amphetamines.
- Cocaine.
- Crack, phencyclidine (PCP).
- Narcotics, barbiturates.
- Stimulants, depressants.

** Despite Ohio House Bill 523, marijuana for medical use is a Drug Enforcement Administration listed Schedule I controlled substance and therefore is prohibited.*

3.1 b Medical Marijuana & Cannabidiol (CBD)

With respect to medical marijuana and CBD, the possession, distribution, and/or use of marijuana and CBD, including medical marijuana and CBD, is prohibited under federal law. The City of Powell prohibits employees from using, possessing, or being under the influence of marijuana and CBD in any form, including medical marijuana and CBD, while at work or during work time. Any employee who tests positive for marijuana or CBD, regardless of whether the marijuana or CBD

consumed was for medicinal purposes and/or with a prescription, will be considered to have violated this policy, and may be subject to disciplinary action. As such, the City encourages employees to discuss with their provider's alternative treatments to the use of medical marijuana and CBD.

Any employee violating these prohibitions will be subject to disciplinary action up to and including termination.

3.1 c Required Testing

Employees subject to this policy shall be subject to drug and alcohol testing including, but not limited to the following: pre-employment testing; reasonable suspicion testing; and post-accident testing.

3.1 d Pre-Employment

All applicants must pass a pre-employment drug test, that is conducted by a third-party facility designated by the City. Any offer of employment is contingent upon, among other things, satisfactory completion of this screening, and the determination by the City that the applicant can perform the responsibilities of the position that has been offered.

Upon receipt of an offer of employment, candidates must complete the required drug testing within 48 hours. All testing will be conducted by a licensed independent medical laboratory, which will follow testing standards in accordance with state law. Testing will be conducted on a urine sample provided by the candidate to the testing laboratory under procedures established by the laboratory to ensure privacy of the employee, while protecting against tampering/alteration of the test results.

The City of Powell will pay for the cost of the testing. The testing lab will retain samples in accordance with state law, so that a candidate may request a retest of the sample at his or her own expense if he or she disagrees with the initial test result.

Candidates who refuse to submit to a drug test or who fail to show up for a drug test within 48 hours of an offer of employment will no longer be considered for employment, and any offer of employment will be rescinded.

A candidate with a positive test result will not be considered for any position with the City of Powell for a period of one year.

If a candidate's test result is "NEGATIVE-DILUTE" the City will provide the candidate with one opportunity to retake the drug test. The retake test will be scheduled within a 48-hour period. The City's Human Resources Department will notify the applicant of the "NEGATIVE DILUTE" test result by calling one, and only one, telephone number provided by the applicant. If the applicant is unavailable at the time of the call, the Human Resources representative will leave a message

informing the applicant of the date and time of the retake test scheduled at the testing facility. Only the most extraordinary excuse will be considered for not reporting to the testing facility on the scheduled date and time of the retake test. Failure on the candidate's part to arrive on the scheduled date and time will typically result in the candidate's disqualification for employment. The City of Powell will provide a copy of the test results for those who test positive. Candidates may contact the medical laboratory to dispute the results of the positive urine sample within five working days after notification of a positive test result. All records concerning test results will be kept in medical files that are maintained separately from City personnel files.

3.1 e Reasonable Suspicion

Reasonable suspicion testing shall be used when there are objective observable reasons to believe that a controlled substance or alcohol use is adversely affecting an employee's job performance or that the employee has violated this policy. Reasonable suspicion referral for testing shall be made based on documented objective facts and circumstances which are consistent with the effects of substance use. Any employee who witnesses an employee who they feel might be under the influence should report it to their supervisor or the Human Resources Department. The City Manager, along with the Human Resources Department, may reasonably conclude that an employee may be adversely affected or impaired in the employee's work performance due to the use of a controlled substance or alcohol. The observing supervisor or manager, whether the person is the employee's immediate supervisor, is required to document what they observed to the Human Resources Department, concurrently with the observation and consideration to impose reasonable suspicion testing.

Reasonable suspicion testing shall be completed whenever possible within two (2) hours of the observation, but in any case, no later than eight (8) hours after the observation for breath alcohol testing and thirty-two (32) hours for controlled substance testing.

3.1 f Post-Accident

Employees are subject to testing when they cause or contribute to accidents that damage a vehicle, machinery, equipment, or property or result in an injury requiring medical attention.

3.1 h Follow-Up

Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including termination. Depending on the circumstances and the employee's work history/record, the City may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by the City. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate termination from employment.

3.1 i Consequences

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be disciplined in accordance with the applicable policy. If the employee refuses to be tested, yet the City believes they are impaired, under no circumstances will the employee be allowed to drive home.

Employees who test positive for alcohol or illegal drugs under this policy will be disciplined within existing procedures. In addition to the above policy, employees of the Departments of Public Service and Public Safety have additional policies with testing standards to comply with federal and state laws applicable to certain positions and persons with licenses subject to these laws. Employees of the Department of Public Service and Public Safety should consult the policy for that Department and direct questions to the Department Director. Employees of the Service and Safety Departments are subject to both the Department Policy and the Employee Handbook.

3.2 TOBACCO POLICY – SMOKE FREE WORKPLACE

The purpose of this policy is to protect the health and safety of employees, customers, and visitors of The City of Powell. Smoking is a leading cause of preventable death in the United States. Smoking and secondhand smoke are known causes of lung disease, heart disease, and cancer. The City of Powell recognizes the hazards caused by tobacco use and exposure to secondhand tobacco smoke. This policy covers the smoking of any tobacco product, including smokeless tobacco products and electronic cigarettes (regardless of tobacco content), and it applies to both employees and non-employee visitors of The City of Powell.

No use of tobacco products, including cigarettes, smokeless tobacco, and electronic cigarettes, is permitted on owned or operated property of the City of Powell at any time. “Property” means the organization’s facilities including offices, gators and mowers, City owned vehicles, and employee vehicles parked on owned and leased property. Nicotine is prohibited within direct proximity to locations of ingress and egress to any municipal facility owned and operated by the City. Employees must be at least 20 feet from areas of ingress or egress when smoking.

3.2 a Responsibility for Reporting Violations

Any employee who witnesses a violation of this policy is requested and encouraged to make a complaint. You may make a complaint directly to the Human Resources Department. No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to the Human Resources Department.

3.3 WORKPLACE VIOLENCE PREVENTION

It is the City’s policy to provide a workplace that is safe and free from all threatening and intimidating conduct. Workplace violence is “any act of aggression, or threat of an act, that threatens the safety, security, or well-being of an individual who is at work on duty.” The City will not tolerate violence or threats of violence of any form in the workplace, at work-related

functions or outside of work if it affects the workplace. This policy applies to City employees, clients, customers, guests, vendors, and people doing business with the City.

It is a violation of this policy for any individual to engage in any conduct, verbal or physical, that intimidates, endangers, or creates the perception of intent to harm persons or property. Examples include but are not limited to:

- Physical assaults or threats of physical assault, whether made in person or by other means (e.g., in writing, by phone, text, through social media, or e-mail).
- Verbal conduct that is intimidating and has the purpose or effect of threatening the health or safety of a co-worker.
- Any other conduct or acts that leadership believes represent an imminent or potential danger to workplace safety or security.

Anyone with questions or complaints about workplace behaviors that fall under this policy may discuss them with a supervisor or the Human Resources Department. The City will promptly and thoroughly investigate any reported occurrences or threats of violence. Violations of this policy will result in disciplinary action, up to and including immediate termination of employees. Where such actions involve non-employees, the City will take action appropriate for the circumstances. Where appropriate and/or necessary, the City will also take whatever legal actions are available and necessary to stop the conduct and protect City employees and property.

All employees are responsible for their conduct during work and work-related matters. Also, employees who witness conduct violating this policy, as well as all other City policies, should report the conduct, incident, or violation.

3.4 WEAPONS IN THE WORKPLACE

The City of Powell is committed to providing its employees with a work environment that is safe and secure. This commitment includes prohibiting employees from possessing or having under their control a weapon or other dangerous weapons while conducting city business or on city time, including possession or control of a weapon other dangerous weapons in an employee's personal vehicle, unless specially authorized by the city. The city's prohibition against such unauthorized weapons or other dangerous weapons applies to all contractors and all employees, including but not limited to permanent city employees, contract workers, seasonal workers, consultants, interns, and anyone else conducting business on city property.

Individuals may store or transport their weapon and/or ammunition in their privately owned motor vehicle on property owned by the City that is primarily used as a parking facility for motor vehicles, unless otherwise prohibited. The weapon and/or ammunition must remain inside the person's privately owned motor vehicle while the person is physically present inside the motor vehicle, or the weapon and/or ammunition must be locked in the trunk, glove box, or other

enclosed compartment or container within or on the person's privately owned motor vehicle while on the above referenced property owned by the City.

3.4 a Prohibited Items

Any weapon or other dangerous weapons including firearms except as provided in this policy; knives (switchblades, gravity knives or any knife with a blade longer than three inches), ballistic knife, metal knuckles, explosives, and explosive devices (dynamite, black powder, pellet powders, blasting caps, fuse igniters and instantaneous fuses), bows and arrows and Tasers. Legal, chemical dispensing devices such as pepper sprays that are sold commercially for personal protection are permissible under this policy.

3.4 b Prohibited Conduct

Employees shall not carry or store a weapon or other dangerous weapons:

- In a facility, building, or portion of a building owned or leased by the city, including parking lots or garages.
- In a motor vehicle owned or leased by the city.
- While conducting city business or on City time, even when employees are off city owned or leased property.

3.4 c Effect of Concealed Carry License

Individuals covered by this policy who have been issued a permit to carry a concealed weapon in the State of Ohio are not exempt from the above provisions. Individuals covered by this policy who carry or possess a weapon must store the weapon in accordance with the law prior to entering an area in which a weapon is prohibited. This section also applies to an active-duty member of the armed forces of the United States who meets the requirements under Revised Code Section 2923.126 (E)(2) to have the same right to carry a concealed weapon as a person issued a concealed carry license.

3.4 d Violations

Violations will be subject to legal action as appropriate. Violation of this policy by a city employee may lead to disciplinary action up to an including termination in accordance with the applicable law, rule, or collective bargaining agreement.

3.4 e Exceptions

In accordance with ORC 2923.12, the following City Personnel are exempt from this policy:

- An officer or authorized agent, or employee of this or any other state or the United States.
- A law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employees' duties.

3.5 INSPECTION OF WORK AREA

Offices, cubicles, lockers, desks, cabinets, and vehicles provided by the City are City property and are subject to entry and inspection by the City at any time with or without prior notice. Employees have no expectation of privacy with respect to City property. The City may conduct reasonable searches to the extent allowed by applicable law. Searches will be conducted by supervisory staff and/or the City of Powell Police Department. An employee's refusal to cooperate with search efforts may result in discipline, up to and including immediate termination.

3.6 REPORTING OF ACCIDENTS & HAZARDS

All accidents, including those that do not involve serious injury and those involving the public, must be reported immediately to your supervisor and or Human Resources. Likewise, immediately report to your supervisor any unsafe conditions, defective tools or equipment, or other hazards. If it is not unsafe to do so, you should attempt to correct any such unsafe conditions, defective tools or equipment, or other hazards. If you believe correcting the condition would be unsafe to you, your coworkers, or the public, you should take whatever steps are necessary to ensure the safety of you, your coworkers, and the public such as notifying others of the hazard. Each employee is expected to assist the City in maintaining safe conditions.

3.7 INCLEMENT & SEVERE WEATHER

If any part of the City's operations is closed or delayed by order of the City Manager, or designee, due to weather conditions, non-union employees of the affected operations who were scheduled to work may be excused from duty. When a decision has been made to stop work or decrease the hours of the scheduled shift, all employees available for work at that time will not be paid, but can take personal, vacation or compensatory time.

The provisions of this section do not apply to Union represented employees.

An employee of a work unit scheduled for duty who is unable to report to work due to adverse weather conditions may request an excused absence from the immediate supervisor prior to the start of the regular workday. The supervisor shall decide whether an excused absence due to weather is justified. If not granted by the supervisor, the employee shall be required to report to work at the scheduled time. If an excused absence is granted, the employee may use his/her paid vacation, personal or compensatory leave time.

Communication of Closings and Emergencies Decisions to close or delay City operations will be made by the City Manager, or designee. It will be the responsibility of departments to inform or attempt to inform employees of work closings as early as possible. Employees who have not been contacted by department management are expected to check with their supervisors if uncertain whether to report to work.

This policy may also be invoked in the event of other types of emergencies (e.g., toxic material hazard, epidemic, etc.).

In most circumstances, the City will not close City offices. Under extreme weather conditions, employees may not be able to report to work or the City may close an operation. Public Safety and emergency response crews, including Public Service Workers, operate 24 hours a day, 365 days a year, regardless of the weather and regardless of whether the City is “closed.”

In the event of severe weather, non-essential employees should listen to local newscasts and check with their supervisor for delayed opening or closing information. Non-essential employees should make every effort to report to work when the City is open unless their personal safety or the safety of their family is at risk. If you are not able to report to work, you must follow the normal “call-in” procedures to report your absence. If you make every effort to safely report to work and notify your supervisor of your absence according to the normal “call-in” procedures, your absence will be excused. Employees may use vacation time or a floating holiday to be paid for an excused absence. Failure to properly report an absence will result in an unexcused absence and may result in disciplinary action.

In the event that the City is “closed” due to severe weather, employees will be paid at the normal hourly rates according to their regular work schedules for the time that the City is “closed.” In the event of extraordinary circumstances requiring a prolonged closure of the City, the City reserves the right to suspend this policy.

3.8 INFECTIOUS DISEASE CONTROL

The City of Powell will take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of the City, during any such time period, to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

The City of Powell is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

3.8 a Preventing the Spread of Infection in the Workplace

The City will ensure a clean workplace, including the regular cleaning of objects and areas that are frequently used, such as bathrooms, breakrooms, conference rooms, door handles and railings.

All employees are encouraged to cooperate in taking steps to reduce the transmission of infectious disease in the workplace. The best strategy remains the most obvious—frequent hand washing with warm, soapy water; covering your mouth whenever you sneeze or cough.

Unless otherwise notified, the City’s normal attendance and leave policies will remain in place. Employees who believe they may face challenges reporting to work during an infectious disease outbreak should take steps to develop any necessary contingency plans.

3.8 b Temperature Screening

City employees may be required to have their temperature taken upon reporting to work. Employees will have a designated area to report to upon arrival at work and prior to entering any other City property.

Each employee will be screened privately. The employee's temperature will be documented, and the record will be maintained as a private medical record. An employee who has a fever at or above 100 degrees Fahrenheit may be sent home.

Time spent waiting for the health screening should be recorded as time worked for non-exempt employees.

3.8 c Limiting Travel

All nonessential travel, included business-relate travel outside the United States, may be put on hold until a time when the City feels it is safe for employees. Employees who travel as an essential part of their job should consult with their supervisor on appropriate actions.

3.8 d Telecommuting

Telework requests will be handled on a case-by-case basis. While not all positions may be eligible, all requests for temporary telecommuting should be submitted to a supervisor for consideration.

3.8 e Staying at Home When Ill

Many times, with the best of intentions, employees report to work even though they feel ill. The City provides paid sick time and other benefits to compensate employees who are unable to work due to illness.

During an infectious disease outbreak, it is critical that employees do not report to work while they are ill and/or experiencing various symptoms. The City will rely on the guidance of the Delaware Public Health District and the Centers for Disease Control and Prevention for recommendations in accordance with health guidelines.

3.8 f Requests for Medical Information & Documentation

If an employee is out sick or shows symptoms of being ill, it may become necessary to request information from a health care provider. The Human Resources Department will request medical information to confirm if an employee needs to be absent, to show whether and how an absence relates to the infection, and to know that it is appropriate for an employee to return to work.

It is the City's policy to treat any medical information as a confidential medical record. Any disclosure of medical information is in limited circumstances with supervisors, first aid and safety personnel, and government officials as required by law.

3.8 g Social Distancing Guidelines

In the event of an infectious disease outbreak, The City of Powell may implement the following social distancing guidelines to minimize the spread of the disease among the staff:

- Avoid meeting people face-to-face. Employees are encouraged to use the telephone, online conferencing, e-mail, or instant messaging to conduct business as much as possible, even when participants are in the same building.
- If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room, and sit at least 6 feet from each other if possible; avoid person-to-person contact such as shaking hands.
- Avoid any unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops, and training sessions.
- Do not congregate in offices, kitchens, hallways, or other areas where people socialize.
- Bring lunch and eat at your desk or away from others (avoid crowded restaurants).
- Avoid recreational or other leisure classes, meetings, activities, etc., where employees might encounter contagious people.

4. HOURS OF WORK

4.1 PAYROLL SCHEDULE

All employees are paid bi-weekly through direct deposit. Direct deposit is required as a mandatory condition of employment. Each paycheck will include earnings for all work performed through the end of the previous payroll period or applicable work period.

The work week for all non-exempt employees begins at 12:00 AM on Sunday and continues through until 11:59 PM on the following Saturday.

4.2 HOURS OF WORK

Each employee shall have an established regular work schedule for the workweek. The schedule shall be determined in accordance with the needs of the City and the reasonable needs of the public who may be required to do business with various City departments. Employees may be required to workdays, evenings, nights and/or weekends due to operational needs.

On occasion, an employee may need to deviate from their regular work schedule. Any changes in a schedule shall be at the direction of the employee's supervisor and shall be scheduled as far in advance as practical to minimize disruptions to both the City and the employee.

4.3 OVERTIME COMPENSATION

It is the policy of the City to keep work more than the established schedules to a minimum and to permit such work only when it is necessary to meet urgent City operating requirements. For employees who are members of a bargaining unit, specific provisions regarding overtime compensation are covered in the City's various collective bargaining agreements.

Hours actually worked in excess of (40) hours per week will be compensated at the rate of time-and-one-half (1 ½) for non-exempt employees only. Overtime hours worked which are not more than forth (40) hours per week actually worked shall be compensated at straight time.

Exempt employees are declared exempt from the overtime requirements of the Fair Labor Standards Act and shall not receive compensation for hours worked more than forty (40) hours per week.

For the purposes of computing weekly overtime, sick time, holiday hours, vacation time, compensatory time, and any other approved paid leave time during normal work hours shall not be counted as hours actually worked.

The City may mandate overtime as a condition of continued employment. Supervisors shall attempt to distribute overtime as equally as practicable among employees within those classifications in which overtime is required. An employee who refuses to work a mandatory overtime assignment may be considered insubordinate and subject to discipline, up to and including termination.

The workweek for employees begins at their scheduled starting time of Sunday each week.

4.4 COMPENSATORY TIME

The City may grant compensatory time in lieu of overtime wages to non-exempt employees.

If requested, compensatory time will be earned at a rate not less than one and one-half (1½) hours for each actual hour of employment more than forty (40) hours during a workweek.

Non-exempt employees may not accrue and use more than twenty-four (24) hours of compensatory time in a calendar year. Any employee who has accrued more than twenty-four (24) hours of compensatory time shall be paid overtime compensation.

Upon separation, each employee shall be paid for any net accumulation of compensatory time.

4.5 ATTENDANCE

The purpose of this policy is to set forth the City of Powell's policy and procedures for handling employee absences and tardiness to promote the efficient operation of the City and minimize unscheduled absences.

Punctual and regular attendance is an essential responsibility of each employee. Employees are expected to report to work as scheduled, on time and prepared to start working. Employees are also expected to remain at work for their entire work schedule. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided.

This policy does not apply to absences covered by the Family and Medical Leave Act (FMLA) or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA). Medical documentation within these guidelines of the FMLA and ADA may be required in these instances.

4.6 SCHEDULED ABSENCE

A scheduled absence occurs when an employee requests and obtains approval for time off prior to the absence.

When an employee knows in advance that they will be absent from work, it is the employee's responsibility to inform their supervisor prior to the absence. If the absence is unanticipated, the employee should notify the supervisor directly by a phone call or text message, e-mail will not be accepted, as soon as possible. Failure to report an absence according to the City policy may result in disciplinary action, up to and including termination.

4.7 UNEXCUSED ABSENCE

Unexcused absences occur when an employee is absent from work without notifying their supervisor directly or requesting the appropriate leave according to City policies.

Repeated absence from work without approved leave will be grounds for disciplinary action up to, and including, termination.

4.8 TARDINESS & EARLY DEPARTURES

Employees are expected to report to work and return from scheduled breaks on time. If employees cannot report to work as scheduled, they must notify their supervisor either with a phone call or text message, e-mails will not be accepted, no later than their regular starting time. This notification does not excuse the tardiness but simply notifies the supervisor for adequate coverage requirements.

Employees who must leave work before the end of their scheduled shift must either have prior approval or notify their supervisor immediately.

Excessive tardiness or early departures will not be tolerated and could be grounds for disciplinary action up to, and including, termination.

4.9 JOB ABANDONMENT

The City of Powell expects employees to report for work on time for every scheduled shift. An employee who is unable to report to work at the designated time is required to notify their supervisor as soon as practicable but no later than the employee's scheduled start time in accordance with the sick leave policy.

Any employee who fails to report to work and fails to notify their supervisor of the reason for absence from work for three (3) consecutive workdays, by the end of their third scheduled shift, will be considered to have abandoned their job. The employee is deemed to have quit without notice and will be subject to disciplinary action, up to and including termination. The supervisor should notify the Human Resources Department after the first day of the employee failing to report to work.

If the employee is unable to contact their supervisor for any absence, they should ask a representative (such as a family member or friend) to do so on the employee's behalf. If the employee or a representative is unable to contact the City of Powell due to extreme circumstances (such as a medical emergency or natural disaster that prohibits the employee or their representative from contacting the company within three days), the employee or his or her representative must contact the company as soon as practicable to explain the situation. In extreme circumstances, the employer will consider the explanation and its timing before determining if the voluntary resignation will be upheld.

4.10 TIMEKEEPING

Employees are responsible for ensuring their actual hours worked and absences are recorded accurately and in a timely manner. Non-exempt employees complete a timesheet for their time-in and time-out at the beginning and end of each scheduled workday and for nonpaid meal breaks to be compensated for time worked.

Excessive timesheet mistakes and failure to turn a timesheet in on time will be addressed through corrective action. Employees may only complete a timesheet for themselves. Employees are expected to be ready to engage in work activities as soon as start their shift, and employees are not to engage in work activities after their day ends.

4.10 a Timekeeping Adjustments

Employees who make a mistake or forget to submit their timesheet should notify their supervisor immediately. The supervisor must adjust the timecard along with a comment notating the reason for adjustment. Timesheet adjustments must reflect actual time worked. Non-exact time reporting is prohibited as it misrepresents the timeframes in which the employee worked.

4.10 b Improper Time Reporting

All employees have a duty to accurately record their time and attendance. Employees who improperly record their time and attendance in order to receive pay for time not actually worked are effectively stealing from the City, in violation of several criminal statutes, and are subject to criminal penalties.

Similar criminal penalties apply to false statements or claims made by an employee in connection with time and attendance abuse or to cover up such abuse. City employees may also be civilly liable for knowingly submitting false timesheets to the City to be paid for time not actually worked.

Further, all employees are responsible for acting in an ethical manner in all aspects of their work. Reporting fraudulent time in a way that makes it appear you are working is theft, commonly referred to as “time theft”. Time theft occurs when an employee is paid for work that they knowingly did not perform, claiming hours they did not work or receiving compensation to which they are not entitled.

Other actions that are considered time theft and could result in disciplinary action up to and including termination:

- Recording time as worked when an employee did not work.
- Manipulating time records to increase overtime hours and/or other compensation.
- Improperly recording paid time off, such as recording vacation leave as sick leave.
- Intentionally clocking out early and/or late to be paid hours you are not actually working.

- Completing a timesheet for another employee who is not actually at work.
- Excessive use of personal time on the job after beginning work.
- Intentionally misrepresenting start and end times of work to avoid reduction in actual hours worked.
- Failure to report when you receive hours and other compensation that you are not entitled to.

The City recognizes that breaks and minor diversions from work are important for employees' health and a productive work environment. This policy is not meant to prohibit these activities.

If you have questions about what is allowed, please contact the Human Resources Department.

If an employee has received compensation for which they are not entitled to, or if an employee is aware of instances of improper reporting of time occurring, please notify your supervisor and/or the Human Resources Department immediately.

Supervisors are essential to preventing and reporting time theft. Supervisors are responsible for the timely review of timesheets and the correction of timesheet errors. If a supervisor is aware of the improper time reporting, they must work with the Human Resources Department to report this to the Finance Department. Failure to report any known timesheet errors may result in disciplinary action up to and including termination.

4.11 CALL-IN PAY

Call-in pay shall be provided when a non-exempt employee is required to report for work at times other than their regular shift or hours of work. Employees called in under these circumstances shall receive two hours' pay at their base rate for no less than two (2) hours.

4.12 BREAK & LUNCH (MEAL) PERIODS

Breaks are paid time and therefore cannot be used or reduced for the purpose of leaving early, arriving late, or extending the lunch period. Employees may be denied a break period if the workload dictates or to ensure adequate coverage in the work area. Employees are not guaranteed that they will receive any or all breaks.

Generally, meal break time is not considered time worked with respect to most hourly employees and other nonexempt personnel. Unless instructed otherwise, non-exempt employees are expected to take their meal breaks and be completely relieved of their job duties for this time. As such, meal breaks should be taken away from the employee's usual workstation. If a non-exempt employee is required to work during all or part of their meal break, it must report that on their timecard.

4.13 LACTATION BREAKS

In compliance with the Fair Labor Standards Act, the City of Powell will give reasonable break times and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth.

A rest period should be permitted each time the employee has the need to express breast milk. Such breaks, if feasible, should be taken at the same time as the employees' regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding the regularly scheduled break time will be considered unpaid.

4.13 a Private Location

The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express breast milk in private. Such a room or place should be near the employee's work area and should be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public.

This area assigned for this purpose should not be used for storage of any devices, supplies, or expressed milk and should be returned to its original state after each use.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

4.13 b Storage of Expressed Milk

Any employee storing expressed breast milk in any authorized refrigerated area shall clearly label it as such. No expressed breast milk shall be stored beyond the employee's shift.

5. TIME-OFF & LEAVE OF ABSENCE BENEFITS

5.1 HOLIDAYS

All full-time employees are entitled to the holidays as determined by the City Manager. Generally, these will consist of the following:

- New Year's Day.
- Martin Luther King Jr. Day.
- President's Day.
- Memorial Day.
- Juneteenth.
- Independence Day (4th of July).
- Labor Day.
- Veteran's Day.
- Thanksgiving Day.
- Friday after Thanksgiving.
- ½ day Christmas Eve.
- Christmas Day.
- ½ day New Year's Eve.

When one of the holidays listed above falls on a Sunday, the next following Monday shall be observed as a holiday. When one of the holidays listed above falls on a Saturday, the preceding Friday shall be observed as a holiday. This provision only applies to employees whose regularly scheduled days off are Saturday and Sunday.

Holidays occurring during vacation shall not be counted as a day of vacation.

Holiday pay for non-exempt employees will be paid at the employee's regular rate of compensation for eight (8) hours per holiday. Holiday pay for exempt employees is included in their salary for the week. Holiday hours are not considered as "hours worked" for purposes of computing overtime.

Employees are not eligible for holiday pay when in an unpaid leave status. An employee must be in active pay status, approved paid leave or on a flexible work schedule status before and after the holiday to be eligible for holiday pay.

A full-time employee who is directed to work on a holiday by their supervisor shall receive compensation for all hours worked at their normal rate of pay in addition to receiving their regular holiday pay. There is no additional holiday compensation.

The City Manager has the sole discretion to determine what day a holiday will be observed on, if any.

5.1 a Part-Time Employee Holiday Leave

Part-time employees must work a minimum of nine hundred and sixty (960) hours per year to be eligible for holiday leave. The City shall assume in the year of hire that the employee will be working a minimum of nine hundred and sixty (960) hours per year to begin eligibility for holiday leave. The City shall confirm on February 1st each year that the previous year, the employee worked a minimum of nine hundred and sixty (960) hours. When the employee falls below the minimum nine hundred and sixty (960) hours per year, the employee will lose their eligibility for holiday leave that calendar year.

In observance of each “general” holiday, eligible part-time employees will be paid at their regular rate of compensation for four (4) hours per holiday (2 hours per Christmas Eve and New Year’s Eve holiday).

5.1 b Floating Holidays

Full-time employees receive two (2) eight (8) hours paid floating holidays each calendar year. Floating holidays shall be the day of employee’s choice with their supervisor’s approval.

Unused floating holidays will not be permitted to be carried over and will be forfeited at the end of each year.

Employees hired during a calendar year shall receive floating holidays on a pro-rated basis. Employees hired prior to November 1, but after July 1, shall receive one (1) floating holiday. Employees hired after November 1 shall not receive any floating holidays until the following calendar year on January 1st.

5.2 VACATION LEAVE

Full-time and Permanent Part-time employees, except elected officials, are eligible to earn vacation leave. For employees who are members of a bargaining unit, specific provisions regarding vacation leave accumulation, use, transfer, and payment upon separation of employment, are covered in the City’s various collective bargaining agreements. Permanent part-

time employees earn vacation on a prorated basis according to the number of hours they are scheduled to work.

5.2 a Full-Time Employee Accumulation

All nonunion full-time employees of the City, shall accumulate vacation leave with pay in accordance with the following schedule for each full pay period of service:

CONTINUOUS LENGTH OF SERVICE	AMOUNT PER YEAR OF VACATION	ACCRUAL LEVEL PER PAY PERIOD
0-2 years of service	80 hours (10 days)	3.10 hours
3-4 years of service	120 hours (15 days)	4.60 hours
5-9 years of service	160 hours (20 days)	6.20 hours
10-15 years of service	180 hours (22.5 days)	6.90 hours
16-20 years of service	200 hours (25 days)	7.70 hours
21+ years of service	220 hours (27.5 days)	8.50 hour

Employees may use accumulated vacation (calculated on a bi-weekly basis) after completion of six (6) months of continuous service.

5.2 b Part-Time Employee Accumulation

Regular part-time employees may accumulate vacation leave after one (1) year of part-time employment. The part-time employee will receive 40 hours (5 days) of sick leave after one (1) year of part-time service and 60 hours (7.5 days) after eight (8) years of part-time service if they worked a minimum of nine hundred and sixty (960) hours the previous year.

Part-time employees must work a minimum of nine hundred and sixty (960) hours per year to be eligible for vacation leave. The City shall assume in the year of hire that the employee will be working a minimum of nine hundred and sixty (960) hours per year to begin the accrual of vacation leave. The City shall confirm on February 1st each year that the previous year, the employee worked a minimum of nine hundred and sixty (960) hours. When the employee falls below the minimum nine hundred and sixty (960) hours per year, the employee will lose their right to vacation leave. However, the employee will continue to be eligible to use any previously accrued vacation leave until exhausted.

5.2 c Full-Time Maximum Accumulation

Full-time employees may accumulate unused vacation leave days as calculated below:

CONTINUOUS LENGTH OF SERVICE	MAXIMUM ACCUMULATION
0-2 years of service	120 hours (15 days)
3-4 years of service	180 hours (22.5 days)

5-9 years of service	240 hours (30 days)
10-15 years of service	270 hours (33.75 days)
16-20 years of service	300 hours (37.5 days)
21 + years of service	330 hours (41.25 days)

Hours more than the maximum amount at the end of the year (December 31st) will not be permitted to be carried over and will be forfeited.

5.2 d Part-Time Maximum Accumulation

Part-time employees may accumulate unused vacation leave days as calculated below:

CONTINUOUS LENGTH OF SERVICE	MAXIMUM ACCUMULATION
0-7 years of service	60 hours (7.5 days)
8 + years of service	80 hours (12.5 days)

Hours more than the maximum amount at the end of the year (December 31st) will not be permitted to be carried over and will be forfeited.

5.2 e Prior Service Credit

Employees with prior service with the State of Ohio, or any political subdivision in the state, will receive credit for that service in computing their continuous length of service for vacation accrual.

If the prior public service was with an Agency that qualifies for credit under this policy, Human Resources will contact the Agency to verify the employee’s time worked. Two thousand and eighty (2080) hours of prior public service will equal one year of credit under this procedure.

5.2 f Use of Vacation Leave

Employees wishing to schedule vacation leave must complete a Leave Request Form. Employees must obtain approval from their supervisor prior to taking their vacation leave. The supervisor has sole discretion in determining how many days and which employees may be approved for vacation at any given point in time. Their first responsibility is to ensure that the needs of the City are met.

Vacation time may be taken in one (1) hour increments.

Vacation hours are not considered as “hours worked” for purposes of computing overtime.

Sick days cannot be exchanged for vacation time. Thus, employees cannot extend their paid vacations by using any available sick time.

Vacation pay for non-exempt employees will be paid at the employee's regular rate of compensation for eight (8) hours per vacation day. Vacation pay for an exempt employee is included in their salary for the week at the employee's salary level at the time the vacation is taken.

Should an employee become ill or experience bereavement during a period of vacation, the employee may opt to change their time to any unused, accumulated sick leave days. An updated Leave Request Form should be completed upon their return to work.

5.2 g Termination of Employment & Vacation Payout

Upon termination of employment, employees will be paid 100% of their accrued vacation time as of their separation date.

5.3 Sick Leave

Full-time and Permanent Part-time employees, except elected officials, are eligible to earn sick leave. For employees who are members of a bargaining unit, specific provisions regarding sick leave accumulation, use, transfer, and payment upon separation of employment, are covered in the City's various collective bargaining agreements. Permanent Part-time employees earn sick leave that is prorated based on the number of hours they are scheduled to work.

5.3 a Full-Time Employee Accumulation

Full-Time employees shall accumulate sick leave with pay at the rate of 4.6 hours for each eight (80) hours in paid status.

For purposes of accumulating paid sick leave hours, "active pay status" is defined as hours worked and any paid time off hours (vacation, sick leave, bereavement leave, holidays, compensatory time). It shall not include non-paid time off.

Approved paid sick leave for non-exempt employees will be paid at the employee's regular rate of compensation for eight (8) hours per sick leave day. Paid sick leave hours are not considered as "hours worked" for purposes of computing overtime.

5.3 b Part-Time Employee Accumulation

Regular part-time employees may accumulate sick leave after one (1) year of part-time employment. The part-time employee will receive 60 hours (7.5 days) of sick leave if they worked a minimum of nine hundred and sixty (960) hours the previous year.

Part-time employees must work a minimum of nine hundred and sixty (960) hours per year to be eligible for sick leave. The City shall assume in the year of hire that the employee will be working

a minimum of nine hundred and sixty (960) hours per year to begin the accrual of sick leave. The City shall confirm on February 1st each year that the previous year, the employee worked a minimum of nine hundred and sixty (960) hours. When the employee falls below the minimum nine hundred and sixty (960) hours per year, the employee will lose their right to sick leave. However, the employee will continue to be eligible to use any previously accrued sick leave until exhausted.

5.3 c Full-Time Maximum Accumulation

Full-time employees may accumulate unused sick leave days up to a maximum of one thousand forty (1,040) hours (130 days).

5.3 d Part-time Maximum Accumulation

Part-time employees may accumulate unused sick leave days up to a maximum of five hundred twenty (520) hours or sixty-five (65) days. Employees who have reached the maximum “cap” amount will receive a cash benefit at the end of the year for any accrued paid sick leave hours over the maximum amount. The cash benefit shall equal one (1) hour of the employee’s regular rate of pay for every three (3) hours of unused sick leave credit.

An employee may use sick leave only up to the amount that has been accumulated at the time of need.

5.3 e Transfer of Sick Leave Balances

A new employee who transfers from another agency within the State of Ohio, or any political subdivision in the state, shall be credited with their unused balance of the accumulated sick leave credit up to eight hundred (800) hours.

It is the new employee’s responsibility to make the request to the Human Resources Department to contact their prior agency to obtain their sick leave balance.

5.3 f Annual Sick Leave Payout

Full-time employees who have reached the maximum “cap” amount will receive a cash benefit at the end of the year for any accrued paid sick leave hours over the maximum accumulation amount. The cash benefit shall equal one (1) hour of the employee’s regular rate of pay for every two (2) hours of unused sick leave credit.

Unused, accumulated sick leave cannot be converted to personal holidays or vacation and, for non-bargaining unit employees, cannot be transferred to another employee unless approved through the Sick Leave Donation policy.

5.3 g Full-Time Termination of Employment & Sick Leave Payout

Unused, accumulated sick leave days shall be forfeited upon separation of employment with two (2) narrow exceptions:

- Upon the voluntary retirement of any full-time employee with five (5) years of service with the City and ten (10) years of public service under the State Retirement System, the employee will be entitled to a payout for twenty-five percent (25%) of the value of their unused and accumulated sick leave credit up to the maximum 130-day limit.
- The same pay out arrangement shall be made to the full-time employee's spouse or estate upon the death of an employee who was actively employed by the City.

Once the cash out is complete, all accrued sick leave is eliminated. Should an employee return to employment with the City of Powell, they would start with a zero (0) balance in their sick leave bank.

Employees wishing to defer any part of their sick leave cash out payment are urged to request cash out as early as possible to ensure that the deferred funds can be received into the employee's Ohio Deferred Comp or ICMA Deferred Comp account within 75 days of the federal IRS deadline.

5.3 h Part-Time Termination of Employment & Sick Leave Payout

Unused sick leave days shall be forfeited upon separation of employment with one (1) exception:

- Upon the voluntary retirement of any part-time employee with five (5) years of years of service with the City and at least ten (10) years of public service under the State Retirement System, they will be entitled to a payout for twenty-five percent (25%) of the value of the part-time employee's unused and accumulated sick leave credit up to the maximum sixty-five (65) day limit.

5.3 i Use of Sick Leave

An employee may use sick leave only up to the amount that has been accumulated at the time of need.

If sick leave is exhausted, an employee may opt to use any accrued vacation that may be necessary, upon approval from the Human Resources Department, or may apply for any applicable leave of absence. Otherwise, any medical related absence more than the number of paid sick leave days accumulated to their credit will be without pay.

Sick leave may be used by employees and upon approval of their supervisor for absences due to the following:

- Illness, injury, or pregnancy-related medical condition of the employee.
- Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.

- Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate practitioner.
- Illness, injury, or pregnancy-related medical condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
- Medical, dental, or optical examinations or treatments of an employee or of a member of an employee's immediate family where the employee's care and attendance is reasonably required.
- Elective cosmetic surgeries that are not medically necessary do not constitute an appropriate usage of sick leave. Other appropriate leaves of absence, such as vacation, may be requested for such purposes.

For purposes of sick leave, immediate family is defined as grandparent; great-grandparents; brother; sister; father; mother; father-in-law; mother-in-law; spouse; child; stepchild; stepparent; grandchild; legal guardian; or another person who stands in place of a parent.

When an employee is unable to report to work due to illness or other acceptable sick leave reason, they shall notify their supervisor of such reason as reasonably in advance of the absence as possible but in no event later than fifteen (15) minutes after the scheduled start of the employee's shift. An employee must continue such notification each succeeding day of absence except in cases of prolonged illness or absence where the employee has been granted a set period of leave. Failure of an employee to make proper notification may result in denial of sick leave and/or appropriate disciplinary action.

If an employee becomes injured or ill while on scheduled vacation, and that injury or illness confines them to a hospital or a residence, the employee may opt to change their time away to any unused, accumulated sick leave days. Proper documentation confirming the injury or illness may be required to be submitted to Human Resources before such a change can be made.

5.3 j Documentation Request

An employee may be asked at any time to submit medical documentation, from a physician, to approve the use of sick leave.

In addition, if an employee is off sick for more than three (3) consecutive workdays, the employee must obtain a physician's statement to return to work and be paid for sick leave. Any employee will be sent home when returning to work after more than three (3) consecutive workdays without a physician's return to work statement and forced to use vacation time.

A physician's release to return to work will be required by Human Resources if an employee seeks to return to work from any medical leave of absence.

5.3 k Abuse of Sick Leave

Employees may be found to be abusing sick leave if their absences fall into any of the following patterns:

- Before and/or after holidays or vacations.
- Before and/or after weekends or regular days off
- After pay days.
- Any one specific day.
- Absence following overtime worked.
- Half day.
- Continued pattern of maintaining zero or near zero sick leave balances.
- Excessive absenteeism.

Sick leave is considered excessive when it causes a burden to the employee's department via the following:

- The work of the absent employee frequently goes undone, and thus generates a negative impact on the areas and/or individuals waiting for the product or service.
- The work of the absent employee must be frequently reassigned to co-workers, causing an undue overload to those staff in workload, job stress and morale.
- Additional tasks are frequently assigned to co-workers, causing an undue overload to those staff in workload, job stress and morale.

Employees whose sick leave usage follows any of these or other patterns may be subject to discipline. Absences covered under the Family & Medical Leave Act will not be considered when determining pattern abuse or if sick leave use is excessive.

5.4 SICK LEAVE DONATION

The City of Powell recognizes that on rare occasions an employee may not have sufficient sick leave accruals to cover a long-term illness or serious injury. To address such occasions, the City finds it appropriate that other employees be allowed to donate some of their sick leave hours to other injured/ill employees within the guidelines of this policy. For employees who are members of a bargaining unit, specific provisions regarding sick leave donation are covered in their specific collective bargaining agreements.

5.4 a Eligibility

Employees must be continuously employed with the City of Powell for a minimum of one year to be eligible to donate and/or receive donated sick time.

5.4 b Guidelines

Employees who would like to make a request to receive donated sick time from their co-workers must have a situation that meets the following criteria:

- Medical emergency, defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available.
- An immediate family member is defined as a spouse, child, or parent.
- Medical documentation may be required.
- Conditions that are short-term in nature including, but not limited to, common illnesses and injuries such as influenza, measles, broken bones, strained ligaments, and the like are not considered medical emergencies.
- The donation of sick leave is strictly voluntary.

To donate sick leave hours, employees must meet the following requirements:

- Donating employees must maintain a balance of 200 hours of sick leave.
- Donations must be in no less than four-hour increments.
- Employees may donate up to a maximum of 40 hours in one calendar year.
- Donations may only be made to eligible recipients as defined in these guidelines.
- Employees who are currently on an approved leave of absence cannot donate sick time.

To receive donated sick leave hours, employees must meet the following requirements:

- All leave type balances must be depleted.
- Must currently be off work for a qualifying serious health condition as defined by the Family Medical Leave Act (FMLA).
- Should the requestor return to work prior to the leave payout being utilized, the remaining leave payout will be credited back to the employee donating the leave.

- Employees receiving voluntary Donated Sick Leave should be aware that those hours will count toward their total annual Family and Medical Leave entitlement, provided the employee has been approved for FMLA. Please note that approval for FMLA does not guarantee approval for Donated Sick Leave, & vice versa. Shared Leave cannot be used to extend FMLA benefits if total FMLA hours have been exhausted by the applicant.
- To be eligible to receive donated sick time, the requesting employee must not have been counseled for abuse of the sick leave policy in the last rolling 12-month period.
- Before an employee is eligible to receive additional donated leave after having received donated leave for a previous occasion, they must have returned to work with the City and have worked a minimum of 12 consecutive months.
- Employees receiving workers' compensation, short-term disability, or long-term disability are not eligible to request sick leave donation.
- Use of the sick leave donation may only be taken in increments of full days.
- Recipients of donated sick time will receive paid leave at their normal rate of pay.

5.4 c Donation of Sick Time

The donation of sick time will have the following requirements:

- Recipient identity will not be disclosed to donating employees.
- The donation of sick time is on an hourly basis, without regard to the dollar value of the donated or used leave.
- Employees cannot borrow against future sick/personal time to donate.
- Donor employees may not claim an expense, a tax deduction, or a charitable contribution for any of the leaves donated under this policy.
- Requests for donations for sick time must be approved by Human Resources, the Finance Director, and the City Manager.

Employees wishing to donate must complete a Sick Leave Donation Request and Authorization Form, indicating the number of hours they wish to donate and the date and time of the donation. Completed forms should be handed into the Human Resources Department.

Donated hours will be used by the recipient according to the date and time in which they were donated – first hours donated will be first hours used. This information will be forwarded to the

Finance Department to ensure the time banks are updated accordingly for the employee receiving and the employee(s) donating.

5.5 UNPAID LEAVE OF ABSENCE

After all permissible absence with pay is exhausted, the City of Powell, under certain circumstances, may grant a personal leave of absence without pay. A written request for personal leave should be presented to the Human Resources Department at least two (2) weeks before the anticipated start of the leave. The requested leave may only be approved by the City Manager. If the leave is requested for medical reasons and employees are not eligible for leave under the federal Family and Medical Leave Act (FMLA) or any state leave law, medical certification also must be submitted.

The request will be considered based on staffing requirements and the reasons for the requested leave, as well as performance and attendance records. Normally, a leave of absence will be granted for a period of up to four (4) weeks. However, personal leave may be extended if, prior to the end of leave, employees submit a written request for an extension to the Human Resources Department and the request is granted. No such leave will be granted for a total or continuous period or periods which exceed sixty (60) calendar days.

During the leave, employees will not earn vacation, personal days, or sick days. An employee on approved personal leave will not be eligible for any holiday falling within this leave period.

The City of Powell will continue health insurance coverage during the leave if employees submit their share of the monthly premium payments to the City in a timely manner, subject to the terms of the plan documents.

When the employees anticipate returning to work, they should notify the Human Resources Department of the expected return date. This notification should be made at least one (1) week before the end of the leave.

Upon completion of the personal leave of absence, the City will attempt to return employees to their original job or a similar position, subject to prevailing business considerations.

Reinstatement, however, is not guaranteed. Failure to advise management of availability to return to work, failure to return to work when notified or a continued absence from work beyond the time approved by the City will be considered a voluntary resignation of employment.

Personal leave runs concurrently with any City-provided Short-Term Disability Leave of Absence.

5.6 DISABILITY LEAVE & SEPARATION

When an employee becomes physically or mentally incapacitated such that they are unable to perform the essential functions of their position, with or without reasonable accommodation,

they may request or be placed on a disability leave of absence. An employee may be placed on unpaid disability leave when they are unable to perform the essential functions of the job with or without reasonable accommodation. An employee may request a voluntary disability separation upon presentation of appropriate medical documentation. If an employee fails to request a voluntary disability separation, the City may place the employee on an involuntary disability separation. However, a medical or psychological examination conducted by a licensed practitioner shall be required prior to placing an employee on disability separation unless the employee is hospitalized at the time of the disability separation, or substantial credible medical evidence already exists that documents the employee's inability to perform the essential job duties.

For an involuntary disability separation, the City shall schedule a pre-separation hearing when it has substantial credible medical evidence of the employee's disability, and the City has determined that an employee is incapable of performing the essential job duties of his or her assigned position due to the disabling illness, injury, or condition. At this hearing (if the employee does not waive it), the employee shall have the right to examine the City's evidence of disability, to rebut that evidence, and to present testimony and evidence on their behalf.

If the City, after weighing the testimony presented and evidenced submitted at the pre-separation hearing, determines that the employee is incapable of performing his essential job functions with or without reasonable accommodation, an O.R.C. 124.34 order of involuntary disability separation shall be issued, along with a notice to the employee of the required procedures to apply for reinstatement. An employee given a disability separation shall have the right to reinstatement within two years of the disability separation or unpaid leave of absence, as appropriate upon submission of appropriate medical documentation.

Upon completion of a disability leave of absence and submission of any required documentation, the employee shall be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists. An employee may be returned to work before the scheduled expiration of a disability leave if requested by the employee and upon advance submission of substantial, credible medical documentation, if required, that the employee is once again capable of performing the essential functions of their position, with or without reasonable accommodation.

In the event an employee requests reinstatement from a disability leave of absence or involuntary disability separation and the City, upon review of the medical evidence presented initially determines that the employee remains incapable of performing the essential job duties of their position with or without reasonable accommodation, a pre-reinstatement hearing shall be scheduled. If the employee does not waive the right to that hearing, then they shall have the right to examine the evidence of continuing disability, to rebut that evidence, and to present evidence and testimony on their own behalf.

5.7 BEREAVEMENT LEAVE

Full-time employees are eligible to receive paid bereavement leave due to the death of a member of their family.

5.7 a Death in Immediate Family

An employee shall be granted three (3) days, which will be considered bereavement leave and will not be deducted from the employee's accrued leave, for the death of a member of their immediate family. For purposes of bereavement leave, the term "immediate family" means an employee's spouse, child, parent, sibling, grandparent, grandchild, son-in-law, daughter-in-law, as well steps of those family members or an adult who stood in loco parentis to the employee during childhood.

There is no accumulation of bereavement leave days and no payment upon separation from City employment. The approved bereavement leave days do not have to be taken consecutively but must be used within a six (6) month time period.

5.7 b Death in Non-Immediate Family

In the event of the death of a relative who is not within the immediate family, as defined above, an employee may be permitted one (1) day off with pay to attend the funeral. Non-immediate family is defined as: brother-in-law, sister-in-law, aunt, uncle, niece, and nephew.

5.7 c Other Funeral Leave

Funeral leave for a person other than those described above must still be approved by the supervisor and will be taken as unpaid leave of absence or annual leave if requested by the employee.

All time off in connection with the death of one of the above-listed individuals must be coordinated with the employee's supervisor. The Department Head may approve time off due to the death of a non-immediate family member or additional time off for an immediate family member. This time off would require the use of annual leave or unpaid leave (with the approval of the City Manager).

5.8 JURY DUTY

Employees must notify their supervisor immediately when they receive a summons to report for jury duty to plan the department's work with as little disruption as possible. While on jury duty, the employee will be paid for their regularly scheduled hours. Employees on jury duty will not be paid for any anticipated overtime, nor is time spent on jury duty considered working time for the calculation of overtime. Any monies received by the employee from the Court must be turned in to the City to be paid for their regular scheduled hours.

Employees on jury duty must provide Human Resources with a copy of the jury notice. Employees who are released from jury service before the end of their regularly scheduled shift or who are not asked to serve on a jury panel are expected to report to work as soon as possible. Any employee excused from court after 2:00 pm is not expected to report to work.

The employee will not be granted any mileage, travel, or other related expenses while on jury duty.

5.9 WITNESS DUTY

Any employee subpoenaed to appear as a witness must notify their supervisor immediately so they can plan the department's work with as little disruption as possible. An employee who is subpoenaed to appear as a witness for matters unrelated to City business is not paid and may use vacation leave or take unpaid leave (with City Manager approval).

A City employee who is subpoenaed or ordered to attend court to appear as a witness or to testify in an official capacity on behalf of the City of Powell, the State of Ohio or the Federal Government will be compensated at their regular rate of pay for the period in which they are in court. An employee absent from a court appearance will promptly return to work on any days in which they are excused from court. The employee will be granted mileage and reimbursed for parking while appearing as a witness for the City.

An employee on witness duty must provide Human Resources with a copy of the subpoena. An employee who is released from witness service is expected to report to work as soon as possible. Any employee excused from court after 2:00 pm is not expected to report to work.

5.10 VOTING

Although polls are open most of the day, the City realizes that in some instances employees may find that these hours are insufficient to get to the polls. If an employee has a problem in this regard, they should notify their supervisor so that arrangements can be made for the employee to have the necessary time to get to the polls.

5.11 FAMILY & MEDICAL LEAVE ACT (FMLA)

Employees may be eligible to take up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons. For family or medical reasons that qualify an employee for FMLA, the City is obligated by federal law to designate the leave as FMLA.

5.11 a Employee Eligibility

To be eligible for family or medical leave, an employee must have worked at least:

- 12 months for the City; and
- 1,250 hours for the City over the previous 12 months.

5.11 b Conditions Triggering Leave

Family and medical leave must involve one or more of the following reasons:

- To care for a newly born child, or placement of a child with the employee for adoption or foster care.
- To care for an immediate family member (spouse, child, or employee's parent) with a serious health condition.
- The employee has a serious health condition that makes the employee unable to perform the employee's job duties.
- Because of any qualifying exigency arising out of an employee's spouse, son, daughter, or parent being on covered active duty involving a foreign deployment (or being notified of an impending call or order to active duty involving a foreign deployment) in the Armed Forces (including National Guard or Reserves) in support of a contingency operation.
- For a spouse, son, daughter, parent, or next of kin to care for a service member or covered veteran who is undergoing medical treatment, recuperation or therapy, is otherwise in "outpatient status," or is otherwise on the temporary disability retired list for a serious injury. A "serious injury" is one incurred or aggravated by the service member in the line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the service member's office, grade, rank or rating.

5.11 c Duration of Leave

Eligible employees may receive up to 12 workweeks of unpaid leave during any "rolling" 12-month period, measured backward from the date of any family or medical leave. Family and medical leave involving the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a single, 12-month period to care for the service member. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave under the FMLA.

Eligible employees may take family and medical leave intermittently which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule whenever it is medically necessary to care for a seriously ill family member or because you are seriously ill and unable to work.

Employees who are approved for intermittent FMLA leave must continue to fully comply with the City's regular absence reporting policies as much as possible.

The City requires the use of paid time off concurrently with family and medical leave. For example, if the employee is eligible for any paid leave under any other benefit programs such as accrued vacation, compensatory or sick time, the employee will be required to exhaust the paid leave upon the commencement of, and concurrently with, FMLA leave. Paid leave will run concurrently with and be counted toward the employee's total 12-week or 26-week period of FMLA leave. If an employee accepts a light duty position, any time spent working light duty will not count against the employee's FMLA leave entitlement.

5.11 d Maintenance of Health Benefits

The City will maintain coverage for eligible employees and dependents (if applicable) during family and medical leave. This coverage will be provided if you or your family were covered under the plan before the leave was taken and on the same terms as if you had continued to work. Where appropriate, you must decide to continue to pay your share of health plan premiums while on leave.

In some instances, the City may recover premiums it paid to maintain health coverage for you and your family if you do not return to work from your leave.

5.11 e Job Restoration

Upon returning from a family and medical leave, an eligible employee will normally be restored to his or her original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions.

Use of family and medical leave does not result in the loss of any employment benefit that an employee earned or was entitled to before using family and medical leave. However, an employee does not continue to accrue paid leave while on unpaid family and medical leave. When an employee is out on family and medical leave, that employee will accrue paid leave during the period the employee is using paid leave such as vacation and sick leave. If an employee on family and medical leave exhausts all paid leave in accordance with the Duration of Leave policy above and remains unable to return to work, then the remainder of the family and medical leave will be unpaid. During the period of unpaid family and medical leave, the employee will not continue to accrue paid leave.

Job restoration may be denied if conditions unrelated to the FMLA leave have resulted in the elimination of the employee's position or if the employee qualifies as a "key employee" (generally the highest paid 10% of the workforce). Key employees may be denied job restoration if it would cause substantial and grievous economic injury to the City, in which case the key employee will be notified of this.

5.11 f Notice & Medical Certification

When seeking family and medical leave, an employee may be required to provide: 1. 30 days of advance written notice to the Human Resources Director of the need to take family and medical

leave if the need is foreseeable. If the leave is not foreseeable, the employee must provide written notice to the Human Resources Director of the need for leave as soon as practical and must comply with the City's standard procedures for reporting an absence. 2. Medical certifications supporting the need for leave, including any need for intermittent or reduced schedule leave, due to a serious health condition affecting the employee or an immediate family member. 3. Failure to provide the necessary requested certification forms will result in the delay or denial of FMLA leave. 4. Second or third medical opinions (at the City's expense) and periodic recertification may also be required. 5. Periodic reports during the leave regarding the employee's status and intent to return to work. 6. Medical certification of fitness for duty before returning to work if the leave was due to the employee's health condition.

When leave is needed to care for an immediate family member or for the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so that it will not unduly disrupt the City's operation.

Upon receiving sufficient notice of an employee's need for FMLA-qualifying leave, the City will notify the employee of his or her eligibility to take FMLA leave within five (5) business days of the request, absent extenuating circumstances. At this time, the City will also provide the employee with written notice of the employee's rights and obligations with respect to the leave (as well as providing copies of the required certification form).

5.11 g Extended Medical Leave

Eligible employees who have exhausted their FMLA leave, and all other leave may be allowed to take an extended unpaid medical leave of absence, not to exceed 12 months following the last day worked. Employees who take such extended medical leave are not guaranteed to be returned to work or reinstated to a particular job, rate of pay or shift at the end of their extended medical leave. However, the City will attempt to return an employee to his or her regular position if it is available. If it is not available at the time reinstatement is sought, the City will attempt to place the employee in a similar job for which he or she is qualified, if such a job is available. An employee on extended medical leave may maintain his or her insurance benefits, subject to policy terms and conditions, by paying in a timely manner any applicable continuation of benefits premiums for which he or she may be responsible. An employee on extended medical leave does not accrue any additional employee benefits such as paid time off while on extended medical leave.

Failure to Return from Leave or to Comply with City Policy: An employee may be subject to immediate termination for: 1. Failure to return to work as scheduled following the end of a medical or family leave without express prior approval from the City; 2. Providing false or misleading information or omitting certain information in connection with a leave; or, 3. Violation of any of the City's rules and regulations relating to leave (or any other City policy or performance standard).

5.12 MILITARY LEAVE OF ABSENCE

The City allows employees who require time off from work to fulfill military duties to meet those commitments. An employee with such a commitment is expected to notify his or her immediate supervisor and to provide the City with a copy of the orders as soon as possible. An employee on military leave may, at his or her option, use any or all accrued paid compensatory, holiday or vacation time. Employees do not accrue vacation, sick or holiday leave during periods of unpaid military leave.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is a federal law that protects the rights of individuals who leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. Under USERRA, employees can elect continuation of group health coverage for the shorter period of up to 24 months or the length of their leave. In compliance with USERRA, employees on leave for 30 days or less will not be required to make a premium contribution for any more than their regular share of premium while on leave. Employees on active duty for more than 30 days may be covered by military health care along with their dependents. However, in the event that an employee on a military leave of absence is not eligible or does not qualify for medical, dental and/or vision coverage through the U.S. Armed Forces, the City will continue to provide coverage for the employee and covered dependents under the same terms and conditions as he or she had at the time of the commencement of their military leave for a period of up to 24 months. With respect to the City's retirement plans, upon reemployment, an employee who has taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service.

Notification upon Completion of Service: Upon the completion of a military leave of absence, the employee should notify the City of the employee's intent to return to a position of employment with the City as follows:

- For periods of service of up to 30 consecutive days, the employee must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and safe transportation home, plus an eight-hour period for rest. If reporting back within this deadline is "impossible or unreasonable" through no fault of the employee, he or she must report back as soon as possible after the expiration of the eight-hour period.
- After a period of service of 31-180 days, the employee must submit a written or verbal application for reemployment with the employer not later than 14 days after the completion of the period of service. If submitting the application within 14 days is impossible or unreasonable through no fault of the employee, he or she must submit the application as soon as possible thereafter.

- After a period of service of 181 days or more, the employee must apply for reemployment not later than 90 days after completion of the period of service. These deadlines to report to work or apply for reemployment can be extended up to two years to accommodate a period during which an employee was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service.

6. EMPLOYEE CONDUCT & RESPONSIBILTY

6.1 STATEMENT OF CONFIDENTIALITY

It is the responsibility of every employee to maintain the confidentiality of City information. This includes, but is not limited to, City records, documents, notes, files, records, oral information, computer files or similar materials. Confidential items may not be shared without permission. Employees are required to always handle information in a confidential manner during and after employment. Employees must not disclose any confidential information, purposefully through casual conversation, to any unauthorized person inside or outside the City. Employees who are unsure about the confidential nature of specific information or regarding the release of information should ask their supervisor for clarification. Employees are also required to immediately report any unauthorized use or disclosure of confidential information that they become aware of to their supervisor and/or the Human Resources Department. Employees who knowingly violate this policy will be subject to appropriate disciplinary action and may result in civil and/or criminal liability under Federal or State laws.

6.2 TEAMWORK

We believe that our success depends upon the strength of our teamwork. The City expects that all employees will always make a concerted effort to ensure a harmonious work environment that promotes a teamwork mentality. All employees will avoid disruptive behavior, insubordination, or intentionally sabotaging co-workers or other departments. The key to teamwork is that all employees look to their supervisor and respect that individual's authority. Employees are expected to follow the directions of their supervisors. The only acceptable deviation is where a supervisors' request is believed to be unlawful. If an employee becomes aware that another employee has intentions to harm or sabotage another employee or supervisor, this information should be reported to a supervisor immediately. In the event an employee has concerns about the employee's supervisor, a report should immediately be made to the Human Resources Department.

6.3 REFERENCE CHECKS

All reference checks and inquiries regarding current or former City employees should be referred to Human Resources. In response to a reference check, the City will only provide verification of the employee's dates of employment, last job title, and final pay rate.

It is generally not recommended that any supervisor or Department Head provide a letter of reference for a current or former City employee.

Employee personnel files are subject to public records laws. However, certain records are classified as sensitive personnel records and will not be released pursuant to a public records request.

The City will provide employee information to outside agencies as requested in writing. Human Resources is the only Department authorized to respond to requests for references, and any

requests to view personnel records must be made through the Office of the City Clerk as a public records request.

6.4 PERSONNEL FILES

The City keeps personnel files on all employees. The personnel files include the job applications and related hiring documents, training records, performance documentation, salary history, and other employment records. The personnel records are the property of the City.

Upon written request to Human Resources, an employee may inspect their own personnel file. Inspections will be held in the Human Resources office in the presence of Human Resources. No employee is allowed to remove anything from any file. Copies will be made by Human Resources upon the employee's request.

To keep your personnel records up to date, to ensure that the City can contact employees, and to ensure that the appropriate benefits are available, employees must promptly notify the City of any change of name, address, phone number, emergency contact, education credentials, exemptions on tax forms, number of dependents, or other applicable information. Name changes will need to be accompanied by a copy of a new social security card or a letter from the Social Security Administration office, documenting the name change.

6.5 PUBLIC RECORDS

All public records requests are subject to Ohio's Public Record Act, Chapter 149 of the Ohio Revised Code. Any questions regarding the policy are to be directed to the Human Resources Department. All public records requests, whether from members of the public or other employees, must first be communicated to the City Clerk before being released. The City Clerk is responsible for releasing the records or referring the request for clarification on the applicability of the law. Any requests that are made concerning personnel information about any City employee are to be forwarded to the Human Resource Department for review. The information released will be in accordance with the applicable law.

Employees are never permitted to copy and disseminate documents for themselves, to each other or to the public, even if they have access to the information as part of their position. Violations of this policy may result in corrective action up to and including termination.

6.6 STATEMENTS TO THE MEDIA

All media inquiries regarding the position of the City as to any issues must be referred to the Communications Department. Only the Communications Department and the City Manager are authorized to make or approve public statements on behalf of the City. No employees, unless specifically designated by the City Manager, are authorized to make those statements on behalf of City. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the City must first obtain approval from the Communications Department.

6.7 VEHICLE & DRIVING REQUIREMENTS

Only authorized employees may use City vehicles. Employees should get prior approval from their Department Director. If a City vehicle incurs any damage while under the charge of a particular employee, that employee must report the damage immediately and may be responsible for paying for some or all of the repair costs, to be determined in the City's sole discretion. Employees also must maintain the ability to be insured under the City's vehicle insurance policy.

Likewise, if an employee receives a citation for any violation while operating a City vehicle or a personal vehicle while on City business, the employee is responsible for paying any fine or penalty incurred and may be subject to discipline, up to and including immediate termination. All such citations must be reported to your supervisor immediately. Failure to immediately report a citation may result in discipline, up to and including immediate termination.

Drinking alcoholic beverages is prohibited in a City-owned vehicle or in a personal vehicle while on City business, and employees are prohibited from driving after consuming alcohol or taking any controlled substance that could impair his or her ability to operate the vehicle.

6.7 a Seatbelts

All employees must wear a seatbelt while driving or riding in any vehicle while performing City business. Furthermore, the City encourages all of its employees to wear seatbelts at all times, as required by state law.

6.7 b Use of Cellular Telephones While Driving

Employees must refrain from using any communication device while driving any vehicle for City business, including the use of a wireless device to write, send or read any text-based communication, including but not limited to a text message, instant message, and e-mail or internet data. If communication is necessary, employees are required to drive safely out of the flow of traffic and stop the vehicle before using the communication device. Exceptions to this policy may apply when stopping the vehicle would not serve the best interest of public safety and would prohibit an employee from performing his or her duties. While certain City vehicles may be approved for hands-free communication devices, no personal calls may be answered while operating a City vehicle or City equipment or while driving on City business.

Employees should never use personal communication devices or accept personal telephone calls while responding to or working on an emergency scene except as necessary to make work-related calls regarding the emergency.

6.8 DRIVER'S LICENSES

Based on the requirements of their job description, certain employees are required to possess a valid driver's license and adequate vehicle insurance while employed with the City of Powell unless they have obtained a waiver from the City.

6.8 a Operation of City Vehicles

All employees authorized to drive City-owned vehicles or personal vehicles in conducting City business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to Human Resources immediately. Employees must have a valid driver's license in their possession while operating a vehicle off or on City property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must always demonstrate safe driving habits. City-owned vehicles may be used only as authorized.

6.8 b New-Hire Check

If the position requires a valid driver's license, a newly hired employee must provide the Human Resources Department on their first day of employment proof of a valid driver's license and adequate vehicle insurance. If the individual does not have a driver's license, a waiver may be requested.

6.8 c Annual Check

At least annually, the Human Resources Department will obtain a report from the Ohio Bureau of Motor Vehicles on all employees required to have a driver's license, which summarizes the driving record and provides proof of a valid driver's license. It is expected that the driver's license of all employees who are licensed drivers is in good standing.

Employees must advise their supervisor within 24 hours should there be a change in the status of their driver's license or vehicle insurance. If the supervisor learns of any concerns, they must bring them to the attention of the Human Resources Department.

Failure to follow this policy, and/or to report such failure, may result in corrective action up to and including termination.

6.9 CITY COUNCIL & STAFF COMMUNICATIONS

While any staff member is available to answer questions and requests for information from City Council members, the City Manager should be the primary information liaison between City Council members and City staff.

When a City Council member makes a request for information to a particular staff member, the practice is for staff to inform the City Manager so that he or she is aware of City Council's requests and needs.

City staff and City Council members should refer to the established *Rules of the City Council* amended on April 19, 2022, in Resolution 2022-22.

7. DISCIPLINE

7.1 DISCIPLINE

It is the policy of the City of Powell to use positive measures in encouraging excellent work performance and behavior, and to use a process of progressive discipline to minimize and/or resolve employee performance or behavioral problems before more serious actions must be taken.

Employees may be disciplined for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, failure of good behavior, violation of a policy or a work rule, misfeasance, malfeasance, nonfeasance, conviction of a felony or any other reason set forth in O.R.C. §124.34.

Examples of reasons for which disciplinary action may be taken include, but are not limited to, the following:

- Failure to maintain appropriate work standards.
- Failure to comply with the work rules, policies, or instructions of a supervisor.
- Abuse of sick leave or falsification of leave requests.
- Failure to observe proper safety standards and rules.
- Engaging in non-work-related activity while on duty.
- Improper use of the City's equipment or use of equipment for non-work-related purposes.
- Failure to cooperate with other employees.
- Sleeping while on duty.
- Being in possession of, consuming, selling or being under the influence of alcohol or drugs while on duty.
- Falsifying records and/or making false statements.
- Performing private work while on duty.
- Making or publishing of false, vicious or malicious statements concerning employees, supervisors, the City or their operations.
- Use of abusive, profane, or threatening language towards employees or the public.
- Unauthorized political activity.

- Conduct that impacts the employee’s credibility and/or has a relationship to the employee’s job and/or public perception.
- Misuse or removal of City records or information without prior authorization.
- Failure to cooperate in a disciplinary investigation.

For discipline to be effective, the discipline must be presented to the employee soon after an improper action occurs. The goal of the disciplinary process is to give employees the opportunity to improve by identifying what specific actions they must take to meet performance and behavior standards; and ensure that disciplinary procedures are applied uniformly and consistently, in accordance with City policies, ordinances and work rules.

Supervisors and employees should work together to carry out the goals and responsibilities of their department and the City. It is the responsibility of all employees to observe regulations necessary for the proper operation of City functions. The supervisor is responsible for the activities of their work group.

Outlined below are the steps of the City's progressive discipline policy and procedures. The City of Powell reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, or training; the employee's work record; and the impact the conduct and performance issues have on the organization.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the City of Powell and its unclassified employees.

7.1 a Procedure

Step 1: Counseling and Verbal Warning

Step 1 creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve their performance or resolve the problem.

The supervisor will prepare written documentation of the verbal counseling. The employee will be asked to sign this document to demonstrate their understanding of the issues and the corrective action.

The verbal warning will be placed in the employee's personnel file for a period of one (1) year from the date the warning was submitted to the employee.

Step 2: Written Warning

The Step 2 written warning involves more-formal documentation of the performance, conduct or attendance issues and consequences.

During Step 2, the immediate supervisor and Human Resources will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employees of their continued failure to meet performance or conduct expectations.

The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.

Written Warnings may be removed from an employee's file, as determined by the Department Director and Human Resources, after a period of two (2) years from the date the written warning was implemented. It is the responsibility of the employee to request the file be purged.

The City reserves the right to issue multiple written warnings to an employee.

Step 3: Suspension

Some performance, conduct or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from the City Manager.

An employee may be placed on administrative leave, with or without pay, when a serious violation has occurred, and it is considered in the best interest of the City pending the results of an investigation. Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. The Human Resources Department will provide guidance to ensure that the discipline is administered without jeopardizing the FLSA exemption status.

Step 4: Recommendation for termination of employment

The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, the City of Powell will try to exercise the progressive nature

of this policy by first providing warnings, issuing a final written warning, or suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, the City of Powell reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

The recommendation to terminate employment may only be approved by the City Manager.

7.1 b Appeals Process

Employees will have the opportunity to present documentation to dispute information management has used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee's performance or conduct issues while allowing for an equitable solution.

If the employee does not present this information during any of the step meetings, they will have five business days after each of those meetings to present such information. Appeals can also be filed through The Powell Personnel Review Board of Review.

7.1 c Documentation

The employee will be provided with copies of all progressive discipline documentation, including all performance improvement plans. The employee will be asked to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents.

Copies of these documents will be placed in the employee's official personnel file.

8. EMPLOYEE BENEFITS

8.1 INSURANCE BENEFITS OVERVIEW

Each regular full-time employee is eligible to enroll in the health insurance benefits plan offered by the City for its employees and their eligible family members. These benefits include medical, prescription dental, and vision insurance. New employees can enroll on day one, benefits will be effective after on the first day of employment (note, new employees have 30 days to enroll in the insurance plan. If an employee misses the 30-day cut off, they will have to wait until open enrollment to enroll in the benefits). Cost for the insurance will be communicated to employees during new hire orientation and open enrollment.

Changes to an employee's health insurance coverage may only be made during open enrollment (offered annually) unless the employee has a change in their family status. A change in family status means to gain/lose a dependent, or loss of other coverage. Enrollment in such instances must be made within 30 days of the day of the event. Refer to the Summary Plan Description (SPD) for more detailed information. Employees are responsible for notifying Human Resources within the 30-day time limit should a change in family status occur. Employees failing to do so may be liable for back payments to the City for additional premiums paid by the City on the employee's behalf.

The City of Powell retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority regarding administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility, and entitlement. While the City intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

8.2 LIFE-INSURANCE & AD&D INSURANCE

On behalf of each full-time employee of the City of Powell provides life insurance and Accidental Death & Dismemberment (AD&D) insurance benefits. The amounts of coverage are communicated to employees during new hire orientation and open enrollment. Eligible employees may also elect to purchase additional life insurance and AD&D coverage for themselves and eligible spouses and dependents. Such benefits shall be administered in accordance with the policy of the current provider.

8.3 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City of Powell provides to all full-time employees a comprehensive Employee Assistance Program (EAP). EAP is a City funded benefit that offers the support and resources needed to address any personal challenges and/or concerns that may affect an employee's personal well-being and/or work performance. It is confidential and free to all City employees as well as their eligible family members, including spouses and dependent children. The EAP benefit provides confidential access to licensed professional counselors and work/life specialists who are available for short term assistance.

Please contact the Human Resources Department for more information.

8.4 RETENTION INCENTIVE

All employees serving in Full-Time positions shall be entitled to retention incentive in accordance with the following schedule, provided that all complete years of service are consecutive and have been accumulated in Full-Time permanent positions:

Completed, Consecutive Years of Service in Full-Time Permanent Positions with the City of Powell	Amount
Four (4) through Six (6) Years	\$950
Seven (7) through Ten (10) Years	\$1,150
Eleven (11) through Fourteen (14) Years	\$1,450
Fifteen (15) through Nineteen (19) Years	\$1,700
Twenty (20) or More Years	\$1,900

Employees shall become eligible for their retention incentive payment on the anniversary date of their appointment and must be in active status on that date. The employee shall receive such retention incentive payment during the first pay of November each year in the employee's regular payroll deposit. This includes employees on workers' compensation leave. The payroll deposit in which the retention incentive payment is included shall be taxed at the employee's existing W-4 rate.

In the event an employee is on Leave without Pay for more than six (6) months within the particular year for which the employee would normally be entitled to retention incentive pay, they shall forfeit their entitlement to such pay.

Employees must be employed by the City of Powell on their retention incentive payment date to receive retention incentive pay. Retention incentive pay will not be prorated.

The payout of retention incentive pay to employees is subject to periodic review and may be changed or stopped at the discretion of the City of Powell at any time.

8.5 TUITION REIMBURSEMENT

The City of Powell is committed to the educational development of City employees. The tuition reimbursement program has been designated to promote continuing education by offering financial assistance to employees for job-related courses.

The City may reimburse full-time, regular employees for education costs for courses approved by the City. The approval for reimbursement will be dependent on the course and its relevance to the employee's current or future potential position. Approval must be obtained prior to commencement of each course per semester.

8.5 a Reimbursement Approval

The following procedures must be followed for any employee to be eligible for the tuition reimbursement program:

- There must be a correlation between the employee's duties and responsibilities and the courses taken or the degree program pursued. The course or program shall not lead to qualification for a new trade or position.
- An employee on an unpaid leave of absence, unauthorized leave of absence, disability leave, or injury leave may not apply for tuition reimbursement.
- All courses must be taken during non-working hours. Any situation which would interfere with an employee's job responsibilities or require a change in their work schedule would require the City Manager's approval.
- Any financial assistance from any governmental or private agency available to an employee, whether applied for if the assistance was widely known and regardless of when such assistance may have been received, shall be deducted in the entire amount from the tuition reimbursement the employee is eligible for. If an employee's tuition is fully covered by another governmental or private agency, then the employee is not entitled to any tuition reimbursement from the City.
- No reimbursement will be granted for books, paper, supplies of whatever nature, transportation, meals, or any other expense connected with any course except the cost of tuition and fees.
- Eligibility for reimbursement ceases upon termination, regardless of the reason for termination.
- No reimbursement shall be provided for correspondence courses.
- A copy of the course description, registration form and documentation of course cost and fees shall be submitted with the request for tuition reimbursement approval, at least thirty (30) days prior to the start date of the course.
- Upon completion of the course, the employee must submit an official grade report and proof of tuition and fees payment. These must be submitted within 30 days after receipt of final grade. The City may deny tuition reimbursement if submitted late.

8.5 b Reimbursement Procedure

The percentage of reimbursement is based on the grade achieved for each course, subject to the maximum reimbursement for the following:

Undergraduate Courses

A— 100% of allowable amount

B – 75% of allowable amount

C – 50% of allowable amount

No reimbursement for any grade below a C

Graduate Courses

A— 100% of allowable amount

B – 75% of allowable amount

C – 50% of allowable amount

No reimbursement for any grade below a C

Courses taken on a Pass/Fail basis when no other option exists will be reimbursed at 100% if the course is passed. A copy of the course description stating this course is only offered as pass/fail will be required. If an employee elects to take a course as pass/fail/ the reimbursement will be 50% if the course is passed.

For the College-Level Examination Program (CLEP) College credit by examination, employees will be reimbursed at 100% if the exam is passed.

The maximum eligibility for tuition reimbursement is \$2,000 per calendar year for undergraduate courses and \$2,500 per calendar year for graduate courses.

The Internal Revenue Service (IRS) has placed limits on the amount of educational assistance which may be excludable from an employee's income.

Any employee who participates in the tuition program who terminates, for any reason other than disability, must repay a portion of the tuition reimbursement paid by City for courses taken less than two years prior to the date of termination or discharge:

- 6 months or less — repay 100% of the reimbursed amount.
- 7 months — 12 months — repay 75% of the reimbursed amount.
- 13 months — 24 months — repay 50% of the reimbursed amount.

If necessary, this amount will be deducted from the employee's final paycheck.

8.6 CONTINUING EDUCATION

The City of Powell will budget for continuing education through an accredited program that either offers growth in an area related to their current position or that may lead to promotional opportunities. This education may include seminars and certification tests that are job-related.

Expenses must be validated by receipts to the Finance Department and a copy of the final certification or training completion handed in to the Human Resources Department.

Full-time, regular employees who have completed their initial probationary period are eligible to participate in continuing education classes.

8.6 a Procedures

To receive approval for continuing education expenses, employees should follow the procedures listed here:

- Prior to enrolling in an educational course or training, the employee must seek approval from their supervisor first.
- Once the supervisor approves, the employee will send an e-mail request to the Human Resources Department, and their supervisor, providing information about the training or certification and discuss the job-relatedness of the continuing education.
- Human Resources will send the request to the Department Director and City Manager for final approval.
- Employees must submit proof to the Human Resources Department of successful completion of the training or certification.
- Employees who terminate within one year of completion of a training or certification will be required to reimburse the City for expenses incurred. The City Manager is authorized to waive this requirement under unusual and justifiable circumstances.
- Any questions on this process should be directed to the Human Resources Department.

8.7 PENSION FUNDS

The City of Powell currently contributes to two (2) pension funds as required by the State of Ohio.

8.7 a Ohio Police & Fire Pension Fund

Full-time employees of the Police Department must be members of the Ohio Police & Fire Pension Fund (OP&F), 140 East Town Street, Columbus, Ohio 43215. Telephone (614) 228-2975. Employees, and the City, are required to contribute a percentage of the employee's gross salary each pay period as set by the OP&F. For further information, including contribution rates, an employee should contact the pension board.

8.7 b Ohio Public Employees Retirement System (OPERS)

All municipal employees other than full-time Police Officers must be members of the Ohio Public Employees Retirement System, 277 East Town Street, Columbus, Ohio 43215. Telephone (800) 222-7377. Employees, and the City, are required to contribute a percentage of the employee's gross salary each pay period as set by OPERS. Please contact OPERS for further information and/or additional requirements.

8.8 UNEMPLOYMENT COMPENSATION

The City will pay unemployment compensation to employees who have been separated from City employment and meet the eligibility requirements set by the Ohio Department of Job and Family Services' Office of Unemployment.

8.9 WORKERS' COMPENSATION

The City of Powell strives to provide a safe and secure working environment for all employees. When a work-related injury or illness occurs (i.e. injuries and illnesses that arise out of, or are incurred in the course of job related activities on behalf of the City), the City shall provide appropriate medical care and treatment to the injured worker through its Workers' Compensation Program.

The Human Resources Department is responsible for administering the City's Worker's Compensation program.

8.9 a Employee Responsibilities

Employees should immediately notify their supervisor when sustaining an injury. The supervisor will begin the injury reporting process. No matter how minor the injury may seem, it is required that an employee reports it.

8.9 b Supervisor Responsibilities

A supervisor should immediately assess the incident and assist the employee in seeking appropriate medical care or necessary treatment for any work-related injury. Contact Human Resources to start the process of completing the Injury/Accident Report within 24 business hours of the incident.

If the employee seeks medical attention, the medical provider must indicate when the employee can return to work and whether job modifications are required to accommodate physical restrictions. Employees without restrictions can return to their usual work duties.

If the Medical Provider imposes work restrictions, the supervisor and Human Resources will review the job modifications that are required to comply with the restrictions. Every effort will be made to accommodate the employee's restrictions, however there may be times it may not be possible due to the restrictions and the employee's job description. The City must be advised and continually updated if an employee continues to be absent due to a work-related injury on an anticipated date of return to work. All requirements for reporting off work must be followed. Employees are responsible for providing the City with their expected date of return.

If an employee is on leave as a direct result of their employment with the City, the City shall continue to pay their insurance premiums for up to one year, provided the employee continues paying their share of the insurance cost.

The City reserves the right to have the employee examined by a physician of its choice at the expense of the City to confirm any medical diagnosis and period of disability.

8.10 TRANSITIONAL WORK PROGRAM

The City of Powell strives to assist employees to return to work as soon as possible following an injury or illness. A return-to-work program has several benefits for both the employer and employees by minimizing time lost from work.

This policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA).

8.10 a Eligibility

The policy applies to regular full- and part-time employees who are on leave because of injury or illness and who are receiving workers' compensation benefits.

8.10 b Transitional Work

The City defines "transitional work" as temporary, modified work assignments within the worker's physical abilities, knowledge and skills.

When possible, transitional positions will be made available to employees on leave because of injury or illness to minimize or eliminate time lost from work. The City cannot guarantee a transitional position and is under no obligation to offer, create or encumber any specific position for purposes of offering placement to such a position.

8.10 c Procedures

The expected maximum duration of a transitional work agreement is 12 weeks. Extensions may be granted by Human Resources, in consultation with a supervisor, when:

- It is recommended by the health care provider.
- The employee has demonstrated significant progress and is expected to make a successful transition to work within an additional specified time.
- The nature and severity of the employee's medical condition requires a transitional period that is expected to exceed 12 weeks.
- A health care provider documented aggravation or change of the condition occurs.

Transitional positions are developed based on the physical capability of the worker, the business needs of the City and the availability of transitional work.

The City will determine appropriate work hours, shifts, duration and locations of all work assignments.

The City reserves the right to determine the availability, appropriateness, and continuation of all transitional work assignments.

It is the responsibility of the employee to notify Human Resources immediately of all changes in medical conditions.

It is the responsibility of the employee and the employee's supervisor to notify Human Resources immediately of any work-related injuries, if the employee misses time from transitional work or of any changes to transitional work assignments.

A transitional work agreement may be completed whenever an employee has returned to work with temporary restrictions from their health care provider for 14 calendar days or more.

Human Resources, in consultation with the employee's department, determines whether an employee may use a transitional work agreement. If so, a transitional work agreement is established, and the employee is placed in an appropriate available position. Transitional work agreements are established through a meeting with Human Resources, the employee, the employee's department and the temporary department as appropriate.

8.10 d Transitional Work Assignments

A request for a transitional work assignment can be initiated by the department, employee, or the employee's health care provider by contacting Human Resources. Medical documentation from a health care provider that describes the restrictions must be submitted to Human Resources.

Human Resources may conduct a transferable skills analysis and job analysis with the employee to ensure appropriate placement.

Staff may be required to work out of classification as deemed necessary for a transitional work agreement.

Transitional work assignments may be offered for a shift other than the employee's usual shift assignment.

Employees who are restricted to working less than their regular full-time employment will be paid at their regular rate of pay for hours worked. Accrued paid leave can be used as appropriate. If an employee refuses the transitional work agreement, the employee's workers' compensation or short-term disability benefits may be terminated and corrective action may be taken.

If an employee on a transitional work agreement does not participate in the treatment plan recommended by their health care provider, their workers' compensation and short-term disability benefits may be terminated.

Periods of work under transitional work assignment are not calculated as part of the probationary period, unless otherwise noted in the transitional work agreement.

The priority for placement is that employees remain in their department. If this is not possible, placement will typically occur in a different job within the employee's department or another department.

8.11 EMPLOYEE OF THE YEAR

The City of Powell appreciates the efforts of its employees in achieving Council goals and to support the citizens of the community. Outstanding employees deserve to be recognized both as a reward for exceptional performance and as a model for other employees.

The aim is to recognize an employee who has made significant contributions in areas related to the improvement of operations and customer satisfaction internally and externally. The recognition program will be managed with the support and administration of the Human Resources Department. Recognition is aimed to acknowledge those contributions that are beyond the normal job expectations.

8.11 a Selection Committee

The committee should consist of the City Manager, Human Resources, and one member of the leadership team. The Selection Committee will evaluate, discuss, and vote on the selection of the Employee of the Year based on the established criteria.

8.11 b Eligibility

All full-time employees are eligible to participate in the employee recognition program by being nominated and voted upon by the Selection Committee. The employee must have at least one year of continuous employment with the City. Employees' nominations should be e-mailed to Human Resources and submitted by any member of staff. Employee(s) must meet at least three out of the five criteria listed below. Employees will be selected based on the following established criteria:

- **Professionalism** - The employee conducts themselves in a manner consistent with the values and goals of the City of Powell. Employee demonstrates an above average knowledge of their job responsibilities and delivers a high-quality job performance and service.
- **Customer Focus** - The employee consistently recognizes and meets the needs and requirements of internal/external (where applicable) customers. Employee demonstrates compassion in dealing with the customer, being mindful of how their attitude and actions are perceived. The employee uses problem-solving techniques, when necessary, to satisfy the customer's needs and creates a positive image of the City.

- **Quality** - The employee consistently uses a systematic approach to accomplishing their responsibilities, taking care to minimize errors. Employee acknowledges and takes pride in ownership of the day-to-day processes for which they are responsible and utilizes initiative where necessary to meet overall goals.
- **Teamwork** - The employee consistently demonstrates the spirit of teamwork by offering support to fellow employees whenever a need arises for a collective effort in accomplishing a task or goal. The employee takes a positive approach in interacting with fellow employees.
- **Innovation** - The employee has developed an original idea or suggestion that has a positive effect on the operations, policy and/or procedure of the City of Powell. The result of the idea or suggestion is a reduction in cost(s) to the operation or increased efficiency or accountability.

8.11 c Award Benefits

The employee will receive a plaque or trophy and have their name published on the City's website and social media channels.

Employee of the Year Nominations are typically due on November 10th each year.

9. USE OF CITY PROPERTY

9.1 ACCIDENTS & TRAFFIC CITATIONS

In the event of a traffic accident or traffic stop for a violation while in the course of employment, employees shall:

- Stop, no matter how minor the accident. Report all collisions involving vehicles to the law enforcement agency having jurisdiction.
- Take precautions to avoid further damage or injury to persons or property.
- Make no statements admitting responsibility.
- Do not advise other parties involved on any matter.
- If a collision is with an unattended vehicle or other object, try to locate the owner and call the law enforcement agency. If this cannot be done, leave a written notice with your name, department name, address, and telephone number.
- The driver of a vehicle is responsible for the vehicle until it has been returned to the department or collected by the towing service. Unsafe vehicles should not be driven from the scene of an accident. Contact your supervisor regarding damage and towing if necessary.
- Report accidents and/or damage to vehicles to your supervisor, who shall notify the Human Resources Department immediately.

9.2 COMPUTER & TECHNOLOGY USE

Employees are provided with internet access and electronic communications services (which may include, but are not limited to, computers, e-mail, cell phones, iPhones, iPads, personal computers, and the like) as required for the performance and fulfillment of job responsibilities. All employees are obligated to make effective, safe, and responsible use of this technology. This policy applies to all employees, including regular full-time, permanent part-time, temporary, and seasonal employees who are provided access to the technology systems.

The City offers this access to technology for the purpose of increasing productivity and not for non-work related activities. Specifically, this technology is meant to enhance operations by enabling users to, among other things: locate and retrieve information; communicate more effectively with other departments, employees, and organizations; and more easily publish information of interest to the public. Users must understand that any connection to the internet offers an opportunity for non-authorized users to view or access information stored in the system. Therefore, it is important that all connections be secured, controlled, and monitored.

The electronic equipment and communications systems provided are City property to be used for valid business purposes only. All communications and/or information created, stored,

received, sent, or otherwise transmitted on or through provided technology, including without limitation the internet, e-mail, servers, personal computers, iPads, associated hardware and software, online services, and other electronic communications services, are considered City property.

There shall be no expected right of privacy for any matter related to using equipment provided, including no personal privacy right in any matter passing through, viewed, downloaded, printed, created, stored, received, sent, or otherwise transmitted from City-provided technology and equipment. All employees should understand that the City reserves and intends to exercise the right to monitor, review, access and disclose all internet usage, e-mail communications sent or received, and all cell phone, iPhone, and iPad usage, if necessary, to ensure that the system is being used for business purposes in compliance with this policy, to ensure that all other policies (including for instance those related to harassment and discrimination) are being followed, and to be able to access information in an employee's e-mail or other electronic communications system in the event that the employee is unavailable to do so. Electronic audits of internet activity and other electronic communications by City employees may be implemented to identify and properly deal with unauthorized activity.

9.2 a Internet Access, E-mail, & Public Records

Restrictions may apply to access, of all users, to certain unapproved internet sites and capabilities (ex: YouTube and instant messenger capabilities).

E-mails are public records under State Law and are subject to public records requests. E-mails must be maintained and may be deleted only according to the public records policy.

9.2 b Permitted Use

The internet and electronic communications services are intended for the purposes of conducting City business. Valid business purposes include, but are not limited to:

- Locating, retrieving, collecting and/or disseminating information in connection with business.
- Communicating with other departments and employees, as well as with outside contractors, businesses, individuals or organizations currently or potentially doing business with or assisting with the business of the City.
- Conducting research to obtain information and material related to City issues.
- Limited personal use does not result in the disruption of network operation or interfere with productivity at work. Personal use of City technology and electronic devices must be kept to the minimum amount of time needed to address a situation. Excessive use will be determined on a case-by-case basis.

9.2 c Prohibited Use

Internet and electronic communications services should not be used for any prohibited purpose. Prohibited usage may result in the cancellation or loss of privileges. Any non-work-related use is defined as prohibited use. Prohibited usage includes, but is not limited to:

- Conducting personal business activities or seeking personal financial gain.
- Playing games during working hours.
- Bringing actual or potential embarrassment or harm to the City.
- Conducting illegal activities or otherwise violating federal, state, or local laws.
- Receiving, transmitting, downloading, viewing, or printing offensive materials of any kind, including any obscene or pornographic materials.
- Receiving, transmitting, downloading, viewing, or printing any materials of a derogatory, inflammatory, discriminatory, harassing, sexually explicit, obscene, offensive, defamatory, violent, or threatening in nature, or other material which is inappropriate, including any content regarding an individual's or group's race, national origin, gender, age, marital status, sexual orientation, religion, or disability.
- Downloading and/or installing software, games or any files or programs which could potentially change system configuration without the consent of authorized Information Technology personnel.
- Removing and/or copying software, shared files, or programs without the consent of authorized Information Technology personnel.
- Any social media use that is unrelated to an employee's duties and responsibilities.
- Use of any streaming or websites that impair system operations.
- Downloading, distributing, or printing copyrighted materials, which include articles, software, or intellectual property, in violation of the copyright laws.
- Copying programs from City owned systems for personal use or non-City use.
- Spamming e-mail accounts or forwarding chain letters.
- Disclosing confidential information or otherwise violating the privacy rights of the City or its employees, citizens, or business associates.

- Using the internet or electronic communications systems of another employee without authorization.
- Vandalizing data of another user, including uploading or creating computer viruses.
- Purchasing goods, materials, or services via the internet using a City credit card or other credit means without having proper authorization.
- Violating any state or federal law.
- Other uses as determined by the City.

9.2 d Employee Responsibilities

Employees have the following responsibilities while using City provided technology:

- Ensuring the security of their accounts and related passwords. Passwords should never be shared between users or be in plain sight. If the integrity of a password has been compromised, it should be changed and/or the Information Technology personnel should be notified.
- Abiding by existing federal, state, and local telecommunications and networking laws and regulations.
- Minimizing unnecessary network traffic that may interfere with the ability of others to make effective use of City network resources and to conduct normal business activities.
- Avoiding the overload of networks with excessive data or wasting other City technical resources.
- Exercising good judgment and generally accepted rules of network etiquette when using the internet or other electronic communications services to avoid offense to others.
- Maintaining the integrity and confidentiality of all City information.
- Exercising good judgment when providing information to other individuals and using all reasonable safeguards to avoid the mistaken distribution of another's information. The transmission of confidential, sensitive, or personal information shall follow current procedures and regulations. Employees should only disclose such information or messages from the electronic communications system to authorized individuals with a need to know.
- All dissemination of public records must follow the rules in this handbook and all public records policies and laws.

- Access personal e-mail accounts.

9.2 e E-mail Use Policy

This policy provides the employees with effective, consistent standards regarding the use of the electronic mail system (e-mail). This policy applies to all employees. All City of Powell employees will have a City e-mail address. This e-mail account will be used for City-wide and Departmental communications, as well as communicating to outside agents on behalf of the City. It will be the employees' responsibility to check their e-mail frequently. This e-mail account will serve as the main communication channel for receiving all city-wide communications. (i.e., Human Resource, insurance/benefits updates, memos from the City Manager, etc.) Reviewing the employee e-mail account on a frequent basis allows for the timely response to any actions that are necessary or needed. This City e-mail account is required to be used when discussing city business. The use of personal e-mail accounts (Hotmail, yahoo, Gmail, etc.) is not the City's protocol and is not permitted for use when conducting City business. Violations of any guidelines listed above may result in disciplinary action up to and including termination. If necessary, the appropriate legal officials will be advised of any illegal activities.

All electronic communications and stored information transmitted, received, or archived in the City's information system are the property of the City. The City reserves the right to access and disclose all messages sent by e-mail. Employees have no expectation of privacy with respect to any e-mail coming into or going out of City resources, particularly those which come into, or go out of, a City e-mail account. City e-mail accounts are provided to carry out communications for City or City-related business only. Employees should avoid accessing their personal e-mail accounts through the computer system.

9.2 f Social Media

Public employees have responsibilities, higher standards of conduct, and a public image to follow and maintain.

There are many tools available today that enable people to publish and share content on the public internet. These include social media and networking sites such as Facebook, Twitter, Yelp, YouTube, and foursquare, subscription services, as well as blogs, blog comments, forum posts, wikis, and other similar sites.

Employees may participate in any of these forms of communication using personal equipment during their personal non-work time. The City respects the right of its employees to use social media sites and other parts of the public internet as a medium of self-expression, communication, and public conversation. The City does not discriminate against employees who use this media for personal interests and affiliations or for other lawful purposes.

However, employees should keep in mind that their postings can affect how the general public perceives the City. The City has the right to make sure that nobody has made unauthorized use of or discloses confidential information (e.g., personal, and protected information about employees and/or citizens). Employees are cautioned that they should have no expectation of privacy while using the public internet, even on their own personal time, and even when using their own personal equipment. Employees' public postings on social media and other internet sites can be viewed by anyone, including the City's management.

The following guidelines apply to all use of social media or the public internet by City employees, even when on their own personal time and on their own personal equipment:

- Only employees who are specifically authorized by the City are permitted to prepare and modify content for the City's website and any of the City's official social sites. If an employee is uncertain about whether they are permitted to post certain content, they must discuss the proposed content with their supervisor prior to posting.
- If an employee sees a posting on the internet from a member of the public that speaks adversely about any City operation or service, they should forward the post to their supervisor instead of responding directly to the poster.
- Employees may not claim to speak on behalf of the City in an official capacity on the public internet or in any social networking service unless they have been specifically authorized to do so.
- Employees may not discuss or disclose on the public internet or in any social networking service any confidential information they obtained through their employment with the City.
- Employees may not post or view any content on social media sites or to the public internet during working time, except as part of the employee's official assigned job duties.
- Employees may not post any threats of violence or any unlawful harassing or discriminatory content about any of their co-workers, or any person.
- Any employee found to be violating this Policy is subject to immediate disciplinary action, including termination.

9.2 g Cellular Phone & Electronic Devices

This policy outlines the use of personal cell phones/electronic devices at work, the personal use of City cell phones/electronic devices and the safe use of cell phones/electronic devices by employees while driving.

While at work employees are expected to exercise the same discretion in using personal cellular phones/electronic devices as is expected for the use of City phones. Excessive personal calls/electronic device use during the workday, regardless of the phone/device used, interfere with employee productivity, and distract others. Employees must limit personal calls and electronic device use to non-working time (i.e., authorized breaks and lunch periods) and ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention or for emergencies.

Where an employee's duties require immediate access to an employee the City may issue a cellular phone to an employee for work-related communications.

Employees in possession of City equipment are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or any time upon request, the employee may be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within the period requested (i.e., 24 hours) may be expected to bear the cost of a replacement.

9.2 h Safety Issues for Cellular Phones & Electronic Devices

This policy outlines the safety issues surrounding the use of City cell phones and electronic devices:

- Certain employees may be provided cellular telephones to provide communications needed to perform job duties and responsibilities on behalf of the City of Powell. Employees who are issued cellular telephones under the City plan shall be selected at the sole discretion of the appointing authority, in consideration of business need, and to enhance the efficiency and economy of City services. The City is responsible for ensuring that only those employees whose job demands require the use of mobile telecommunications shall be issued a City cellular telephone.
- When personal telephone calls on City cellular phones are necessary, they are to be brief, and limited in number, to avoid tying up the cellular telephone on non-business-related matters.
- City issued cell phones are the property of the City and as such may be accessed and inspected at any time by the City. There are absolutely no rights or expectations of privacy for any contents on the City owned phone.
- Lost, stolen, or broken City cell phones should be reported by the Employee to the Human Resources Department immediately.
- Each employee who makes personal telephone calls on their City issued cellular telephone shall be required to reimburse the City in full, for any costs associated with said personal calls.

- When using a City issued cellular telephone in a City or personal vehicle, the employee is required to first pull over and stop the vehicle at a safe location, prior to placing the call or texting. When receiving a cellular telephone call while driving, the employee is required to pull over as soon as it is safe and practicable to do so. If needed to remain safe, the employee receiving a cell phone call should place the caller on hold, or advise that the employee will return the call, when the employee can safely park the vehicle. For the safety of the employee and other drivers, the employee is required to remain parked during the entire telephone conversation. No texting while driving.
- Upon termination of employment, any employee who has been issued a City cell phone shall turn their phone into the Human Resources Department.

9.2 i Violations and Discipline

If it is determined that a user has violated any of the above policy guidelines under section 9, the user will be considered to have misused City property and will be subject to disciplinary action, up to and including termination, as well as the loss of electronic communications privileges. If necessary, the City will advise appropriate legal authorities of any illegal activities.

10. EMPLOYEE RESIGNATIONS & RETIREMENTS

10.1 RESIGNATIONS

Resigning employees are expected to provide a two weeks' notice, preferably in writing, to facilitate a smooth transition out of the City. If an employee provides less than the requested two weeks' notice, the City may deem the employee to be ineligible for rehire depending on the circumstances regarding the notice given.

Resignation effective dates are the last day an employee works and cannot be extended by any accrued leave without the prior written approval of the City Manager and review by the Human Resources Department. Resignation effective dates cannot be on a holiday or weekend unless it is a normally scheduled workday. An employee is not eligible for pay for any holidays occurring after their last actual workday.

Any employees on unpaid leave who submits their resignation, the resignation date will be the last day the employee was in paid status. For employees on paid leave who submit their resignation, the resignation date is that date requested by the employee or the last day the employee is in paid status, whichever is sooner.

All resignations must be confirmed in writing with the effective date and reason for leaving. Notices may be delivered to the Human Resources Department either in-person or by e-mail. Employees will receive a confirmation of resignation notice from Human Resources within 24 hours of submitting their resignation.

The City reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where a job or business needs a warrant. Such a decision should not be perceived as reflecting negatively on the employee, given that it may be due to a variety of reasons not known to the individual or other employees.

A resigning employee is not permitted to perform City work after their resignation date. Should a resigning employee not have completed all their work prior to the resignation date, the employee may request in writing an extension of their resignation date to their Department Director. If the Department Director agrees with the extension, Human Resources will confirm in writing to the employees the revised resignation date.

10.2 RETIREMENT

Employees may retire from the City of Powell by submitting the appropriate forms to the Ohio Public Employees Retirement System (OPERS) and providing written notice to Human Resources. Employees are expected to provide as much notice as possible, preferably in writing, when submitting their retirement notice. Forms may be found on the OPERS website: www.OPERS.org or by contacting Human Resources. Upon receipt, Human Resources will confirm acceptance to the employee in writing within 24 hours of submitting their retirement.

10.3 RESCISSION OF RESIGNATION

Requests from resigning employees to rescind their resignation prior to their termination date are sent in writing to Human Resources and are considered on a case-by-case basis. Only the City Manager has the authority to accept the employees' request to rescind their resignation.

10.4 EXIT INTERVIEW

All departing employees who leave voluntarily will be asked to participate in an exit interview. Human Resources will conduct the interview no later than the last working day of employment.

Any feedback by the employees on improvement or concerns regarding City operations will be shared with the City Manager. If the employee requests that their response remain confidential, Human Resources will try to keep all information confidential wherever possible, and as allowed by law. Information that relates to harassment, discrimination, or illegal activity will be acted upon immediately and it will not be possible to keep the source of this information confidential.

Human Resources will discuss the employee's remaining accrued leave benefits, and conversion/withdrawal options for insurance and retirement benefits. The employee will turn in all City property and provide a forwarding address to Human Resources to facilitate the forwarding of correspondence, including COBRA notification and W-2 forms.

10.4 a Leave Time Cash-Out

Any outstanding overtime, compensatory time, and vacation time is paid out to the resigning employee in their final paycheck. Resigning employees may request to transfer any outstanding vacation balance to their new employer where such employer will accept the vacation balance.

Once the cash out is complete, all accrued vacation leave is eliminated. Should an employee return to employment with the City of Powell, they would start with a zero (0) balance in their vacation leave bank.

In the event of an employee's death, same pay out arrangement shall be made to the employee's spouse or estate.

10.4 b Sick Leave Cash-Out

Upon separation from the City of Powell, sick leave payout will follow the guidelines set in Policy 5.3 g of this Employee Handbook.

10.5 RE-HIRING RETIRED PENSION MEMBERS

This policy establishes a formal process to be followed when the rehire of a non-bargaining full-time employee, who has formally retired through the Ohio Public Employee Retirement System (OPERS) or Ohio Police & Fire Pension Fund (OP&F) is approved by the City Manager.

10.5 a Procedure

The City of Powell is committed to attracting and retaining exceptional talent. When an employee retires but has unique capabilities such as having knowledge in a discipline, function, or service area that is not readily available in the relevant employment market and by which the retirement of a particular individual will leave a significant gap of knowledge or service in the City, a rehire agreement may be offered to employees based on the City Manager's approval. The decision to rehire a retiree will be based on the best interest of the City and the services provided.

Any employee who retires in good standing may be rehired, under unusual circumstances (hard to recruit positions of technical competency; difficult to obtain certifications/licenses; unique general skills; difficult recruitment conditions; to assist in the transition of knowledge, skills, and abilities; workload and/or anticipated workload exceeding capacities) and without the normal competitive selection process, to any position in the same job classification, if vacant, when the City Manager has determined that there is a compelling need for the former employee's services. All such rehires are subject to approval by the City Manager.

This practice should not be considered as part of an employee's retirement planning strategy. A retirement/rehire arrangement is temporary and can be terminated at any time.

Department Directors must first identify the need or gap being created due to an employee retiring. Directors must then provide justification to the City Manager for requesting the rehire of a retiring employee. In justifying the rehiring of a retiring employee, the Director must consider lead time, potential for promotion from within given the skill set of current employees, and the potential for recruitment from outside the City.

Eligible employees are subject to the provisions of OPERS and OP&F and applicable state and/or federal law. Employees must be currently employed by the City and eligible to retire under OPERS or OP&F. Eligibility for rehire includes employees being in good standing with the City and not having current discipline or improvement plans. Employees will enter into an employment agreement and may be asked to sign one or more agreements memorializing the retire/rehire arrangement.

10.5 b Responsibilities

When the City Manager approves a recommendation to rehire an employee, the resulting process will follow:

- Leave Banks: Employee must cash out their vacation and compensatory banks of leave at the time of retirement and prior to being re-hired.
- Employees can choose to cash out their sick leave bank or keep it for use as part of their rehire. Employees forfeit the right to cash out their sick leave bank if they choose not to cash it out with their initial rehire.

- Salary: The rehire salary will be a 10% reduction from the pay at retirement for those returning in a full-time capacity. Employees returning to a part time capacity will retain their hourly rate at retirement.
- Sick Leave: Rehired employees accrue sick leave per the City's paid sick-leave benefits policy upon rehire.
- Vacation Leave: Rehired employees accrue vacation leave as a new employee and per the City's paid vacation accrual benefits policy upon rehire.
- Floating Holidays: Rehired employees receive an amount at the rate as established in the City's paid holidays benefits policy. If an employee is rehired in the same payroll calendar year in which they were previously credited Holiday Leave, they must wait until the new payroll calendar year to receive a new credit.
- Insurance: Rehired employees in a full-time status can remain on the City's Health Care coverage. Employees returning in less than full-time status will not receive health care coverage unless otherwise provided to less than full-time employees by a change to City policy.
- Pay Increases: Rehired employees will forfeit any future pay increases.
- Annual Evaluations: Employee's performance will be evaluated and ongoing employment during the rehire period is contingent upon performance.
- Overtime: Will be paid at the same rate as all other non-bargaining employees in accordance with the Overtime policy.

10.6 REDUCTION IN FORCE

Due to budgetary restrictions, reduction in workload, or reorganization, the City Manager may determine that an employee reduction in force (RIF) is necessary. When it becomes necessary to reduce the workforce, full-time/regular employee(s) with the positions to be eliminated shall, when possible and determined to be feasible, be notified in writing of the reduction in force at least two weeks before the planned reduction in force.

11. EMPLOYEE ACKNOWLEDGEMENT

CITY OF POWELL EMPLOYEE HANDBOOK

Employee Name: _____

Department: _____

Date: _____

I hereby acknowledge that I have received a copy of the City of Powell's Employee Handbook. I hereby acknowledge that I understand that it is my responsibility to familiarize myself with the Employee Handbook and I agree to comply with all the policies and procedures contained in the Handbook.

I further understand that if I have any questions as to the applicability or meaning of any policy, I can direct my questions to my supervisor or the Human Resources Department.

I further understand that this Handbook is not an employment contract and that changes may occur to this Handbook.

Signature: _____

Date: _____

This form must be completed and signed at the time of the issuance of this Handbook. A copy of this acknowledgment is to be placed in the employee's personnel file.